

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, July 13, 2022

MEMBERS PRESENT: Thomas Warren, Chairman
 Michael Mandel, Vice-Chairman
 Andrew Andrews Michael McCrory
 Denise Lenihan Lisa DeFeciani, (alternate member)
 Kevin Farry

MEMBER ABSENT: None

ALSO, PRESENT: Rick Oliver, Building Inspector, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Cheryl Coopersmith

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:

New Items:

6 Voorhis Dock Plan **PB#22-30**
 Prepreliminary/ Preliminary/ **Final Approval Subject**
 Final Dock Plan **to Conditions/Neg. Dec.**
 and SEQRA Review
 6 Voorhis Avenue, South Nyack
 66.62/1/39; R-12 zoning district
 26

cc
 9/8/22

11 Brookside Avenue Site Plan **PB#22-31**
 Prepreliminary/ Preliminary/ **Continued: Needs Drainage**
 Final Site Plan and SEQRA Review
 11 Brookside Avenue Site Plan, South Nyack
 66.62/1/39; RG-6 zoning district

Suez Water Wells #16 & #20 Site Plan **PB#22-32**
 Final Site Plan Review **Postponed to July 27, 2022**
 19 Washington Avenue, Tappan **Meeting**
 77.06/2/77; R-15 zoning district

59 Tweed Boulevard Site Plan **PB#22-33**
 Final Site Plan Review **Final Site Plan Approval**
 Critical Environmental Area **Subject to Conditions/Neg. Dec.**
 59 Tweed Blvd, Upper Grandview
 71.13/1/40; R-22 zoning district

Calabria Site Plan **PB#22-35**
 Prepreliminary/ Preliminary/ **Final Site Plan Approval**
 Final Site Plan **Subject to Conditions**
 and SEQRA Review **Neg. Dec.**
 479 Western Highway, Orangeburg
 74.06/3/4; R-15 zoning district

Databank Orangeburg Site Plan **PB#22-36**
 Prepreliminary/ **Preliminary Site Plan**
 Preliminary Site Plan and **Approval Subject to Conditions**
 SEQRA Review **Neg. Deg.**
 73.15/1/19; LIO zoning district

TOWN CLERK'S OFFICE

2022 AUG 23 A 8:43

TOWN OF ORANGETOWN

Continued Item:

South Corner Site Plan
Final Site Plan Review
2 Route 340, Orangeburg
74.11/2/47; CC zoning district

PB#17-37

Preliminary Site Plan
Approval Subject to
Conditions/ Neg. Dec.

The decisions of the June 8, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Denise Lenihan carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye and Andrew Andrews, aye.

The decisions of the June 22, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Lisa DeFeciani carried as follows: Thomas Warren – Chairman, abstain; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, 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 Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 11:30 p.m. The next Planning Board meeting is scheduled for July 27, 2022.

Dated: July 13, 2022
Cheryl Coopersmith
Town of Orangetown



TOWN OF ORANGETOWN
2022 AUG 23 A 8:43
TOWN CLERK'S OFFICE

**PB #22-30: 6 Voorhis Dock Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDG-947-22

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**TO: Dena Prastos, 1 Van Houton Street, Nyack, NY
FROM: Orangetown Planning Board**

RE: 6 Voorhis Dock Plan: The application of Ida Parks, owner, for Prepreliminary/ Preliminary/ Final Dock Plan Review at a site known as "**6 Voorhis Dock 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 6 Voorhis Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.62, Block ¹ 38, Lot ² in the R-12 zoning district.

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

Dena Prastos appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 29, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated July 5, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated July 12, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated June 22, 2022.
5. Letter from Rockland County Department of Planning, signed by Helen Kenny Burrows, Deputy Commissioner of Planning, dated June 9,
6. Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated April 28, 2022.
7. Notice from Rockland County June 7, 2022.
8. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 21, 2022.
9. Email from Orange and Rockland Utilities dated June 3, 2022, from Alfred Gaddi.
10. Email from the New York State Department of Transportation, dated Katherine Coffin, dated June 6, 2022.
11. Notices from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated June 15, 2022.
12. Project Narrative.

TOWN CLERK'S OFFICE

2022 AUG 23 A 8:44

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9-8-22

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13. A Short Environmental Assessment Form (SEAF) signed by Dena Prastos, dated May 4, 2022
14. Plans prepared by Buckman Engineering, dated February] 4, 2022.
15. Copy of Building Permit signed by Rick Oliver, dated April 1, 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, Vice Chairman and second by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Lisa DeFeciani, aye; Kevin Farry, aye; Michael McCrory, aye and Andrew Andrews, aye.

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

SEQRA

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

On motion by 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; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, 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.

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2022 AUG 23 A 8:14

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

TOWN CLERK'S OFFICE

2022 AUG 23 A 8:44

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On motion Michael Mandel, Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, 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 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. Applicant is proposing to remove the remnants of a previous dock and build a new dock.
4. Per South Nyack Village Code, Chapter 330, Article VI, section 330-18, Use of Water Rights, (A) "The Hudson River... Construction within this area shall be limited to piers, docks and similar structures..."
5. All plans, details and sections shall be cross referenced and elevation datums shall also be shown.
6. An actual survey signed and sealed by a licensed surveyor shall be submitted showing the actual dimensional location of the proposed dock from the property.
7. A staging area shall be shown on the survey.
8. The Short Environmental Assessment Form #2 shall include the NYSDEC, the form shall be revised.
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 shall provide copies of letters and correspondence from the New York State Department of Environmental Conservation, New York State Department of State, United States Army Corp of Engineers, and any other state, federal or local agency.

**Town of Orangetown Planning Board Decision
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11. 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.

12. 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.

13. 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 Health Department
- Rockland County Sewer District No.1

14. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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Continuation of Condition #16...

- 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.

17. 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.

18. 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.

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

20. 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).

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

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22. 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

23. 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 Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, 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: July 13, 2022
Town of Orangetown Planning Board
attachment



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

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

**PB #22-30: 6 Voorhis Dock Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDG-947-22

**Town of Orangetown Planning Board Decision
July 13, 2022**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 6 Voorhis Point, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.62, Block 2, Lot 6 in the R-12 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 OF ORANGETOWN

JULY 13, 2022

PLANNING BOARD

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
July 13, 2022
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TO: Molly Denver, Ike Kligerman Barkley, 340 Haven Avenue, 3N, New York, New York, 10033
FROM: Orangetown Planning Board

RE: 59 Tweed Boulevard Site Plan: The application of Adam & Jordana Grunfeld, owners, for Final Site Plan Review for additions to existing residence and pool replacement at a site known as “**59 Tweed Boulevard Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 59 Tweed Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 40, in the R-22 zoning district.

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

Molly Denver, Jamie Bedard and Sean Lair appeared and testified.

The Board received the following communications:

1. Project Review Report dated June 29, 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 July 5, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 11, 2022.
5. Letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated June 21, 2021.
6. Letter and email from Rockland County Highway Department, signed by Dyan Rajasingham, dated June 7 and June 15, 2022.
7. Email from Orange and Rockland Utilities, dated June 3, 2022, signed by Alfred Gaddi, PE.
8. Copies of the following Board Decisions: PB #22-03, Preliminary Site Plan Approval Subject to Conditions, dated February 23, 2022 and ACABOR #22-24, Approved as Presented, dated May 5, 2022
9. Plans prepared by Ike Kligerman Barkley, last revised March 25, 2022.

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**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
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10. Building Permit Referral to the Planning Board dated August 31, 2021 signed by Rick Oliver, Building Inspector.

11. Plans prepared by Ike Kligerman Barkley last revision date of February 2, 2022;

- C-001.00: Title Sheet
- C-002.00: General Notes
- C-003.00: Existing Survey
- C-100.00: Proposed Site Plan and Drainage Plan
- C-200.00: Existing Site Plan
- C-300.00: Stormwater Management Details
- C-400.00: Soil Erosion Control Details

The Board reviewed the plans. The hearing was then opened to the Public. A motion was made to open the public portion of the Hearing by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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; Michael Mandel, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

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.

STAFF REPORT
DATE: 7/13/22
BY: [Signature]

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
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3. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the inspector.
4. A revised Stormwater Management Plan (with revised/updated drainage calculations) is required that incorporates the Perc test results from June 6, 2022. Also, as previously requested, inspection checklists for the proposed subsurface stormwater detention systems (Permavoid) and for the "First Flush" catch basins shall be provided with the Stormwater Management Plan.
5. The operation and Maintenance Manual for the Permavoid stormwater systems (Appendix V of the Stormwater Management Plan) states that "The ABT Permavoid sedimentation chamber should be cleaned one sediment accumulation has reached 66% or greater of the total chamber height". The applicant's engineer shall provide the specific height from the bottom of the chambers and the corresponding elevations for this cleanout threshold for each of the 2 systems sedimentation chambers, see Condition 6 below.
6. The sedimentation chambers for each of the two proposed Permavoid systems shall be labeled on the profiles on drawing C-310.01.
7. The proposed Permavoid sedimentation chamber inspection ports shall be clearly shown and labeled on drawings C-100.01, C-110.00 and C-210.01.
8. The Operation and Maintenance Manual provided for the Permavoid stormwater systems show Inlet/Outlet connection chambers with access tops immediately preceding the Permavoid systems. The applicant's engineers shall explain why these are not proposed for this application.
9. All of the drawings shall be revised to reflect the revised layout submitted to the Rockland County Highway Department.
10. Drawing C-100.00 depicts regrading occurring within the Tweed Boulevard R.O.W. The applicant/applicant's engineer shall obtain a permit from Rockland County Highway Department for the required work.
11. The proposed limit of disturbance and soil erosion and sediment control features shall be revised to encompass the proposed work in the R.O.W. of Tweed Boulevard.

2024-03-20 10:00 AM

2024-03-20 10:00 AM

2024-03-20 10:00 AM

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
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12. The Soil erosion and sediment control symbols shall conform to NYSDEC standards (drop inlet protection symbol is incorrect.)

13. Contrary to the applicant's engineer's letter of April 12, 2022, there IS proposed construction happening within the existing 15-foot wide utility easement (driveway widening, installation of curbing, regrading, etc.) All efforts shall be made by the applicant to determine the ownership of said easement along with page and liber or instrument number and metes and bounds.

14. A post construction stormwater maintenance agreement for the proposed stormwater systems shall be submitted to DEMA and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include facility specific Operation and maintenance manuals, management schedules, inspection checklists, contact person with telephone number, yearly report to be submitted to DEMA, etc.

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

The application has provided sufficient information to demonstrate that the project will provide mitigation for potential significant adverse impacts with respect to drainage. The Drainage Consultant to the Planning Board, Brooker Engineering therefore recommends that the 59 Tweed Boulevard Site Plan be approved for drainage subject to the following conditions:

Project Description

This is the second drainage review report for this project, the last review was dated January 11, 2022. The project consists of building additions, driveway expansion, and site work improvements for an existing single-family house located on the east side of Tweed Boulevard.

The home is sited on a plateau close to the front (west) portion of the property. There is a north/south ridge along this plateau; portions of the stormwater runoff flow west toward Tweed Boulevard and the rear yard flows east toward the steep slope areas that eventually run off to Route 9W. There is a heavily vegetated steep slope area west of the existing retaining wall in the rear yard. It appears there is some expansion and new retaining walls in the rear yard on these steep slopes. The current application provides drainage mitigation and accounts for new impervious area from the proposed office pavilion is included in the calculations.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06/20/2018 BY 60322 UCBAW/ML

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
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Continuation of Condition #15...

Project Comments

1. There is an east/west ridge running through the property. The drainage calculations show stormwater detention that provides a net decrease in peak runoff rates from the entire site; it should be demonstrated that there a reduction to both the east and west property lines.
2. The drainage report should include a narrative summary and table of results.
3. Provide the proposed drainage structures and top of wall elevations on the proposed conditions drainage area map.
4. Show how runoff from the proposed steps in the rear patio (part of Subarea 4S) will be directed to the detention system.
5. Provide supporting calculations for time of concentration.
6. Show the outlet of the detention systems.
7. The proposed contours tie into the existing contours in the vicinity of the new driveway and should also reflect the proposed curb.
8. Show the existing detention features for the original site plan approval on the site plan.

16. The Rockland County Department of Health reviewed the information and offered the following comments;

- As the proposal is increasing the number of bedrooms from the original approved septic system, the proposed modification to the existing septic system will require a permit from Rockland County Department of Health. The location and orientation of the elements of the existing septic system (as-built conditions are to be shown on the plan to ensure that expansion of the system can be accommodated with the current proposal.
- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

PLANNING BOARD
TOWN OF ORANGETOWN
JUL 13 2022

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
July 13, 2022
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17. The Rockland County Highway Department held that the revised plans dated June 15, 2022 are acceptable, the applicant will have to apply for a new permit when the proposed action is approved by the Town of Orangetown.

18. Orange and Rockland Utilities reviewed the plans and found that the proposed work will most likely be in conflict with the existing gas service. Contact O&R new business department for any disconnect/reconnect and load increases. All code 753 rules must be followed.

19. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

APPROVED AND FORWARDED:
TOWN OF ORANGETOWN
PLANNING BOARD

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

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Continuation of Condition #21...

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.

22. 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.

23. 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.

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

25. 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).

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

THIS DOCUMENT IS NOT VALID
BY THE TOWN OF ORANGETOWN
PLANNING BOARD

**PB #22-33: 59 Tweed Boulevard Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

Permit #51873

**Town of Orangetown Planning Board Decision
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27. 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

28. 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 Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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: July 13, 2022
Town of Orangetown



TOWN OF ORANGETOWN

PLANNING BOARD

CLERK

**PB#22-35: Calabria Site Plan
Final Site Plan Approval Subject to Conditions**

Permit # BLDG-432-22

**Town of Orangetown Planning Board Decision
July 13, 2022
Page 1 of 9**

**TO: Anthony Ripani, 18 Bridge Lane, Haverstraw, New York
FROM: Orangetown Planning Board**

RE: Calabria Site Plan: The application of Anthony Ripani, applicant, for ARJC Western Highway, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review at a site to be known as “**Calabria Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 479 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 4 in the R-15 zoning district.

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

Anthony Ripani, Harry Goldstein, and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated June 29, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated July 7, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 22, 2022.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 30, 2022.
6. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated June 21, 2022.
7. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 15, 2022.
8. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated June 13, 2022.
9. Email from Rockland and Orange Utilities, from Alfred Gaddi, PE, dated June 10, 2022.
10. Copy of ZBA#22-20, variances approved, dated April 20, 2022.

PB#22-35: Calabria Site Plan Permit # BLDG-432-22
Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision
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11. Site Plan prepared by Harry Goldstein, RA, last revised May 10, 2022.
 12. Short Environmental Assessment Form and project narrative.
- The Board reviewed the plans. The hearing was then opened to the Public.

A motion was made to open the public 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; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye.

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

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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

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Town of Orangetown Planning Board Decision

July 13, 2022

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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, Rockland County Highway Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Michael Mandel – Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye the Board made a Negative Declaration pursuant to SEQRA.

PB#22-35: Calabria Site Plan Permit # BLDG-432-22
Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision
July 13, 2022
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Waive ACABOR: The applicant requested a waiver to appear at the Architecture and Community Appearance Board of Review (ACABOR). A motion was made to waive ACABOR Appearance, the motion was made by Michael Mandel, Vice Chairman, and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant received ZBA approval for required variances on April 20, 2022.
4. The Plot Plan Layout shown on page 1 of 2 does not match the actual field conditions and the bulk table on 2 of 2 does not include the correct ZBA approved variances. The exterior elevations must also show the approved height. Plans must be updated.
5. Plan must show dumpster location.
6. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the inspector.
7. Per Chapter 2, section 2-4 A, ACABOR review is required, however this requirement may be waived at the Planning Boards discretion.

PLANNING BOARD
TOWN OF ORANGETOWN
JUL 13 2022

Town of Orangetown Planning Board Decision

July 13, 2022

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8. The SEAF must be revised and resubmitted as follows;
 - a) Number 12 (b) must be marked Yes as Dominican College is listed with SHPO.
 - b) Number 20 must also be marked YES and noted 542 Rt 303, site code C344070, and V00317 and 344072.
 - c) The SEAF must also be signed and dated.

9. On 7/7/2022 a plot plan prepared by Robert Rahnefeld, PLS, dated 6-30-2022 was submitted by the applicant, the plan must be revised and resubmitted.
 - a) Plan is a half size print and not to scale.
 - b) Bulk table must be updated to show correct building height variance.
 - c) The wood deck and staircase to be removed is not considered a previous impervious surface and should not be used in the calculation.
 - d) Impervious surface calculation indicates a shed and stairway to be removed, however the plans do not show a shed to be removed.

10. The existing sanitary building connection location shall be shown on the plans.

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

12. The Bureau of Fire Prevention has no comments on the site plan, however, prior to construction, the applicant must provide the following information to the Bureau: An egress plan with the proposed removal of the side exit.

13. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - The applicant must comply with the conditions of the Rockland County Highway Department's letter of June 13, 2022.
 - The applicant must comply with the conditions of the Rockland County Department of Health's letter of March 11, 2022.
 - A review must be completed by the County of Rockland Office of Fire Emergency Services, Town of Orangetown Fire Inspector, or Orangeburg Fire District to Ensure site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
 - There shall be no net increase in the peak rate of discharge from the site at all designed 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 Villages, Towns, 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 the RCDOH.

Continuation of Condition #13...

- Aerial imagery available to RC Planning, indicates that the site had a different parking area configuration with 31 parking spaces in 2016. According to the 2021 aerial imagery and most recent site plan drawing, the current parking configuration includes 36 parking spaces. The RC Planning Department did not have the opportunity to review the site plan to allow this parking area arrangement. Currently existing parking area is awkwardly configured and raises safety concerns. The southernmost parking space in the eastern portion of the parking lot and the northernmost parking spaces in the western portion are situated too close to the driveway. Due to the one-way traffic flow onsite, a vehicle parking in one of these spaces will need to back into the public right of way to exit one of these spaces. The parking area must be reconfigured with sufficient turnaround too for all parking spaces to preclude the need for vehicles to back into the street.
- The site plan drawing illustrates curb cuts overlain with several of the parking spaces. The final disposition of the driveway curb cut must be delineated on the plan.
- 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 or employees. In addition, this will help to protect any landscaping from damage due to the weight of the snow and salt intrusion.
- A garbage enclosure must be indicated on the site plan drawing. Access to the garbage enclosure must be unimpeded and it must be demonstrated that its location will not impact yard requirements and parking maneuverability on the site.
- If any additional lighting is proposed, a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- Any proposed signage shall be indicated on the site plan and conform to the Town sign standards.
- The designated street line must be indicated on the site plan. The front yard and front setback measurements shall be to the DSL. The appropriate lot area deductions must also be indicated and must be revised for legibility.
- Bulk tables list 1'-9" new (8.0") as the proposed height. GML Form shows proposed height is 15-'. The actual height of the proposed addition must be listed on the bulk table.
- Questions 12b and 20 on the SEAF are answered incorrectly, and should be answered affirmatively.

APPROVED
DATE: 07/13/22
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Town of Orangetown Planning Board Decision
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14. The Rockland County Department of Health (RCDOH) reviewed the submitted information and found that the DCDOH approvals have been obtained. provided the following comments:

15. The Rockland Department of Highways reviewed the submitted plan and offered the following comments:

- The applicant shall demonstrate that the proposed stormwater drainage system in the property is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- The applicant must secure all required work permits from the Rockland County Highway Department if the proposed action is approved by the Town.

16. Orange and Rockland Utilities reviewed the submitted plans and offered the following comment:

Based on their maps, there does not seem to be any conflicts with the proposed work. Please contact new business for any gas load increases. All code 753 rules must be followed.

17. The Rockland County Sewer District No. 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 following agencies consented to the Town of Orangetown Planning Board to be lead agency in the SEQRA process:

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

19. 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.

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

21. 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.

Town of Orangetown Planning Board Decision
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Continuation of Condition #21...

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.

22. 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.

23. 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.

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

APPROVED AND FORWARDED:
TOWN OF ORANGETOWN

PLANNING BOARD

PB#22-35: Calabria Site Plan Permit # BLDG-432-22
Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision
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25. 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).

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

27. 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

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

29. 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 Andrew Andrews and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye.

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

Dated: July 13, 2022
Cheryl Coopersmith



PLANNING BOARD
TOWN OF ORANGETOWN
JUL 13 2022

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

**PB#22-35: Calabria Site Plan Permit # BLDG-432-22
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 13, 2022**

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

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

NAME OF ACTION: Calabria Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to conditions

LOCATION: The site is located at 479 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 4 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

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

REGION 3 HEADQUARTERS

**PB #22-36: Databank Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDG-1236-22

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

TO: Michael Jungham, 1 North Lexington Ave., Suite 505, White Plains, New York 10920
FROM: Orangetown Planning Board

RE: Databank Site Plan: The application of Tory Gotti, applicant for 2000 Corporate Drive, LLC, owner, for Prepreliminary/ Preliminary/ Site Plan Review at a site to be known as "**Databank Orangeburg 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 2000 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19 in the LIO zoning district.

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

Thomas Warren, Chairman, recused himself from this hearing.

Tony Qurri and Randy Martych appeared and testified.

The Board received the following communications:

1. Email from applicant received June 30, 2022.
2. Project Review Report dated June 29, 2022.
3. 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 July 8, 2022.
4. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2022.
5. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 24, 2022.
6. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 13, 2022.
7. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 11, 2022.
8. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 7, 2022.
9. Letter from Rockland County Sewer District No. 1, dated June 21, 2022, signed by Joseph LaFiandra, Engineer II.
10. Letters from Rockland County Department of Health, dated June 28, 2022, signed by Elizabeth Mello, PE.
11. Email from Orange & Rockland Utilities dated June 10, 2022 from Alfred Gaddi.
12. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Tricia Castelli, dated June 15, 2022.
13. Full Environmental Assessment Form signed by Bonnie Von Ohlen, dated April 20, 2022.

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14. Building Permit Referral to the Planning Board dated May 18, 2022 signed by Rick Oliver, Building Inspector.
15. Stormwater Pollution Prevention Plan prepared by Kimley-Horn, dated April, 2022.
16. Plans prepared by Kimley-Horn, last revision date of May 13, 2022:
 - C-0.0: Cover Sheet
 - C-0.1: Legend and General Notes
 - C-1.0: Zoning and abutters Plan
 - C-1.1: Existing Conditions
 - C-2.0: Building Demolition & Erosion Control Plan
 - C-2.1: Building Demolition & Erosion Control Details
 - C-3.0: Layout and Materials Plan
 - C-3.1: Vehicle Maneuvering (WB Truck)
 - C-3.2: Vehicle Maneuvering (Firetruck)
 - C-3.3: Site Plan – Phase I
 - C-4.0: Grading and Drainage Plan
 - C-5.0: Utility Plan
 - C-6.0: Erosion and Sediment Control Plan
 - C-6.1: Erosion and Sediment Control Details
 - C-6.2: Erosion and Sediment Control Details
 - C-7.0: Site Details
 - C-7.1: Site Details
 - C-7.2: Site Details
 - C-7.3: Site Details
 - LA-1.0: Landscaping Plan
 - LA-1.1: Landscaping Details
 - LT-1.0: Lighting Plan
17. Architectural Plans prepared by Highland Associates, dated March 11, 2022.
18. A letter from Kimley Horn, dated May 22, 2022.
19. Site Sound Level Analysis, dated April 22, 2022, prepared by Acentech.
20. A letter from O'Tool Scrivo, signed by Holly Schepisi, dated July 13, 2022.
21. Emails from Kathy Fable, Old Tappan, New Jersey, dated July 11, 2022.
22. Email from David Rosen, Old Tappan, New Jersey, dated July 11, 2022.
23. Email from Leslie Watley, Old Tappan, New Jersey.
24. Email from qu zhang, Old Tappan, New Jersey, dated July 12, 2022
25. Email from Coupon Hamlets, with an attachment dated July 12, 2022

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26. Email from Author DeSimone, Old Tappan, New Jersey, dated July 12, 2022.
27. Submitted at the meeting by the applicant, a letter from NYSDEC dated July 11, 2022, signed by Ellen Hart, NYSDEC.
The Board reviewed the plans and referred the application to the Town Board for review.

The hearing was then opened to the Public.
A motion was made to open the Public Hearing portion of the meeting by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, recused; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; and Lisa DeFeciani, aye.

Public Comment:

Dave Rosen, 10 Buckingham Place, Old Tappan; raised concerns regarding the size of the project, what kind of buffers would be used, and Phase II of the proposed development.

Melani Fiorie, 99 Hunt Road, Orangeburg, raised concerns regarding the electrical stations being proposed on the property closest to her property.

Jacaline Fiorie, 93 Hunt Road, Orangeburg, requested that the board look out for the New York residents and place the power station at another location on the site.

Qu Fen, 34 Corrigan Way, Old Tappan, expressed concerns regarding the noise that would be created by the site.

James Coffey, 139 Hunt Road, Orangeburg, requested the Board to consider another location for the power station.

Vannes Lapin, 169 Western Highway, Orangeburg, read from her email that was provided to the Board.

Lauer Gerazi, 2 Buckingham Place, noted that the New Jersey residents will have an attorney to represent them.

There being no one else from the Public a motion was made by Michael McCrory and second by Kevin Farry and carried as follows: Thomas Warren - Chairman, recused; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; and Lisa DeFeciani, aye.

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SEQRA

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, recused; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; and Lisa DeFeciani, 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, 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 Sewer District #1, Rockland County Drainage Agency and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

On motion by Andrew Andrews and seconded by Lisa DeFeciani and carried as follows: Thomas Warren - Chairman, recused; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The generators will only be tested from 9:00 a.m. to 5:00 p.m., Monday through Friday.
4. Depending upon the location of the emergency exist, the applicant shall present a landscaping plan, with planting along the northeast side of the site, where there are abutting residential properties.
5. The Project Review Committee recommended that the applicant consider the application as a Master Plan for the entire project site and seek approval of Phase 1 at this time and return for Phase 2 when/if they intend to construct the second building.
6. Applicant is proposing to demolish the existing building and build a new data center and additional substation.
7. The applicant advised at PRC that they intend to building the project in two phases, with Phase 1 to be built immediately and Phase 2 to be constructed in a few years based upon tenant need and available power feed from O & R. The PRC recommended that the applicant consider a Master Plan and seek approval for Phase 1 at this time and return to the Planning Board for Phase 2.
8. In 2013, 155 Corporate Drive, adjacent property to the south, obtained approvals for a data center. PB#13-13.
9. The actual proposed height of the building shall be provided and shown in the bulk table.
10. The proposed height of the sound attenuation walls shall be provided.
11. As presented, a variance is required for the number of parking spaces as well as the number of loading docks. The actual zoning/parking calculation breakdowns shall be provided with the zoning chart to confirm the variances.
12. IUC Performance standards review is required.
13. ACABOR review and approval is required.

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14. Per Chapter 43, Table 3.11, column 4, #1, Public Utility Substations is a conditional use by the planning board. Per Chapter 42, Article VII, Conditional Uses on Approval by the Planning Board, Section 7.1; "The uses listed in § 3.11, Use Table, Column 4, are conditional uses permitted only upon approval by the Planning Board in accordance with the procedures and standards herein. After approval, such uses shall be deemed permitted uses in the districts wherein located, subject to any conditions attached thereto."

15. The property abuts Lake Tappan to the west, which is an R-80 Zoning district. Per Chapter 43, Attachment 18, Notes to Use and Bulk Tables, #2, required buffer is 100' to an R-80 zoning district. However, the current building as constructed does not comply with this requirement and research of prior approvals do not indicate that the buffer was required. This may have been due to the fact that the shoreline of Lake Tappan is in the 100' required DEC buffer to the lake and future development is not possible.

16. Per Chapter 43, Table 3.11, Column 7, #2, "...all accessory off-street loading berths shall be within completely enclosed buildings..." Four exterior loading berths are proposed on the west side of the building, variance required.

17. The Full EAF is still under review.

18. The applicant petitioned and received a zone change from the Town Board on July 13, 2021.

19. **DEME** strongly agrees and recommends that this project be divided up into an overall Master plan with Phase I for the first building being proposed and all related work and Phase II for the second building and all related work.

20. The SWPPP supplied to DEME is under review. A formal review will be sent to the applicant's engineer directly. However, below is a tentative list of corrections/ additions needed as to the SWPPP:

- a. The introduction shall explain and identify using the NYSDEC Stormwater Management Design Manual identification names/ letters/ numbers, what NYSDEC approved stormwater water quality and water quantity design features are to be utilized for stormwater purposes for this project.
- b. No phasing or explanation is provided stating how the proposed a.o.d. is to be divided up and how the project proposed to stay under the 5-acre threshold. Section 6 of the SWPPP – General Construction Phases – list no phasing at all. The SWPPP also appears to indicate that the project proposed to create over 5 acres of disturbance (a.o.d.) at one time, however explanation or phasing is provided to explain how this will be done. The SWPPP and construction Sequence **MUST** provide proposed phasing of the project. DEME strongly recommends that the applicant's engineer provides a phasing plan that will keep all phases of the project under 5 acres. However, if this cannot be accomplished, the applicant's engineer **MUST** formally request a waiver to disturb over 5 acres at one time. The waiver request shall be written and included in the SWPPP (preferably in a separate Appendix).

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Continuation of Condition #20...

The Waiver request must be accompanied by the justifications/ reasons for said request – as per the NYSDEC, saving time is not a valid/ legitimate reason. The request shall also list all the additional soil erosion and sediment control (SESC) measures that will be employed while the disturbance is over 5 acres. This includes but is not limited to a reduction of exposed soil time from 14 days to 7 days, 2 SWPPP inspections per week, separated by at least one day, by the qualified SWPPP inspector, etc. Lastly, IF the Town grants the waiver, the MAXIMUM limit of disturbance allowed will be 10 acres at any one time.

b. The drawings label the proposed stormwater facilities as detention basins and the SWPPP refers to infiltration basins. The SWPPP and drawings MUST be coordinated to reflect a unified/ organized stormwater quality and quantity treatment system.

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

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

e. The SWPPP introduction shall add a table that lists all pre and post construction pervious & impervious areas of the site, with summation for each.

f. The SWPPP introduction/narrative shall have separate sections that discuss the water quality and quantity parameters, requirements, design, facilities, calculations, etc. for the proposed project. The specific drainage calculations pages/ appendices that correspond to values listed in these sections shall be added as well.

g. The beginning of the SWPPP shall include a table showing elevation vs. area vs volume numbers for the proposed infiltration pond system & WQ practices.

h. The construction phasing plan provided in the SWPPP (page 19) is inadequate. A full Construction phasing/sequencing plan shall be provided in the SWPPP. It shall include all a breakdown of the all proposed work in the site, when it will occur, under which phase it will occur, how long each task will last, the acreage disturbed for each task covered, etc.

i. The drainage calculations shall also contain year storm vs volume vs elevation tables for all of the proposed stormwater systems and WQ features.

j. The SWPPP and drawings shall thoroughly show and explain how and when the existing stormwater systems (detention basin/ catch basins, conveyance (piping) systems are to be used during and post, construction. This will include any and all physical modifications, required, how stormwater flows will reach these facilities as well as maintenance, inspection and, cleaning of said facilities. Also, checklist for these facilities must be included within the required Post Construction Stormwater maintenance agreement for Phase I (if any are to be utilized post construction of Phase I.)

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Continuation of Condition #20...

k. The SWPPP shall thoroughly explain the proposed demolition process, when it will occur, the soil erosion and sediment control features that are to be used, when they will be installed, when they will be removed, how the demolition fits into the overall plan for the site, etc.

l. The demolition plan and sequencing shall be added to the project Construction phase section of the SWPPP.

m. Appendix 7 shall include the words "during" construction. Also, checklists for all of the proposed stormwater management facilities as well as all of the proposed soil erosion and sediment control features shall be added to this appendix.

n. An appendix shall be included containing the required post construction checklist for all of the proposed stormwater management water quality and water quantity facilities, e.g. infiltration basins, catch basins, piping, etc.

o. The drainage calculations shall include storage-elevation tables for the stormwater systems and water quality (WQ) practices.

p. The project narrative shall include the name and address and contact information of the site owner, site operator (if different than the site owner), design engineer and contractor (if known).

q. Labeled separation tabs shall be added to the SWPPP.

r. The SWPPP shall be bound by a 3-ring binder.

s. Sediment depth markers and plaques/ signs indicating SPDES numbers for the proposed stormwater forebays & detention basins shall be added to the basin plans. Details for both shall be added to the plans.

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

22. If the proposed project proposes to utilize infiltration basins, the project narrative and calculations shall clearly verify that the required WQv for the project will infiltrate/ dewater within 48 hours.

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

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24. If the project proposed to utilize infiltration basins, the applicant's engineer is advised/ reminded that as per the NYSDEC-SMDM (Appendix D) and NYSDEC-FAQs, the following testing regiment is required:

Initial Feasibility Testing:

1. One (1) field Perc test per 5000 SQFT of basin.

Concept Design Testing:

2. A minimum of one (1) test pit/boring AND one (1) infiltration test for every 5000 SQFT of basin area, with no fewer than four (4) test pits/ borings and four (4) infiltration tests per facility.
3. The Town of Orangetown will allow the use of the same hole for boring AND infiltration "providing that the test is being done at the proper depth and the soil in the bottom of the test pit hasn't disturbed where the infiltration test will be performed."

25. If the project proposed to utilize infiltration basins, adherence to NYSDEC-SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snow pack treatment, Rain on snow events, etc.

26. The soil erosion and sediment control drawings show the proposed stormwater basin areas are to be utilized for temporary sedimentation basins. As per the NYSDEC-SMDM, if the proposed basins are to be infiltration basins, then these areas CANNOT be used for temporary sedimentation basins. Alternative locations must be found for the temporary sedimentation basins.

27. The total a.o.d. shall be listed on the drawings.

28. "Blow-ups" of all of the proposed stormwater basins shall be provided on the drawings. Cross sections, storage volume for given design storms and elevations, 25-foot pond buffers, 12-foot wide stabilized maintenance paths (that reach the forebay/ main pool/ outlet structure/ emergency spillway, flared end inlets, etc.), pond drain valve, permanent sediment depth markers with detail, plantings (if utilized for water quality control), emergency overflow spillways with elevations, etc.

29. The drawings show two open equipment yard areas along the eastern side of the proposed buildings. The Architectural drawing further indicate that these areas are to be used for emergency generators. Because generator have the potential of leaking oils, gases, greases, separate/ independent water quality measures shall be proposed for any and all stormwater facilities that will collect stormwater runoff from the area where the generators are to be located, "upstream" of the proposed storm water system. These facilities shall also be shown on the plan. The water quality facilities shall be designed by a NYS PD. The design, including sizing calculations, shall be submitted to DEME for review and approval. The design of said facilities shall be added to the SWPPP in a separate Appendix. Summary information for these facilities shall also be added to the SWPPP narrative/ Introduction.

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30. Material specifications, installation and maintenance information for the required open equipment yard areas runoff – water quality controls shall be added to the SWPPP and drawings.

31. The 1, 10 & 100 yr. storm elevations with their corresponding storage volumes shall be placed at their respective elevations on the basin cross sections.

32. Many of the drainage facilities informational callouts on the Grading and Drainage Plan (sheet C-4.0) are not legible. The drawing shall be revised so that all callouts are legible.

33. Profiles for proposed drainage piping (any all existing piping to remain – if applicable) shall be provided on the drawings.

34. A post construction stormwater maintenance agreement for the 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 facility specific Operation and maintenance manuals, management schedules, inspection checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.

35. The soil erosion and sediment control features for the proposed demolition shall be made clearer on sheet C-2.0.

36. If this project is proposing to use the existing sanitary building connection for the Phase I building, in order for the Town of Orangetown Sewer Department to consider allowing the use of this existing sanitary connection, the existing lateral shall be tv'ed by the applicant's contractor and witnessed by the Orangetown Sewer Inspector. A determination will then be made by the Orangetown Sewer Inspector. If it is determined that the exiting building connection cannot be used, a new connection shall be proposed, design and submitted for review and approval by DEME. **A note shall be added to the plan stating the same.**

37. A note shall be added to the plans 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.

38. The page and liber or instrument number, metes and bounds, purpose, width and ownership for all existing and proposed easements/ dedications shall be given on the plan.

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

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40. Iron pins shall be drawn and labeled at each property corner on drawing 3. If not currently installed, applicant shall label as such and install.

41. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

42. The Town of Orangetown Bureau of Fire Prevention offered the following comments:

Site Plan Review:

1. Which Site plan is submitted for review? The single warehouse or twin warehouses?
2. Show fire lane/zone striping and signage.
3. Show building height.
4. A hydrant must be within 600' of all portions of the building measured along an approved access route. The proposed hydrants appear to extend greater than 600' from all portions of the building. 2020 NYS IFC 507.5.1
5. Positions of the proposed hydrants should be at the 4 corners of the building and filled in within 600' as required.
6. The dimensions shown for the fire apparatus turning radius are incorrect. Dimensions are attached.
7. Show access road gate dimensions and emergency operation.
8. 2 access roads are required for sprinkled buildings over 124,000 square feet. 1 road is proposed. 2020 NYS IFC D104.2
9. Will the building have a standpipe system?
10. Show access to equipment yards.
11. What type and quantity of fuel will be stored on site for equipment? (generators) Where will tanks be located if required?

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
- Emergency Responder Radio Coverage within the building 2020 NYS IFC 510.1

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43. Drainage Review – Brooker Engineering

The application has demonstrated mitigation of potential significant adverse impacts with respect to stormwater runoff. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends the Databank Orangeburg Site Plan be approved for drainage subject to the following:

Project Description: This is the first drainage review report for this project. The proposed project consists of redevelopment of a largely developed office building facility on a 33.93-acre parcel on Corporate Drive. The property abuts the corporate limits with New Jersey along the southern property line of the site. The application proposes to remove approximately 1.84 acres of forested lands, mainly along the southern border. The adjacent property in the Borough of Old Tappan is single family residential development. Stormwater runoff flows south to an existing swale in a drainage easement at this location. Approximately 3.1 acres of new impervious areas are introduced by the proposed action. The SWPPP provides hydrologic modeling and drainage calculations that demonstrate a reduction in peak stormwater discharge rates. Two new stormwater infiltration basins are provided to attenuate peak runoff rates to below existing conditions levels. The hydrologic modeling correctly selects the hydrologic point of interest as the swale to the south and accurately delineates the drainage subareas in the model and includes areas of off-site runoff that travel through the site.

Project Comments

1. The applicant should show to whom the drainage easement is in favor of along the discharge point from the stormwater management systems.
2. The application should verify if there are any existing drainage easement off site to the south. Show the drainage pattern off site and the ultimate discharge point of this drainage system to Lake Tappan.
3. The drainage calculations utilize a reasonable assumed percolation rate of one inch in 30 minutes. Provide results of the soil testing to verify the assumed rate.
4. Since the stormwater management basins use infiltration, show protection of these areas during construction.
5. Additional drainage comments pertaining to the details of the stormwater routing may be provided by our office later in the land use board review period.

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

- The application material applies warehouse use regulations for the proposed databank buildings. Warehouses are not listed as a permitted use in the IO zoning district per Section 3.11 of the Orangetown Zoning Code. The databanks also do not appear to be accessory storage considering how large they are in comparison to the other uses on the site. The Planning Board must confirm if the proposed databanks shall be permitted in the LIO zoning district. In addition, the Board must determine under what land use the future substation would be classified. It is recommended that the Planning Board revisit the Orangetown Zoning Code and update the Comprehensive Plan to incorporate databank centers as a potential use category with specific build and parking standards as its function and needs differ from traditional warehouse and storage space use.
- The parking provided onsite is grossly deficient in meeting the minimum required number of parking spaces for an office and warehouse of this size, as specified in Section 3.11 (Table of General Use Regulations), Column 6 of the Orangetown Zoning Code. Thus, a substantial parking variance is required from the ZBA. The 104 spaces provided onsite accommodates only 8% of the 1,330 spaces required total. The office space alone requires 320 parking spaces, for which is 67% deficient. Should there be a change in use of the proposed databank space, there may be a need for substantially more parking on the site. The size of the development must be reduced, and additional parking be provided onsite so that a lesser variance will be required by the ZBA.
- A review must be completed by the Rockland County Highway Department since their Southern Depot is within 500 feet of the site. Any overall comments or concerns must be satisfactorily addressed.
- According to the FEAF D.2b.ii, the proposed action will remove .08 acres of wetlands and 0.16 acres of surface water on site. The applicant must consider strategies of on-site wetland restoration or mitigation. In addition, a review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- A review of the proposal, with the fire truck turning radius plan must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River Fire Department to ensure that the site is designed in a safe manner and that there is sufficient access to, and maneuverability on, the site for emergency vehicles.

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Continuation of Condition #44...

- As per their letter dated June 28, 2022, an application is to be made to the Rockland County Department of Health for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- For installation of a sanitary sewer system, engineering plans and specification shall be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to construction.
- 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.
- The Planning Board shall be satisfied that the implementation of the Stormwater Pollution Prevention Plan (SWPPP) ensures that construction will not induce a negative impact on the lake Tappan Reservoir from dust particle and debris.
- The Planning Board shall be satisfied that the SWPPP and stormwater discharges comply with the state and local Municipal Separate Storm Sewer System stormwater management program, including post-construction runoff control and pollution prevention/ good housekeeping.
- 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 of the proposed development can be met. Domestic and fire demands of the project must be determined by a licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the RCDOH for review.
- Data centers consume large amounts of water. A review must be completed by Veolia North America to ensure that there is adequate water supply for the proposed use. The Planning Board shall be satisfied that it has a clear understanding of the water and wastewater demand for this project and the potential impacts of considerable water usage.
- According to the DEC Info Located <https://gisservices.dec.ny.gov/gas/dil/> Lake Tappan is on the NYSDEC Water body inventory Priority Waterbodies list. The DEC fact sheet on Lake Tappan states "Water supply uses of Lake Tappan are thought to be threatened due to the considerable amount of urban, residential, and commercial development in the watershed, resulting (from) nonpoint source runoff and possible other discharges." Since data centers use large amounts of water for cooling, technologies that minimize water use should be considered and used. The health of Lake Tappan and the health of the watershed should be carefully taken into consideration in the approval and construction of this facility.

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Continuation of Condition #44...

- A Databank operating 24 hours a day 7 days a week uses a significant amount of energy. The March 11, 2022 architectural drawings indicate that in each phase (5) 4 MW data halls will be constructed, yet the FEAF dated April 20, 2022, D.2. (k) does not provide an estimate of annual electricity demand for operating the proposed action. The Planning Board shall be satisfied that it has a clear understanding of the energy demand for this project and what that may mean for the local utility grid. Additionally, measures should be taken to reduce the overall carbon footprint of the operation including the use of energy efficient equipment and servers.
- Given anticipated significant energy usage, a review must be completed by Orange and Rockland Utilities. Any comments or concerns must be addressed.
- Retaining walls shall be designed by a NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by a NYS P.E.
- There are several inconsistencies regarding the project scope between the various application materials provided. These inconsistencies include different square footages indicated for the Gross floor area (GFA) of the data centers, office space, open equipment yard, and future substation, along with the phases during which these structures will be completed. It must be clarified which of this information is correct, especially since minimum parking requirements are dependent upon the GFA of the proposed uses. All application materials must be revised with consistent information, and if there is any incorrect information on the public hearing notice, it must be revised and reissued. An updated GML referral must be submitted to this department once these inconsistencies are resolved.
- In addition to the aforementioned inconsistencies, there are discrepancies regarding the parking required by the Zoning Code and provided on the site. The Parking Requirements Table on the Layout and Materials Plan indicated that, using the calculation of one parking space per 200 SF of GFA, a minimum of 320 parking spaces is required to accommodate the proposed office area. The drawing on that same sheet depicts 65,000 SF GFA of office space, which required 328 parking spaces using that calculation. In addition, the parking requirement table and the May 26, 2022 letter from Kimley Horn indicates that a total of 107 parking spaces are provided; however, the GML Review Report indicates that 104 parking spaces are provided and 104 parking spaces are delineated on the site plan drawings. The application materials must be corrected with accurate and consistent information.

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Continuation of Condition #44...

- The architectural drawings illustrate several generators within the open equipment yards, however, they are not shown on the site plan drawings. The proposed generators must be delineated on the site plan drawing for consistency with the architectural drawings. In addition, the applicant must specify if there are any additional purposes for the open equipment yards and what else may be stored there.
- It is also recommended that the applicant clearly identify all activities, including storage of equipment and any hazardous materials stored on site, that are exposed to rain, snow and snow melt that can leak or spill and that have the potential to contaminate stormwater and ground water.
- The applicant must obtain any necessary permits from the NYSDEC Division of Air Resources for the proposed generators.
- The applicant must provide as-built drawings and other documentation to NYSDEC, that illustrate the design and installation, as per code, of the petroleum bulk storage tanks for the proposed generators. These tanks must also be registered with them.
- By State Law, the applicant must register with the local fire inspector, using Form 209U for the proposed chemical bulk storage materials (batteries). In addition, under the Superfund Amendments and Reauthorization Act (SARA) – Title 3, the applicant must register with the Rockland County Fire Training Center.
- The Planning Board shall be satisfied with the site sound level analysis, dated April 22, 2022, prepared by Acentech, adequately addresses noise concerns associated with the facility and will not result in a negative impact to the site neighbors nor to the environment and wildlife, such as nearby nesting bald eagles. The site must comply with the provisions of the local noise ordinance in Chapter 22 of the Orangetown code. The planning board shall be satisfied that it has a clear understanding of any potential vibration impacts that may result from the construction and operation of this facility.
- As noted on the FEAF, due to the presence of the bald eagle on this site, a wildlife survey is necessary. A DEC part 182 Incidental Taking Permit may be needed. Prior to approval, the Planning Board shall be satisfied that it has a clear understanding of the potential impacts that Phase 2 of this project may have on nearby nesting bald eagles.

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Continuation of Condition #44...

- There is insufficient turnaround area for the five spaces located at the wester end of the Phase 2 completed parking area. The lack of room for a vehicle to back out of one of these parking spaces creates a safety hazard and high potential for collision between vehicles. It will especially be difficult for a vehicle parked in the middle of the row of three parking spaces, which will need maneuver in the opposite direction in order to leave the site. The locations of these parking spaces must be reconfigured so that there is sufficient turnaround area for all vehicles.
- Area 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 residents and guests. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- Due to the project's proximity to Lake Tappan, de-icing alternatives should be explored, and the use of salt should be minimized.
- The FEAF indicates that the proposed plan will minimize impervious surface, use pervious materials and re-use stormwater. The use of green infrastructure techniques such as permeable pavers, rain gardens, bioswales, and rainwater collection should be considered to minimize stormwater runoff.
- Consistent with the Rockland County Solid Waste Management Plan, RC Planning urges the re-use and recycling of construction and demolition waste to the greatest extent possible during demolition of existing buildings.
- A garbage enclosure must be indicated on the site plan drawing. Access to the garbage enclosure must be unimpeded and it must be demonstrated that its location will not impact yard requirements and parking maneuverability on the site.
- The RC Planning Department request the opportunity to review the variance that are needed to implement the proposed site plan as required by NYS General Municipal Law 239-m (3)(a)(v).

**PB #22-36: Databank Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDG-1236-22

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Continuation of Condition #44...

- This project presents and opportunity to advance the goals of the NY's Climate Leadership and Community Protection Act (CLCPA), through the inclusion on onsite renewable energy. The CLCPA or Climate Act which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will be resulting an increase demand for energy and proposed to pull that energy from the grid. It appears based on the graphic provided of the proposed building that there are flat roof areas that may be conducive to the installation and use of solar panels. It is recommended that the potential use of onsite renewable energy be evaluated and strongly considered based on Article XVII of the Orangetown Town Code. Likewise, the buildings should be designed and constructed to maximize energy efficiency.
- Page 2 of the Orangetown Land Use Board application indicates that the property is within 500 feet of a Municipal Boundary, State Border. The New Jersey state line is not a factor that requires GML review, based on updated guidelines from NYS Department of State. However, the subject property is located 340 feet west of County Highway Southern Depot, which is the reason for the GML review. Page 2 of the application must be revised with the correct reason for referral and the corresponding referral agencies indicated.
- Suez has recently been acquired by Veolia North America. The application form shall be corrected.

45. The Rockland County Department Health (RCDOH) offered the following comments:

- Application is to be made to RCDOH for sanitary sewer extension approval. Sewer capacity analysis is to be included.
- Application is to be made to RCDOH for water main extension approval.
- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito code.

46. 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.

**PB #22-36: Databank Site Plan
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47. 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 Sewer District #1
- Rockland County Highway Department
- Rockland County Department of Health

48. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**PB #22-36: Databank Site Plan
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51. 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.

52. 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.

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

54. 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).

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

56. 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

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

The foregoing Resolution was made and moved by Andrew Andrews seconded by Denise Lenihan and carried as follows: Thomas Warren, recused; Denise Lenihan, aye; Michael Mandell, aye; Andrew Andrews, aye; Kevin Farry, aye, Lisa DeFeciani, aye; and Michael McCrory, aye.

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

Dated: July 13, 2022



**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

**PB #22-36: Databank Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.
July 13, 2022**

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

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

NAME OF ACTION: Databank Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to conditions

LOCATION: The site is located at 2000 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19 in the LIO 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

**PB #17-37: South Corner Plaza Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #66619

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

FROM: Orangetown Planning Board

RE: South Corner Plaza Site Plan: The application of Hassan Samini, owner, for Preliminary/Final Site Plan Review for a site to be known as “**South Corner Plaza Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the East side of Route 303, at the intersection of Route 340, at 2 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 8, 2021** (the item was postponed from July 12, 2017 and October 13, 2021 meetings) and **July 13, 2022** at which time the Board made the following determinations:

December 8, 2021

Donald Brenner, Ryan Nasser and Hassan Samini appeared and testified. The Board received the following communications:

1. Project Review Committee Reports dated July 5, 2017, September 29, 2021 and November 24, 2021.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Past Director, dated July 12, 2017 and Jane Slavin, current Director dated December 6, 2021.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 11, 2017 and December 3, 2021.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated September 23 and November 23, 2021.
5. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 1, 2017, September 29, 2021 & December 7, 2021.
6. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 30, 2017, October 6, 2021 and November 19, 2021.
7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 8, 2021 and November 8, 2021 and Scott McKane, P.E., Senior Public Health Engineer, dated June 13, 2017.
8. Letters from the Rockland County Highway Department, signed by Ryan Rajasingham, Engineer III, dated August 23, 2021 and Joseph Arena, Senior Engineering Technician, dated June 14, 2017.
9. Letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, PE, CFM, dated August 7, 2017.

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10. Letters from the Rockland County Sewer District No. 1, dated June 30, 2017 and September 9, 2021.
11. A letter from the New York State Department of Environmental Conservation, signed by Sarah Pawliczak, Division of Environmental Permits, Region 3, dated July 5, 2017.
12. Email from New York State Department of Transportation, from Jason Brenner, Assistant Engineer, Traffic & Safety Group, dated August 27, 2021.
13. Site Plans prepared by Atzl, Nasher & Zigler Engineers, dated August 5, 2021, last revised October 28, 2021:
 - Sheet 1: Site Plan
 - Sheet 2: Existing Condition
 - Sheet 3: Grading Plan
 - Sheet 4: Sparkill Creek Plan & Profile
 - Sheet 5: Erosion and Sediment Control Plan
 - Sheet 6: Details
 - Sheet 7: Lighting Plan
14. Landscape Plan prepared by Daniel Sherman, Landscape Architect, dated August 5, 2021, last revised October 28, 2021.
15. Stormwater Management Design Report, prepared by Atzl, Nasher & Zigler, dated August 5, 2021, revision #1 dated October 28, 2021.
16. Hydraulic Analyses, prepared by Leonard Jackson Associates, dated November 3, 2009, last revised December 20, 2016.
17. Narrative Summaries prepared by Donald Brenner, dated October 29, 2021 and June 8, 2017.
18. A copy of the Building Permit Referral dated January 26, 2009, signed by Lenny Post, Building Inspector.
19. Copies of the following Board Decisions: ZBA #17-03, Building Height Variance Approved, dated January 4, 2017; ACABOR #16-61, Approved with Conditions, dated October 20, 2016; ZBA #15-66, Rear Yard, Off Street Parking, Parking, Screening and Buffer Variances Approved, dated July 15, 2015 and PB #09-20, Preliminary Site Plan Approval Subject to Conditions, dated September 26, 2011.
20. Email from Orange and Rockland from Alfred Gaddi, dated November 1, 2021.
21. Letter from Sparkill Conservatory, dated December 8, 2021.

The Board reviewed the plan. The Board opened the item for Public Comment.

Public Comment:

Liz Dudley, 250 south Greenbush Road, discussed the impact of development on the Sparkill Creek, that a new traffic study is warranted since it has been 11 years since the prior study was conducted.

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Vanessa Lapin, 659 Western Highway, Blauvelt raised concerns regarding the impact of development on the Sparkill Creek and area flooding. There are area residential properties and the proposed use will impact them. Also, there are multiple agencies that have concerns regarding the proposed use, possible a residential use could be proposed for this site.

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

The applicant requested a CONTINUATION.

July 13, 2022

Donald Brenner, Ryan Nasser and Hassan Samini appeared and testified. The Board received the following communications:

1. Project Review Committee Reports dated June 29, 2022. September 29, 2021 and November 24, 2021.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director dated July 5, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 13, 2022.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated September 23 and June 23, 2022, with an attachment- Side Roll & Frontal Impact Protection.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 13, 2022.
6. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 30, 2017, October 6, 2021 and November 19, 2021.
7. Copy of an email from Frank Benedetto, NYSDEC, dated July 12, 2022.
8. Letter from the Rockland County Drainage Agency, dated July 8, 2022, signed by Shajan Thottakara, PE,
9. Project Narrative prepared by Atzl, Nasher & Zigler, dated April 13, 2022.

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10. Site Plans prepared by Atzl, Nasher & Zigler Engineers, dated August 5, 2021, last revised April 13, 2022:

- Sheet 1: Site Plan
- Sheet 2: Existing Condition
- Sheet 3: Grading Plan
- Sheet 4: Sparkill Creek Plan & Profile
- Sheet 5: Cross Sections Profiles View & Plan
- Sheet 6: Cross Sections Profiles View
- Sheet 7: Erosion and Sediment Control Plan
- Sheet 8: Details
- Sheet 9: Details
- Sheet 10: Lighting Plan
- Sheet 11: Lighting Details
- Sheet 12: Truck Turning Radius & Sight Distance Plan

11. Landscaping plan prepared by Daniel Sherman, LA, dated August 5, 2021, last revised April 13, 2022.

12. Letter from the Sparkill Creek Alliance, dated July 13, 2022.

13. Full Environmental Assessment Form dated April 13, 2022, signed by Daniel Samimi.

The Board reviewed the plans. The hearing was then opened to the Public. A motion was made to open the public portion of the Hearing by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

Public Comment:

Tom Seha, 584 Route 340, Orangeburg, held that the current state of the Sparkill Creek is at its worst flooding in years. He discussed ongoing discussions with Rockland County Drainage Agency to correct the problem and requested a moratorium on all construction until the Sparkill Creek issues are cleaned up.

James Eling, 263 Summit Street, New Jersey, noted that the Sparkill Creek runs through New Jersey and Rockland County must consider what happens down stream.

Vanessa Lapin, 659 Western Highway, Blauvelt, raised concerns regarding the larger problem with all the development along the Sparkill Creek, the Town Comprehensive Plan and requested the Board to deny this application.

**Town of Orangetown Planning Board Decision
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There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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 second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, nay; Denise Lenihan, aye; Andrew Andrews, aye; Kevin Farry, aye; and Michael McCrory, aye, Lisa DeFeciani, nay, the Board declared itself Lead Agency.

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

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

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

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

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

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

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

- PB#09-20 – 9/26/2011 - Prepreliminary for a proposed site development plan and 12,089 square foot building.
- ZBA#16-66 – July 15, 2015 – variances granted for same plan for Parking in the Rear yard, number of parking spaces, screening and required buffer per 12.10B (1) and B (2).
- ACABOR #16-61 – October 20, 2016 - Site/Structure Plans
- ZBA#17-03 – January 4, 2017 – Building Height variance.

4. The current plan is for a smaller building, 10,165 square feet.

5. The drawings indicate that 18 parking spots are proposed in the front yard. This is incorrect as 22 spots are indicated in the front yard which results in 41.5% of the parking in the front yard, with 35% permitted. Calculations must be revised to indicate the correct number and a variance obtained.

6. The dumpster location is indicated in the rear yard (south side of proposed lot). Variances required per Chapter 43, Section 5.224.

7. The ZBA required a loading dock per decision #16-66, however no loading dock is proposed on this plan. Variance is required per Chapter 43, Section 6.41 (c).

8. The proposed building height is 29 feet with 22 feet allowed. Variance required from the Town of Orangetown Zoning Board of Appeals.

9. Plans, elevations and details must be submitted for the proposed bridge over the Sparkill Creek and approval must be obtained from all required agencies.

10. Site distance calculations shall be provided and utilize the current speed limit. These site distance calculations shall be reviewed and approved by the NYSDOT.

11. A Floodplain development permit must be submitted along with a letter from the engineer of record certifying that all construction and site development is in compliance with The Town of Orangetown floodplain regulations and FEMA regulations.

12. No signage is shown. All proposed signage shall be shown, or a separate application will be required for any future signage along with the required board approvals.

**PB #17-37: South Corner Plaza Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #66619

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13. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review.

14. The Full Environmental Assessment Form must be revised as follows:

Part B (a) and (f) should be checked NO

Part D.2 (e) should be checked NO

Part D.2 (l) Hours of Operation per Town Code for Saturday is 8AM to 7PM and on Sunday 9AM to 7PM

15. The applicant still needs to comply with PB #09-20, conditions #13 and #14

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

#14. The ownership for all easements/dedications shall be given on the plans."

16. DEME recently received the revised Drainage Report and is currently under review.

17. The drainage report and plans shall demonstrate interior access to the proposed green roof for maintenance, inspection and demonstration purposes.

18. DEME recommends that all unnecessary/ "extra" impervious areas be removed from the site, if possible. An example would be removing any parking spaces that aren't required by code.

19. The proposed limit of disturbance shall include all offsite improvements/ soil disturbances (e.g. regrading on west side of Sparkill Creek for proposed entrance onto Route 303.) The revised area of disturbance (a.o.d.) shall be listed on the drawings 1, 3, 4, and 5.

20. The proposed site call for "Dry Floodproofing." A detail for same can be found on sheet 3. The Floodplain Administrator shall determine if this system is acceptable. That aside, DEME is unsure of who will be responsible to install the proposed "insulating aluminum panels", what warning or notification system will be used to alert the responsible person as to when they should actually install them, how will this responsibility be handled off hours, etc.? It is recommended that a "maintenance program" be developed to address this issue. Lastly, if this system is proposed for all exterior doors, a note shall be added to the plans and the detail.

21. All exterior doors shall be shown on the site plan.

22. DEME recommends that signage be added to the parking lot indicating that the parking lot may be subject to flooding.

23. The following information shall be added to the cross-sections through the site that have been provided: easement boundaries, all utilities within all easements at their existing elevation, proposed soil erosion and sediment control devices within any given cross-section, guide rail, etc.

24. Cross sections through the bridge support/ foundation structure, shall be given on the plans. These cross sections shall extend eastward to include the existing Town owned sanitary easement (with 24-inch RCP pipe shown at existing elevation), retaining walls, bridge superstructure/bridge substructure, 100yr flood elevation, existing grading, proposed grading, etc. It is critical that the bridge and its entire structure be located outside the existing easement AND outside of the zone of influence on the existing sanitary main.

25. No plans or details have been provided for the proposed bridge over the Sparkill Creek with the latest drawing set. Detailed plans, cross sections a detail for the proposed bridge shall be supplied with the drawing set.

26. In addition comments 21-23 above, cross sections, every 25 feet, along the Sparkill Creek, shall be provided showing existing grade, proposed grade, all new structures/ improvements, existing Town of Orangetown owned sanitary easements with sanitary main at existing elevation, proposed soil erosion and sediment controls features. The cross sections shall start at the proposed 12-inch HDPE drain pipe (coming from the proposed parking lot) and running south to the southernmost property corner.

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27. The total area of disturbance listed on page 1 of the revised drainage report is 0.788 acres. However, drawing 7 lists the total a.o.d. as 0.908 acres. The drainage report and the drawings shall be coordinated to reflect the same/ correct information.

28. The post construction stormwater maintenance agreement, supplied with the revised drainage report, is under review by DEME.

29. DEME compared the recent traffic report submitted (dated 4/13/22) to a previous traffic study from December 2009 and noticed that many of the existing traffic volumes have gone down. While this is not completely unheard of, the reduction does not seem to be uniform or close to it, as would be expected. As an example, the "2009 Existing Traffic Volumes Weekday Peak PM Hour" line diagram shows 840 vehicles heading north past the site location on Route 303 and 685 heading south at the same location. The "2022 Existing Traffic Volumes Weekday Peak PM Hour" line diagram (page 2 of 15) shows 683 vehicles heading north past the site location on Route 303 and 629 heading south at the same location. The point being that this shows a reduction of approximately 157 vehicles heading north and a reduction on only 53 cars heading south. So, the traffic reduction heading north is 3 times that heading south. That difference is not easily explained. Therefore, DEME requests that the applicant's traffic engineer revisit the study to try and determine the cause or explain this difference. This is requested because the latest traffic study lists much better levels of service at all the surrounding intersections than a study from 13 years ago.

30. The existing and proposed sanitary sewer connections shall be shown on the drawings. Also, a profile for the proposed sanitary building connection, showing ALL utility crossings, shall be added to the drawings.

31. Profiles for all proposed drainage piping shall be added to the drawings.

32. In reviewing the Erosion and Sediment Control Plan, drawing 7, and section A-A on drawing 3, DEME is still confused/ concerned as to how the proposed 5 foot wide (raised almost 5 feet in the air) sidewalk (almost 5 feet in the air), the foundation for the sidewalk/ trench drain/ building and silt fence will all be constructed/ accomplished on/ along the neighboring property 74.11-2-45, N/F Rockland County Sewer District No.1, without any disturbance/ construction taking place on the neighboring property. More detail on how this construction will be accomplished shall be added to the drawings.

33. 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.

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34. A note shall be added to the plans 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.

35. The page number listed for the existing 15-foot-wide sanitary sewer easement is incorrect. The correct starting page is 1907.

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

37. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

38. The Town of Orangetown Fire Prevention Bureau had the following comments:

Site Plan

- The entrance/exit island shown off route 303 has been added back to the plan, minimum width is 20' – 13' is proposed.
- Building height on the original submission was 35' then reduced to 22' on the revised plan, then increased to 29' for the latest submission. Applicant is reminded that Ariel Fire Apparatus access is required for buildings over 30' Access road minimum is 26' and shall be no closer than 15' or further than 30' to the building, 22' width is proposed 2020 IFC D105.5.
- Fire truck represented in the fire truck turning Detail does not adequately represent the dimensions of the responding apparatus. Truck details provided to the applicant.

Construction plans shall include the following information. Please this information as notes on the Site Plan

- Installation of a NFPA 13 compliant Fire Sprinkler system,
- Installation of a Fire Alarm System to the NFPA standard,
- Installation of Key Lock Box, and
- Fire resistant rated exterior walls are required for buildings less than 5' from the lot line. Resistance rating is based on proposed occupancy.

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39. Drainage Review Recommendation

Project Description

This is the fourth drainage review report for this project; the last review was dated December 7, 2021. The site is located at the southeast corner of the intersection of Route 303 and Route 340. The Sparkill Creek flows south through the site, and the site is completely encumbered by the 100-year floodplain of the Sparkill Creek. Portions of the site are encumbered by the Sparkill Creek floodway.

The application consists of the first-floor elevation has been lowered to elevation from elevation 75.0 NAVD to elevation 73.5 NAVD, which is at or below the floodplain elevation at the northern portion of the site, just downstream of Route 340. Brooker Engineering notes that Flood Insurance Study shows Route 340 overtopping which is also supported by historical observation. The application notes the building is to be dry floodproofed to elevation 76.5 and provides a detail for dry floodproofing of the doors only.

Project Comments

1. The local floodplain administrator shall comment if the lowered first floor elevation of the structure for this submission and proposed dry floodproofing methods meet local and federal code requirements.
2. Show all proposed door locations; in particular, we are concerned with respect to flooding against the north side of the lowered building and potential for floodwater entry along the face of this side of the structure.
3. Provide a design for the building foundation that shows the building foundation can resist hydrostatic pressures if the building is dry floodproofed, i.e., the building is designed to be dry inside the structure and subject to hydrostatic forces against the foundation.
4. Provide an operations sequence for the dry floodproofing. Please note the selected method does not operate automatically and requires manual installation prior to a storm event.
5. The application shows a small rise in 100-year flood elevations on the site, which extends off the site onto flooding depths on Route 303. This is subject to approval by the Local Floodplain Administrator, Rockland County Drainage Agency, and NYSDOT.
6. As per our December 7, 2021 and September 29, 2021 review letters, provide a cross section of the proposed stream crossing over the Sparkill Creek. Show the existing 100-year floodplain elevation on the cross section.

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Continuation of Condition #39...

7. As per our December 7, 2021 review letter, verify that the abutments are outside of the floodway limits.
8. It appears that there is proposed fill in the floodway at the southeast corner of the new parking lot.
9. Show the stream stationing on the Sparkill Creek Plan and Profile consistent with the stream stationing from the FEMA flood profile. Add water surface elevation contours within the proposed floodplain delineation.
10. As per our December 7, 2021 and September 29, 2021 review letters, provide an elevation certificate for the proposed construction.
11. Show positive grading away from the building along the north side of the building.
12. The previously shown three feet wide sidewalk along the east face of the building has been widened to five feet wide and is still along the property line. Section A-A has been added showing this sidewalk. Show the dimension of the wall supporting the sidewalk slab to the property line. We note the sidewalk cantilevers over the foundation wall immediately adjacent to the property line.
13. For the hydrologic model, break down the proposed conditions hydrologic model into subareas reflecting the portion that is the green roof and the portion that is new parking.
14. Show the overflow path and means for drainage of the green roof.
15. Based on the building footprint of 10,165 SF and 2,869 CF of stormwater storage in the green roof, the area can store about 3.4 inches of rainfall over the building. The hydrologic model should demonstrate how the overflows contribute to the peak rate of runoff leaving the site.

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40. The New York State Department of Environmental Conservation (NYSDEC) has received the application, Protection of Waters Stream Disturbance permit. The application is incomplete. Please submit the following documentation and/or address the following comments for a complete application.

1. Provide a justification for the retaining walls placement on the banks of the Sparkill Cree. Article 15 jurisdiction include the bed and banks, if the retaining walls were shifted beyond the top of the bank, an Article 15 would likely not be required.
2. The Water Quality Certification form provided is blank. Please fill in the entire form.
3. No indication of SEQRA review has been provided. Please complete and submit Part 1 of the SEAF. Alternatively, if SEQRA coordination and review has already been conducted by another agency, you are welcome to provide that documentation instead.
4. Please provide an electronic copy of the engineered plans.

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

- A review of the October 28, 2021 site plan must be completed by the Rockland County Drainage Agency, any concerns addressed, and all required permits obtained. In addition, the applicant must comply with the comments made in its letter of August 7, 2017.
- The applicant must comply with the comments made by the New York State Department of Transportation (NYSDOT) in its email dated August 27, 2021. A traffic impact study of the area must be reviewed by them to ensure that the design of the site will not impede the flow and safety of traffic on the two State highways.
- A review of the October 28, 2021 site plan must be completed by the Rockland County Sewer District No.1 and any concerns addressed and all required permits obtained. In addition, the applicant must comply with the comments made in its letter of September 9, 2021.
- As per its September 8, 2021 letter, application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.
- The engineer of record shall certify to the Floodplain Administrator for the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

Continuation of Condition #41...

- Since the proposed parking area encroaches into the Federal Wetlands, a review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Orangeburg Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles. In addition, the fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas.
- 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, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers. This is particularly important as only the minimum number of parking spaces are proposed. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- For uses in Use Group JJ, if a front or side yard is provided, they must be 45 feet and 12 feet, respectively. Since a front yard of 6 feet and a side yard of 3 feet are being provided, significant variances will be required. The Bulk Table must be up dated to say this. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed site plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site all design points.
- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

Continuation of Condition #41...

- For installation of a sanitary sewer system engineering plans and specifications shall be reviewed and approved by the Rockland County Health Department prior to construction.
- Minimal landscaping is proposed. While it will be difficult to achieve the 25-foot vegetative buffer (as required by Section 13.10(2) due to the presence of the Sparkill Creek, and a variance was granted for the buffer, further reducing the size of the building will allow for a closer compliance with the Route 303 Overlay Zone requirements.
- All proposed signage plan must be shown on the Site Plan, and conform to all Town requirements.
- The Bulk Table must be updated to state that variances were granted from Section 13.10B (1) and (2). Note date of meeting and ZBA number.
- The Site Plan contains the incorrect parcel ID. This must be corrected to 74.11-2-47.
- The landscaping plan must contain a north arrow, especially since it is a different orientation than the other plans.

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

- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

43. The Rockland County Department of Highways (RCHD) found that based upon the plans and information provided for the project, the RCHD offered the following:

- The Tax Map Reference on the Site Plan shall be checked and revised.
- The proposed development is in the proximity to the County Regulated Stream. Therefore, the Rockland County Drainage Agency shall review the Site Plan.

44. The Rockland County Drainage Agency (RCDA) offered the following comments which are incorporated herein as conditions of approval:

45. The Rockland County Drainage Agency reviewed the provided information and requested additional information, noted as 12 comments in a letter to Mr. Samini dated July 8, 2022.

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46. The Rockland County Sewer District No. 1 (District) reviewed the submitted information and provided the following information:

(1). The District owns and maintains a 42-inch sewer main in an easement on the property.

- a. No permanent structures may be built within the Sewer District easement.
- b. Drawing No. 3 (Grading Plan) shows a 10-inch HDPE roof drain that will cross the District's easement. The Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within its easements.
- c. When the foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified two (2) working days in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
- d. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done with its easement.

(2). All permits, fees and inspections associated with raising manhole frames on the 42-inch sanitary sewer main are the responsibility of the District. According to the Grading Plan, at least one manhole frame will have to be raised. A permit must be obtained from the District prior to starting the work. This will require approval of the details for raising the manhole frames, submittal of the County Planning Information Certification, and all necessary insurance, bonds, indemnification, and permit fees.

(3). The engineer will have to verify that the District's 42-inch sewer main in the easement and 54-inch sewer main along the property line are not within the zone of influence of the foundation of the proposed structure. If they are, necessary design precautions must be done to protect the sewer.

Continuation of Condition #46...

- (4). Details for a sanitary sewer connection must comply with the District's construction standards and shall be shown on the plans.
- a. The drawings do not appear to show a sanitary sewer connection from the proposed building. Please advise the engineer that the sanitary to the sewer main for this project should connect to the Orangetown sewer main.
- (5). If the existing house connections are hooked up to the District's sewer, they must be plugged within the sewer easement with a permanent watertight plug or cap encased in concrete.

47. Orange and Rockland Utilities (O&R) reviewed the submitted information and offered the following comment:

- Based on O&R maps, the site does not have a gas service feeding the property. O&R does have a gas main in the Right-of-Way along Orangeburg Road in the Sidewalk/shoulder that the work may be in conflict with.

48. The New York State Department of Transportation (NYSDOT) has reviewed the submission dated on October 29, 2021 and have the following comments:

1. As stated in section 10.2.3.4 of the NYSDOT Highway Design Manual, that all "Box Beam Guide Rail" runs must be at least 125 feet in length for the system to develop its intended deflection resistance. Please identify on the plans the proposed two sections of guide Rail modifications are at least 125ft.
2. Please include NYSDOT Standards for the Guide rail modifications.
https://www.dot.ny.gov/main/business-center/engineering/cadd-info/drawings/standard-sheets-us-repository/606-04_05012020.pdf
3. A Traffic Impact Study shall be prepared and submitted to NYSDOT for further review and comments.
4. Provide a sight distance matrix including design speed, posted speed, each type of turning movement, required sight distance for each type of turning movement, available sight distance, variance (if any), support for variance. Labeled and dimensioned sight distance triangles need to be shown on plans.
5. The Site Plan supporting this proposal shall include GPS coordinates for the driveway centerline at its junction with the State Highway.
6. Please have a callout that show the NYSDOT highway boundary (HWB) on the plan set. If the HWB is the same as the property line than it should be noted on the plan set.

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Continuation of Condition #48...

7. Please label curb ramp call outs and details for all sidewalk work to be completed in the NYSDOT ROW. https://www.dot.ny.gov/main/business-center/engineering/cadd-info/drawings/standard-sheets-us-repository/608_01_220101.pdf
8. A drainage report shall be submitted to the NYSDOT for review.
9. A raised median will need to be added for the rights in/out driveway on Route 303.
10. Please have the developer identify all new utility lines that will be needed that are within the NYSDOT ROW. If there are new utilities in the NYSDOT ROW a PERM 32 will be required.

49. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, NYSDEC offered the following comments:

- **Protection of Waters:** The following stream/pond/waterbody is located within or near the site indicated: Sparkill Creek, Class C(T), DEC Water Index Number: H-13, Status: Protected. A Protection of Water permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." An application for Stream Disturbance permit was originally submitted in 2010, DEC Permit ID# 3-3924-00426/00001, South Corner Plaza, was withdrawn in 2014 for incompleteness. Therefore, the project sponsor must submit a new joint application form and project plans for the proposed driveway and stormwater outfalls on the bank. By copy of this letter, the project sponsor is made aware of this requirement. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project site is not within a New York State protected Freshwater Wetlands. However, please contact the US. Army Corps of Engineers in New York city for any permitting they might require. If a permit pursuant to Section 404 of the Clean Water Act is required by the Army Corp of Engineers, the project sponsor will also require a Water Quality Certification pursuant to Section 401 of the Clean Water Act issuance of these certifications in NYS has been delegated to the DEC.

Continuation of Condition #49...

- **Water Quality Certification:** If the US Army Corps of Engineers requires a permit, for work completed in or impacting a federal wetland or waters of the U.S., you will need a Section 401 Water Quality Certification from the Department.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, the files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. DEC cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- **State Pollutant Discharge Elimination System (SPDES):** If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002) for Stormwater Discharge from Construction Activity, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As this site is within a Municipal Separate Storm Sewer System (MS4) community, the Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the municipality and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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50. The Rockland County Sewer District #1 (District) had the following comments:

1) The District maintains sewers in an easement on the property. No permanent structures may be built within its easements. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.

a. The District discourages the proposed building footprint. One corner of the building would be nine feet (9) from the easement boundary, in which there is a forty-two (42") interceptor sewer approximately nine feet (9') deep.

2) To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regarding, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easements. The District must approve any construction to be done within its easements.

3) Drawing No. 3 "Grading, Drainage & Utility Plan," shows that the sanitary sewer connection for the proposed building will cross the District's easement and connect to an Orangetown sewer main. The contractor must obtain required insurance and sign a waiver to defend, indemnify, save, and hold harmless both the **County of Rockland and Rockland County Sewer District No. 1** from any claims arising from work performed with its easements.

4) If the existing house connections are hooked up to the District's sewer, they must be plugged with a permanent watertight plug or cap encasing in concrete.

51. The Rockland County Department of Health (RCDOH) reviewed the plans and had the following comment: Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

52. The New York State Department of Transportation (NYSDOT) reviewed the plans and had the following comments:

- In accordance with the Route 303 corridor study, future road improvements will include turns lanes for both Route 303 and Route 340. There is also a project in the near future that will be placing sidewalk along Route 340. The area between the dedicated street line and the existing right of way line will be used for road improvements. The current entrance and building location conflicts with the future road widening. The 15-foot offset required by the state shall be from the designated street line.
- Left turns out the proposed driveway will be very difficult due to the length of the queue and the vehicles turning left from Route 303. If this becomes a safety issue, left turns may be restricted in the future. The entrance shall be placed as far away from the intersection as possible. The applicant shall investigate a share access with the Rockland County Sewer Department.
- The proposed configuration of the entrance at Route 340 does not allow room for vehicles to queue without blocking parking in the lot. Future road widening will further decrease the available length. Vehicles backing out of the parking spaces will conflict with vehicles entering the property. The parking area must be moved further back.
- Due to the unknown needs of our future road improvements, NYSOT cannot allow the abutment walls to be placed within the right of way on Route 303.
- The applicant shall follow the NYS regional commercial driveway design, provided to the applicant at the Planning Board Meeting of February 24, 2010.
- Guiderail is placed to protect traffic from existing roadside hazards. Placement location is based on the point of need, development length and the location of curbing. More detailed grading plans showing the profile from the road must be provided to determine the feasibility of relocation.
- The existing and proposed roadside drainage has not been shown on the plans. Spot grades shall be shown along the curb lines.
- Scour protection must be placed at the outlets from the detention basin.
- The curb detail shown on Drawing #6 is incorrect.
- Guiderail must meet current specification under Item 606 of the New York State Standard Specifications and Standard sheets.
- A copy of the approvals from the Rockland County Drainage Agency shall be provided to NYSDOT.
- The traffic study submitted to NYSDOT did not meet their requirements. NYSDOT require a SYCHRO analysis be submitted in disk format and as a hard copy. NYSDOT cannot make a final determination on the location of the entrance until this is submitted and reviewed.

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53. The NYSDOT provided the following additional comments:

- There is a shared right/thru/left lane WB on Route 340. While many of the movements are right turns, the left and through movements block the right turns. The volume of the approach is dependent on the class dismissal times at the college just east of the intersection and the departure of employees from Rockland County Sewer Department just east of the proposed driveway on Route 340. A left turn from the proposed driveway will be very difficult due to the queue and vehicles turning left from Route 303.
- The Route 303 corridor study suggests turn lanes to be added to both Route 340 and Route 303. Presently work at this intersection is scheduled for 2016. The driveway should work with the future widening and not impeded progress of this improvement. The driveway from Route 303 requires a bridge to be built over the Sparkill Creek. The abutment would be in the state right of way. This could interfere with future improvements.

54. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) holds that the project will require NYSDEC permits as indicated below:

- **Article 15, Protection of Waters:** For physical disturbance to the bed or banks of a protected stream, excavation or fill within a navigable water body, or repair/ construction of a dam. The **Sparkill Creek (Water index #: H-13, Class C(t))** is located in or near the site indicated. NYSDEC advises the project representatives of the potential need for this permit. It is possible that the NYSDEC permit requirements noted may change based upon additional information received or as project modifications occur.

Additional Comments: In addition to the permit requirements, the resources that are indicated shall be evaluated during the review of this project under SEQR:

- **Cultural Resources:** NYSDEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Therefore, the NYSDEC review of the project will require preparation of a Cultural Resources Assessment and the review of the New York State Office of Parks, Recreation and Historic Preservation.

55. All landscaping shown on the 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.

56. 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.

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

58. 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).

**Town of Orangetown Planning Board Decision
July 13, 2022
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59. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

60. 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

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

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

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

The foregoing Resolution was made and moved by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel- Vice Chairman, nay; Kevin Farry, aye; Lisa DeFeciani, nay; Michael McCrory, aye; and Andrew Andrews, aye,

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

Dated: July 13, 2022.

Town of Orangetown Planning Board



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

**PB #17-37: South Corner Plaza Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #66619

**Town of Orangetown Planning Board Decision
July 13, 2022**

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

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

NAME OF ACTION: South Corner Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to conditions

LOCATION: The site is located on the East side of Route 303, at the intersection of Route 340, at 2 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47 in the CC zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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