

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

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

MEMBER ABSENT: Michael McCrory and Denise Lenihan

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

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:

Sambrotto Performance Bond	Accepted	PB #22-37
Request to Change Bond to New Owner 70.15/2/11; R-40 zoning district		

SMK Erie West Subdivision Performance Bond	Recommended to the Town Board	PB #22-38
Recommendation to the Town Board to Establish the Value and Term of the Performance Bond 70.13/1/20; R-15 zoning district		

Chefman Site Plan	Granted Reapproval of the Final Site Plan Approval	PB #22-39
Reapproval of Final Site Plan Approval, PB #21-35, dated July 28, 2021 29 Corporate Drive, Pearl River 73.19/1/8; LIO zoning district		

Skae Rear Expansion – Pole Barn Site Plan	Granted Reapproval of the Final Site Plan Approval	PB #22-40
Reapproval of Final Site Plan Approval PB #20-54, dated December 9, 2020 337-339 Blaisdell Road, Orangeburg 76.08/1/4; LIO zoning district		

Tri-Bee Consultation	Consultation	PB #22-41
Site Plan and Resubdivision Consultation 120 & 122 East Central Avenue, Pearl River 68.20/2/5.1 & 5.2; CS zoning district		

*cc
9/1/22*

Temple Israel Memorial Park	POSTPONED BY APPLICANT	PB #22-42
Amendment to Filed Site Plan 75 Van Wyck Road, Blauvelt 69.20/2/28; R-15 zoning district		

TOWN OF ORANGETOWN
 2022 SEP -7 P 12:15
 TOWN CLERK'S OFFICE

July 27, 2022 Planning Board Meeting

St. Dominic Family Services Subdivision Plan **PB #22-43**
Prepreliminary/ Preliminary/ **Continued to**
Final Subdivision Plan and SEQRA Review **September 14th**
500 Western Highway, Blauvelt **Meeting**
74.06/3/1.1; R-40 zoning district

Lafamiglia Lanni Restaurant Outdoor Dining Plan **PB #22-44**
Prepreliminary/ Preliminary/ **Continued to**
Final Outdoor Dining Plan **September 14th**
and SEQRA Review **Meeting**
645 Main Street, Sparkill
77.08/5/48.1; CS zoning district

622 Route 303 Site Plan **PB #22-45**
Consultation **Consultation**
622 Route 303, Blauvelt
65.14/1/11.2 & 11.3
Route 303 Overlay Zone & LIO zoning district

Hauser Plans **PB #22-46**
Final Site Plan and Tree Remediation Plan **Final Site Plan**
Tappan Historic District **and Tree Remediation**
200 Oak Tree Road, Tappan **Plan Approval Subject**
77.07/1/35; R-15 zoning district **to Conditions**

Suez Water Wells #16 & #20 Site Plan **PB #22-47**
Final Site Plan Review **Final Site Plan**
19 Washington Avenue, Tappan **Approval Subject**
77.06/2/77; R-15 zoning district **to Conditions**

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 10:35 p.m. The next Planning Board meeting is scheduled for September 14, 2022.

Dated: July 27, 2022
Cheryl Coopersmith
Town of Orangetown



TOWN OF ORANGETOWN
2022 SEP -7 P 12:08
TOWN CLERK'S OFFICE

**PB#22-37: Request to Release Sambrotto
from Performance Bond and Substitute Adam Blankfort**

**Town of Orangetown Planning Board Decision
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**TO: Robert Knoebel
FROM: Orangetown Planning Board**

RE: Request to Release Raymond Sambrotto from the Performance Bond and substitute Adam Blankfort, new property owner to the Performance Bond: The application of Raymond Sambrotto, owners, to be Released from the Performance Bond and Substitute the new property owner, Adam Blankfort, for a two-lot subdivision known as Section 70.14, Block 2, Lots 11.1 and 11.2., 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 34 Clausland Mountain Road Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 2, Lots 11.1 and 11.2 in the R-40 zoning district.

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

The Board received the following communications:

1. Project Review Committee Report dated July 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated July 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management, signed by Bruce Peters, PE, dated July 12, 2022.
4. An email from Richard Pakola, Deputy Town Attorney, dated July 3, 2022.
5. A copy of the Performance Bond signed by Raymond Sambrotto, dated August 22, 2020.

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

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

There being no one to be heard from the public, the Public Hearing portion of the meeting was closed. A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Thomas Warren – Chairman, aye; Michael Mandel, Vice-Chairman, aye; Andrew Andrews, aye; Mike McCrory, absent, Denise Lenihan, absent, Kevin Farry, aye and Lisa DeFeciani, aye.

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from Performance Bond and Substitute Adam Blankfort**

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RECOMMENDATION: In view of the foregoing and the testimony before the Board, the Board made a motion to recommend to the Town Board to release Raymond Sambrotto from the Performance Bond and grant the new owner, Adam Blankfort of the property, the ability to post the bond for the property.

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; Andrew Andrews, aye; Mike McCrory, absent, Denise Lenihan, absent, Kevin Farry, aye and Lisa DeFeciani, aye.

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

Dated: July 27, 2022


Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

TOWN OF ORANGETOWN
2022 SEP -7 P 12:08
TOWN CLERK'S OFFICE

**PB #22-38: SMK Erie Subdivision Plan
Recommendation to the Town Board
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision
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**TO: SMK Homes, 23 Water Edge, Congers, New York
FROM: Town of Orangetown Planning Board**

RE: SMK West Erie Subdivision Plan: The application of SMK Homes, owner, for a Recommendation to the Town Board to Establish the Value and Term of a Performance Bond for a site to be known as “**SMK Erie Subdivision 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 21 and Chapter 21 of the Code of the Town of Orangetown. The site is located at 104 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 70.13, Block 1, Lot 20; in the R-15 zoning district.

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

The Board received the following communications:

1. Project Review Committee Report dated July 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 21, 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.

The Board reviewed the plan. The meeting was then open 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, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Andrew Andrews, aye; and Lisa DeFeciani, aye.

A motion was made to close the Public comment by Michael Mandel, Vice Chairman and section by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Andrew Andrews, aye; and Lisa DeFeciani, aye.

RECOMMENDATION: In view of the foregoing, the Planning Board Recommends to the Town of Orangetown Town Board that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2022.

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

**PB #22-38: SMK Erie Subdivision Plan
Recommendation to the Town Board
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision
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The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before July 27, 2024, subject to the following conditions:

1. OBZPAE has no comment regarding the performance bond as recommended by DEME.
2. 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 construction plans are reviewed and approved by the inspector.
3. DEME's bonding requirements for the SMK Erie Subdivision are as follows:

ITEM	
Road	\$ 105,300.00
Concrete Curbing	28,175.00
Monumentation	\$ 4,550.00
Iron Pins	3,150.00
As-Builts	9,000.00
Storm sewers	227,500.00
Soil Erosion and Sediment Control	46,000.00
Sanitary Sewers	64,325.00
Sub-Total	\$ 488,000.00
Administrative Close -out (20% of Sub-Total)	97,600.00
Total Bond	\$ 585,600.00

Inspection Fee: \$ 14,640.00
(3% of Sub-Total of original Bond amount)

Further, all bonds are to conform to current Town regulations.

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

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

Dated: July 27, 2022
Town of Orangetown Planning Board

Chf. Clerk
TOWN CLERK'S OFFICE
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**PB#22-39: Chefman Site Plan
Reapproval of Final Site Plan Approval Subject
to Conditions**

Permit #49378

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**TO: David Higgins, Lanc & Tully, P.O. Box 687, Goshen, New York
FROM: Orangetown Planning Board**

RE: Chefman Site Plan: The application of Ralph Newhouse, applicant, for 29 Corporate Drive, LLC, owner, for Reapproval of Final Site Plan Review. The site is known as "**Chefman 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 29 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.19, Block 1, Lot 8; in the LIO zoning district.

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

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Review dated July 13, 2021.
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 21, 2022.
3. Site Plans prepared by Lanc & Tully, Engineering and Surveying, last revision date of May 12, 2022:
 - Drawing 1 of 10: Site Plan, dated August 12, 2019
 - Drawing 2 of 10: Existing Conditions Map, dated June 26, 2020
 - Drawing 3 of 10: Grading & Utility Plan dated June 26, 2020
 - Drawing 4 of 10: Infiltration Basin Plan & Details
 - Drawing 5 of 10: Erosion and Sediment Control Plan dated February 26, 2021,
 - Drawing 6 of 10: Erosion and Sediment Control Plan Details dated February 26, 2021
 - Drawing 7 of 10: Landscaping Plan dated February 26, 2021
 - Drawing 8 of 10: Construction Details dated June 26, 2020
 - Drawing 9 of 10: Construction Details dated June 26, 2020
 - Drawing 10 of 10: Drainage Profiles, dated October 21, 2021

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

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**PB#22-39: Chefman Site Plan
Reapproval of Final Site Plan Approval Subject
to Conditions**

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

SEQRA

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

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

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

On motion Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, absent; 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 **Reapproval of Final Site Plan Approval Subject to the Following Conditions:**

1. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.

2. The applicant shall comply with all previous Board Decisions. Copies of the following Board Decisions: PB# 21-35, Final Site Plan Approval Subject to Conditions, dated July 28, 2021; ACABOR#21-13, Approved as Presented, dated April 8, 2021; ZBA #20-63, Variances Approved for Front Yard, Side Yard, Rear Yard, Building Height, Outdoor Loading Berths and Parking in Front Yard, dated October 7, 2020 and PB#20-03, Preliminary Site Plan Approval Subject to Conditions, dated June 15, 2020.

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; Denise Lenihan, absent; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, absent; 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 27, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

**PB#22-40: Skae Site Plan
Pole Barn Reapproval Plan
Final Site Plan Approval
Subject to Conditions/ Reaffirmation
of SEQRA**

**Town of Orangetown Planning Board Decision
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**TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board**

RE: Skae Site Plan – Reapproval of PB#20-54: The application of Peter Skae, LLC, owner, for Reapproval of Final Site Plan Approval, PB#20-54, dated December 9, 2020, at a site known as “**Skae Site Plan – Pole Barn**” 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 337-339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 4 in the LIO zoning district.

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

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 21, 2022.
3. Copy of PB#20-54, Final Site Plan Approval subject to Conditions, dated December 9, 2020.
4. Site Plans entitled “Pole Barn Addition for Skae Training” prepared by Sparaco & Youngblood PLLC last revised January 2, 2022:
 - 1 of 6: Site Plan
 - 2 of 6: Part Plans, Grading, Utilities, Erosion Control Plan
 - 3 of 6: Existing Conditions Plan
 - 4 of 6: Details
 - 5 of 6: Details
 - 6 of 6: Fire Truck Access Plan
5. Building Permit Referral dated June 13, 2018, prepared by Rick Oliver, Building Inspector.

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

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**PB#22-40: Skae Site Plan
Pole Barn Reapproval Plan
Final Site Plan Approval
Subject to Conditions/ Reaffirmation
of SEQRA**

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

SEQRA:

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested

agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

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

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**PB#22-40: Skae Site Plan
Pole Barn Reapproval Plan
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of SEQRA**

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

On motion by Michael Mandel, Vice Chairman and seconded by Lisa DeFeciani and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; 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 **Reapproval of Final Site Plan Approval Subject to the Following Conditions:**

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

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**PB#22-40: Skae Site Plan
Pole Barn Reapproval Plan
Final Site Plan Approval
Subject to Conditions/ Reaffirmation
of SEQRA**

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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".

3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

4. All previous conditions remain in effect: PB #18-35, Preliminary Site Plan Approval Subject to Conditions, dated September 12, 2018; PB #19-50, Amendment to PB#18-35, dated July 31, 2019; ZBA #20-26, Variances Approved, dated June 3, 2020; ACABOR # 20-40, Approved with Conditions, dated September 17, 2020 and PB #20-54, Final site Plan Approval Subject to Conditions, dated December 9, 2020.

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman seconded Andrew Andrews, and carried as follows:
Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Andrew Andrews, 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 27, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2022 SEP - 7 P 12: 09
TOWN CLERK'S OFFICE

**PB #22-41: Tri-Bee Resubdivision
and Site Plan Consultation**

**Town of Orangetown Planning Board Consultation
July 27, 2022
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, NY
FROM: Orangetown Planning Board**

RE: Tri-Bee Resubdivision and Site Plan Consultation: The application of Tri-Bee LTD, owner, for Consultation Review at a site to be known as “**Tri-Bee Resubdivision and Site Plan Consultation**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 and 21A of the Code of the Town of Orangetown. The site is located at 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 and 5.2 in the CS zoning district.

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

Thomas Bertussi, Sean Quinn and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 13, 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 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated July 22, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated July 8, 2022.
5. Project Narrative.
6. Plans prepared by Jay Greenwell, PLS, dated March 29, 2022:
 - Existing Conditions Plan
 - Consultation Layout Plan

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

TOWN CLERK'S OFFICE

2022 SEP - 7 P 12:09

TOWN OF ORANGETOWN

**PB #22-41: Tri-Bee Resubdivision
and Site Plan Consultation**

**Town of Orangetown Planning Board Consultation
July 27, 2022
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CONSULTATION: In view of the foregoing and the testimony before the Board, offer the applicant the following comments:

1. Applicant is proposing to remove an existing 4 family dwelling and frame garage and add a 1,656 square foot addition to the existing 16-unit multifamily dwelling.
2. Tax Assessor's office records indicate that the structure at 120 E Central appears to have been built in approximately 1910, and the structure at 122 E Central in 1920, preceding the Town of Orangetown Zoning Regulations and is considered an existing non-conforming use.
3. Per Chapter 43, Article IX, section 9.43; "Extension or enlargement. [Extension or enlargement] shall mean: in the case of a nonconforming use in a building, the enlargement of such building so as to create additional floor area, or the extension within any existing building to any portion of the floor area therein not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming or the extension of the use to an area outside the building; and in the case of a nonconforming nonbuilding use, the use of any additional land on which no substantial operations were previously conducted, provided that any such extension or enlargement is on the same lot occupied by the nonconforming use on the effective date of this code.] A nonconforming use shall not be extended except as follows: To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use."
4. Per Chapter 43, Table 3.11, column 3, Uses by special permit, Zoning Board, Number 1, "Additions to existing residential structures...on the same lot as existing residential uses." A special permit is required.
5. A complete site development plan shall be submitted in conformance with Chapter 21 and 21A.
6. Applicant must advise as to what parking regulation they are applying to arrive at 22 spaces required as there is no minimum required off-street parking space requirement listed in Table 3.11, column 6 for this use.
7. Proposed building elevations shall be submitted.
8. Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) review and approval will be required.

TOWN OF ORANGETOWN
2022 SEP - 7 P 12:09
TOWN CLERK'S OFFICE

**PB #22-41: Tri-Bee Resubdivision
and Site Plan Consultation**

**Town of Orangetown Planning Board Consultation
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9. DEME supports the Conceptual Resubdivision and Site Plan.

10. If the application moves forward, DEME will have comments regarding the existing/proposed sanitary building connections.

11. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following Comments:

Site Plan Review:

Submission Reviewed:

Site Plan for Tri-Bee LTD prepared by Jay Greenwell, PLS, LLC last revised 03/29/22.

1. What is the width of the proposed access road?
2. What is the proposed height of the addition?
3. Show Fire Lane striping and signage.

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.

12. The Board offered the following recommendations:

- The plans note 16 units, however, the applicant stated 18 units, please clarify.
- Make the addition longer and thinner to create a court yard effect.
- Rebuild the retaining wall along John Street.

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

Dated: July 27, 2022
Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2022 SEP -7 P 12: 09
TOWN CLERK'S OFFICE

**PB #22-45: 622 Route 303 Site Plan Consultation
Town of Orangetown Planning Board Decision
July 27, 2022
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TO: Robert Stout, Colliers Engineering and Design, 555 Hudson Valley Avenue, suite #101, New Windsor, NY 12553
FROM: Orangetown Planning Board

RE: 622 Route 303 Site Plan Consultation: The application of 622 Route 303 LLC, owner, for Consultation for a site plan review at a site to be known as “**622 Route 303 Consultation**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.14, Block 1, Lots 11.2 & 11.3 in the LIO zoning district.

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

Justin Dates and Robert Stout appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 13, 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 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated July 22, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated July 8, 2022.
5. Project Narrative.
6. Plans prepared by Collier Engineering and design, dated May 31, 2022:
 - Sheet 1 of 2: Sketch Site Plan
 - Sheet 2 of 2: Sketch Site Plan

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, absent; Michael Mandel, Vice Chairman, aye; Lisa DeFeciani, aye; Kevin Farry, aye; Michael McCrory, absent 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, absent; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye and Andrew Andrews, aye.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

CONSULTATION: In view of the foregoing and the testimony before the Board, offer the applicant the following comments:

1. Applicant is proposing a new 150,000 square foot warehouse and separate 7,920 square foot office building.
2. A complete site development plan shall be submitted in conformance with Chapter 21 and 21A.
3. Proposed building elevations shall be submitted.
4. Per Chapter 43, Table 3.11, LI district, Column #7, #1, same as R-80; "no trucking movement of any kind shall be permitted in any district between the hours of 11:00pm and 6:00 am, unless permission has been granted by the ZBA."
5. Per Chapter 43, Table 3.11, LI district, Column #7, #2, same as CS #6; "no outdoor loading berths are permitted except by permission of the ZBA or Planning Board. This permission may be given at the time of the site review...or at the time of approval of a commercial subdivision."
6. review and approval will be required from the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR.)
7. A traffic study should be prepared.
8. The Board reviewed the plans and submitted information and offered the following comments:
 - The Town Attorney's Office will confirm that the Planning Board must give Preliminary Approval prior to the Town Board considering a watercourse division.
 - Review the ITE 156 Traffic study and difference for Big Box development vs Manufacturing.
 - Provide information regarding what will be manufactured, the hours of operation and parking.
 - The Board is concerned with traffic, wetland disturbance and approvals from New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers.
 - Provide a landscaping plan that screens the residential area.

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9. The applicant is hereby advised and reminded that a Water course Diversion permit is required for this site **AND MUST be obtained PRIOR to receiving Preliminary Approval for this proposed project.** This is because the design and construction of the proposed warehouse is directly dependent on the proposed water course diversion and enclosure. Application must be made to the Town of Orangetown Town Board. Copies of all correspondence relating to this issue shall be sent to DEME and the Planning Board. Also, the diversion **MUST** be designed to accommodate up to the 100yr. storm.

10. A Full SWPPP shall be required for this Site Plan. The SWPPP shall include but not limited to the following:

- a. Water quality and quantity requirements as spelled out in the NYSDEC Stormwater Management Design Manual (NYS-SMDM, January 2015).
- b. Zero net increase in runoff up to the 100yr. storm.
- c. Pre and post construction drainage calculations for all year storms as outlined in the NYS-SMDM, in separate, labeled appendices.
- d. The drainage calculations shall also contain year storm vs volume s elevation tales for all of the proposed stormwater systems and the WQ features.
- e. Soil erosion and sediment control features and details as spelled out in the New York State Standards and Specifications for Erosion and Sediment Control (NYD-SSESC, November 2016.)
- f. The SWPPP shall contain an Introduction which describes the Who, What, Where, How and When of the project.
- g. 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 and water quality design features are to be utilized for stormwater purposes for this project.
- h. The Introduction shall explain how Chapter 5-Green Infrastructure NYS-SMDM is satisfied by the stormwater management design proposed.
- i. The introduction shall contain a table that shows the breakdown of all existing and proposed land disturbance, demonstrating how the total area of disturbance was determined.
- j. The introduction shall add a table that lists all pre and post construction pervious & impervious areas of the site, with summation for each.
- k. The 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.
- l. The introduction of the SWPPP shall include a table showing elevation vs area vs volume numbers for the proposed infiltration pond system & WQ practices.

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Continuation of Condition #9...

- m. Construction phasing plan.
- n. Details for the proposed water course diversion system shall be added to the SWPPP and drawings, including but not limited to: calculations, construction details, material and installation information, bedding design, material and installation information, construction notes, headwall and wing wall design and details, etc.
- o. 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.
- p. An appendix shall be included containing the required “during” construction checklists for all of the proposed stormwater management facilities as well as all of the proposed soil erosion and sediment control features.
- q. An appendix shall be included containing the required post construction checklist for all of the proposed stormwater management facilities: infiltration pond, catch basin, piping, etc.
- r. 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.)
- s. The NOI shall be included in the SWPPP, in a separate appendix.
- t. Labeled separation tabs shall be added to the SWPPP.
- u. The SWPPP shall be bound by a 3-ring binder.

10. The required SWPPP 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). 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.

11. 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.

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TOWN OF ORANGETOWN
10000 STATE ROAD 303
ORANGETOWN, FL 32973
TEL: 352.385.1000
WWW.TOWNOFORANGETOWN.COM

12. The Sketch Site Plan depicts a proposed stormwater management facility to be placed underground. However, underground systems are specifically for sites where “above ground”/ at grade systems are not physically practical or possible. Due to the availability of open property on the site, all proposed stormwater management facilities shall be “above ground” systems(s).

13. The applicant/applicant’s engineer shall try and reduce the amount of proposed impervious surfaces wherever possible. This includes but is not limited to reduction in building size, reduction of proposed parking, reduction drive isles, etc.

14. If the 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.

15. 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.”*

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

Initial Feasibility Testing:

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

Concept Design Testing:

2. A minimum of one (1) test pit/ boring AND infiltration test for every 5000 SF of basin area, with no fewer than four (4) test pits/ borings and four (4) infiltration tests per facility.
3. The Town will allow the use of the same hole for boring AND infiltration – “provided that the test is being done at the proper depth, with the required separation from seasonal high groundwater and the soil in the bottom of the test pit hasn’t been disturbed where the infiltration test will be performed.”

17. If the 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.

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18. 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.

19. 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.

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

21. The "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.

22. The delineation (who and when) of the wetlands on the site shall be clearly defined on the drawings.

23. Profiles of ALL proposed drainage piping shall be added to the plans.

24. The drawings shall include all existing and proposed grading.

25. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) 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.

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**PB #22-45: 622 Route 303 Site Plan Consultation
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26. 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. The calculations shall include but not limited to: full buildout of the site for both possible usages – LI/LIO (warehouse/ Light manufacturing), capacity of the existing main to the Town owned sanitary pumping station, sanitary flows from the FedEx site, etc.

27. 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.

28. 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.

29. 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.

30. 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.

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

32. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments:

Site Plan Review:

1. Show the distance from the closest hydrant to furthest portion of the building measuring along the Fire Apparatus Access Route. Greater than 600' will require on-site fire hydrants. IFC 507.5.1
2. Ariel Fire Apparatus access is required for buildings over 30'. Access road minimum width is 26' and shall be no closer than 15' or further than 30' to the building. IFC D105.5
3. Show Fire Lane striping and signage.
4. Show that a straight fire apparatus 44' long with a 271" wheelbase can enter the property from all directions.
5. Show access road gate dimensions and emergency operation

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.

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PB #22-45: 622 Route 303 Site Plan Consultation
Town of Orangetown Planning Board Decision
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The Clerk to the Board is hereby authorized, directed and empowered to sign this **CONSULTATION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: July 27, 2022
Town of Orangetown Planning Board

A handwritten signature in blue ink, appearing to read 'Cheryl Caputo', is written over the printed name of the Town of Orangetown Planning Board.

TOWN OF ORANGETOWN
2022 SEP - 1 P 12: 10
TOWN CLERK'S OFFICE

**PB #22-46: Hauser Site Plan &
Tree Remediation Plan
Final Approval Subject to
Conditions
Neg. Dec.**

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

**Town of Orangetown Planning Board Decision
July 27, 2022
Page 1 of 13**

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

RE: Hauser Site Plan and Tree Remediation Plan: The application of Joseph Hauser, owner, for Final Site Plan and Tree Remediation Plan Review at a site known as “**Hauser Site Plan and Tree Remediation Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 200 Kings Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 1, Lot 35.1, in the R-15 zoning district.

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

Joseph Hauser appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 13, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated April 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 8, 2022.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated July 25, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 22, 2022.
7. Letter from Rockland County Drainage Agency signed by Vincent Altieri, Executive Director, dated July 21, 2022.

SEARCHED _____
SERIALIZED _____
INDEXED _____

**PB #22-46: Hauser Site Plan &
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8. Plot Plan Notes & Detail for 200 Kings Highway prepared by Sparaco & Youngblood, last revision date of June 22, 2022.
9. Letter from Sparaco & Youngblood, dated June 22, 2022, Drainage Narrative.
10. Building Permit Referrals dated March 24, 2021 and August 16, 2021, prepared by Rick Oliver, Building Inspector.
11. Copies of the following Board Decisions: PB 21-60: Hauser Site Plan & Tree Remediation, Preliminary Approval Subject to Conditions Neg. Dec., dated April 27, 2022; HABR #22-11, Approved with Revisions, dated June 14, 2022 and ACABOR #22-47, Approved with Conditions, dated July 21, 2022

The hearing was then opened to the Public.

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

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

Reaffirmation of SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the

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**PB #22-46: Hauser Site Plan &
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**Tree Remediation #51261
Site Plan #51836**

**Town of Orangetown Planning Board Decision
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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 Tree Remediation Plan and Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

PLANNING BOARD
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JUL 27 2022

**PB #22-46: Hauser Site Plan &
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Final Approval Subject to
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Neg. Dec.**

**Tree Remediation #51261
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On motion Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, absent; 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 a **Final Site Plan and Tree Remediation Plan Approval Subject to the following Conditions:**

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all previous Board Decisions: PB 21-60: Hauser Site Plan & Tree Remediation, Preliminary Approval Subject to Conditions Neg. Dec., dated April 27, 2022; HABR #22-11, Approved with Revisions, dated June 14, 2022 and ACABOR #22-47, Approved with Conditions, dated July 21, 2022

**PB #22-46: Hauser Site Plan &
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Conditions
Neg. Dec.**

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

**Town of Orangetown Planning Board Decision
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4. The applicant shall submit an updated Landscaping plan with ACABOR Conditions:

- The site is located in the Tappan Historic District and the proposed house had been reviewed and approved by the Town of Orangetown Historic Areas Board of Review (HABR). ACABOR reviewed only the site and landscaping plans. The Board noted that the plans presented to the HABR did not include the pool or cabana. Given the presentation of different plans to ACABOR, the applicant must reappear at HABR and present the pool and cabana for review and approval.
- The Landscape plan shall be revised accordingly; plant three (3) American Holly, staggered 6-foot on center, minimum height of 8' and seven (7) Prague Viburnum, each 5' to 6' in height, along the wetland line proceeding northwest to screen the property owned by Bertha Braunfeld, as noted on the Landscaping plan, revised at the July 21, 2022 ACABOR Meeting.

5. The applicant is reminded that no work is permitted and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Plan is stamped and the construction plans are reviewed and approved for NYS code compliance by the assigned building inspector.

6. The applicant's engineer shall include the design specifications, installation, maintenance and performance testing data for the proposed Gravel pave system in the drainage report. Also provide the NYSDEC approval for this product as an acceptable infiltration practice.

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

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

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

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

11. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater system shall be submitted to DEMA and the Town of Orangetown Town Attorney's Office for view and approval. Said agreement shall include a maintenance and management schedule, inspection check list contact person with telephone number, yearly report to be submitted to DEMA, etc.

12. Drainage Review – Brooker Engineering

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

Project Description

This is the fourth drainage review report for this project; the last review was dated April 26, 2022. The project consists of the removal existing single-family structure and construction of a new single-family home, driveway, and construction of a new swimming pool north.

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

Project Comments

1. As per our April 26, 2022, January 12, 2022 and November 9, 2021 drainage reviews, provide an elevation certificate for the proposed construction. Drainage Review Recommendation

10/10/2022

10/10/2022

10/10/2022

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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 Drainage Agency's letters of March, June 30, 2021 and December 15, 2021.
- The wetlands symbol is not provided in the legend, however presuming it is the light-colored cross-hash, it appears that both the proposed dwelling and proposed pool are within 100 feet of the wetland area. While the email from the NYSDEC dated April 11, 2022, indicated that an Article 24 permit would not be needed, the most current site plan, is dated June 22, 2022. The email from NYSDEC does not indicate which set of site plans were reviewed by NYDEC. As referenced in the April 2022 email, a **modified plan must be reviewed by NYSDEC to determine if a NYSDEC wetlands permit is needed.**
- The engineer of record shall certify to the Floodplain administrator for Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and Federal Emergency Management Agency.
- An updated review of the June 22, 2022 site plan shall be completed by the Rockland County Department of Health. An application is to be made to the RCDOH for review of the stormwater management system to ensure compliance with the County Mosquito Code, as indicated in their letter of October 14, 2021.
- The narrative from Joseph Hauser dated June 22, 2022 indicates an in-law addition is to be added. If this addition will serve as a second dwelling unit, or in-law apartment, it must comply with the regulations found in Section 4.5 of the Town's Zoning Code. The location of the in-law apartment must be clearly indicated on the site plan drawing.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (Nov. 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required under Section 30D-11 Site Plan approval, shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (August 2010) and all other local ordinance.

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Continuation of Condition #13...

- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Town, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the RCDOH prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by RCDOH prior to constructions.
- The map denotes the lot line between lots 77.05-1-35/1 & 35.2 as the former lot line. The site plan and application review form refer to the subject lot as 77.05-1-35, indicating the two lots have been merged. The cover letter, SEQR Lead Agency document, application for building permit, and out records indicate the subject parcel is 77.05-1-35.1. Further, our records show 77.05-1-35.2 as a separate lot. Our department reviewed an application to re-subdivide the two lots in April 2004. No minutes from the Planning Board meeting have been provided indicating what action was taken so it is unclear whether the re-subdivision was approved. It must be clarified whether the two lots have been merged or if they remain separate. If the lots have not been merged, it must be stated if lot 35.2 is a part of the application, as this will affect compliance with the bulk standards, and an access easement will be required.
- If the re-subdivision was approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the town must make sure that the deeds are properly filed with the County clerk to ensure the tax maps are properly updated.
- Approximately 200 feet of the proposed driveway off Kings Highway as well as the driveway leg leading to a circular drive, is proposed as a madam driveway. Being this site is in the 100-year floodplain and contains regulated wetlands, the RC Planning Department recommends that pervious pavers and/or other porous materials be used to a greater extent to further reduce impervious surfaces that can help reduce potential flooding issues on and off- site. In addition to permeable pavers, other green infrastructure techniques such as rain gardens and rainwater capture should also be considered. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

PLANNING BOARD

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Continuation of Condition #13...

- The site plan must contain a vicinity map that has a north arrow and scale.
- In the June 22, 2022 letter, the applicant references that a landscape plan was developed in cooperation with neighbors, however no landscape plan was submitted with this referral. A landscape plan must be submitted for review.
- The applicant shall consider using plants that are native to New York for the proposed landscaping. Native plants are better adapted to the local climate and soils are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local water bodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the NYSDEC website.
- The Board shall be satisfied that the proposed pool is built in compliance with the provisions of Chapter 33 (Swimming Pools) of the Orangetown Code.
- The Designated Street Line (DSL) 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.
- The c. 1780 or earlier Brower subject property and is associated with the historic Brower's Mill. It is suggested that the significant of any historic resources located on the property be evaluated. Any future development should be designed to protect significant historic resources, including their contributing features and landscapes.
- The Board application indicates that property receives water from SUEZ. Sheet 5 of the plan also references Suez. The application and plot plan must be corrected to Veolia North America.
- Map notes must be provided that include district details and site-specific information such as zoning designation, owner information and existing and proposed use.
- The site is approximately 40 feet west of NYS Route 303, which is one of the reasons for RC Planning review. All County interests that the site is within 500 feet of and all corresponding Referral Agencies must be indicated on Page 2 of the application.
- A graphic scale bar should be provided on the site plan.

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

1. The plot plan now indicates location of flood elevation 53 and 52 at the northern and southern areas of the site consistent with the effective Flood Insurance Rate Map (FIRM), however, the 100-year flood elevation delineation is incorrect as the grade elevations along the delineations are different than the flood elevation. Since the plan is prepared in the same vertical datum as effective FIRM datum of NAVD 88, the delineations should be along the grade elevation 53 in the upstream area and 52 in the downstream area, to be consistent with the flood elevation on both sides of the Sparkill Creek. Since there are no other comments relating to the drawings and the disturbance is more than 100 feet away from the flood elevation of the site, the RCDA is not requesting another revision to accurately delineate the 100-year flood elevation limits at the site. However, please be advised that the 100-year floodplain delineation as shown on this drawing shall be used as a basis for any future development.

2. Please provide the certification issued by the Floodplain Administrator for the Town of Orangetown indicating that the proposed construction follows the floodplain regulations of the Town of Orangetown and the Federal Emergency Management Agency, as previously requested. Alternatively, please have the Floodplain Administrator certify that the entire project is outside the 100-year floodplain limits.

3. Please provide a digital copy of the 200 Kings Highway drawings prepared by Sparaco & Youngblood, PLLC, signed and stamped by Steven Sparaco, PE, dated/last revised June 22, 2022.

4. The RCDA is prepared to issue Permit No. 21-23 under the Rockland County Stream Control Act regarding the above referenced matter. In regard, pursuant to the RCDA permit regulations, please submit **one of the following**:

- Performance Bond in the amount of FORTY-NINE THOUSAND THREE HUNDRED DOLLARS (\$49,300.00) to be released after permit conditions have been satisfied. Don Form for issuance a permit form the Rockland County Drainage Agency was attached to the letter. Please have your Surety Company complete the form and submit it with the required performance bond. Performance Bond must be posted by the applicant or the property owner.
- Cash Bond in the form of a certified bank check made payable to Rockland County Commissioner of Finance in the amount of FORTY-NINE THOUSAND THREE HUNDRED DOLLARS (\$49,300.00). The cash bond amount will be returned to the permittee after permit conditions have been satisfied.

The RCDA will issue and forward the permit to you upon receipt and review of the items requested above. No work is to be performed at the site until a valid permit from the RCDA has been issued.

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

16. 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.

17. 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.

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

19. 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.

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Continuation of Condition #19...

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.

20. 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.

21. 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.

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

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23. 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).

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

25. 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

26. 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 Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; 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 27, 2022
Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE
2022 SEP - 7 P 12:11
TOWN OF ORANGETOWN

**PB#22-47: Suez PFAS Compliance
Tappan Wells #16 & #20 Site Plan
Final Site Plan Approval Subject to Conditions**

Permit # 51726

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**TO: Gary Stuart, PE, CDM Smith, 11 British American Boulevard,
Suite 200, Latham, New York 12110**
FROM: Orangetown Planning Board

RE: Suez PFAS Compliance – Tappan Wells Site Plan: The application of Suez Water New York, Inc., owner, for Final Site Plan at a site known as “**Suez PFAS Compliance – Tappan Wells Site**”, 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 119 Washington Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 2, Lot 77 in the R-15 zoning district.

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

Gary Stuart and John Kirkpatrick appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 13, 2022.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated July 5 and 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2022.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 22 and July 12, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated July 26, 2022.
6. Letter from the Rockland County Department of Health, signed by Elizabeth Mello, PE., dated June 28, 2022.
7. Email from Orange & Rockland from Alfred Gaddi, PE, Principal Engineer, dated June 3, 2022.
8. Letter from CDM Smith, dated May 13, 2022, signed by Gary Stuart, PE, Project Manager, attachment “Project Narrative.”
9. Prior Board Decisions: ACABOR #22-17, Approved with a Condition, dated April 7, 2022 and PB #21-57, Preliminary Site Plan Approval Subject to Conditions, dated November 10, 2021.

**PB#22-47: Suez PFAS Compliance
Tappan Wells #16 & #20 Site Plan
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10. PFAS Compliance for Groundwater Wells Project B Site Plans, prepared by CDM Smith, dated May, 2022 and submitted revised plans dated July, 2022.

General

Cover Sheet

G-001: Index of Drawings

Civil

C-100- Civil General Notes, Abbreviations, Legend and Symbols

C-201: Civil Existing conditions/ Boring Plan – Tappan

C-202: Civil Site Clearing, Demolition and Staging – Tappan

C-203: Civil Sedimentation and Erosion controls Plan – Tappan

C-204: Civil Grading and Drainage Plan – Tappan

C-205: Civil Site Improvement Plan – Tappan

C-206: Civil Yard Piping Plan – Tappan

C-207: Civil Piping Profiles – Tappan

C-401: Civil Miscellaneous Site Details I

C-402: Civil Miscellaneous Site Details II

C-403: Civil Miscellaneous Site Details III

C-404: Civil Sedimentation and Erosion Details

C-405: Planting Details I

C-406: Planting Details II

Architectural

A-001: Architectural General Notes, Abbreviations and Symbols

A-201: Architectural Code Compliance and Egress Plan – Tappan

A-202: Ground and Roof Level Plans – Tappan

A-204: Architectural Building Elevations – Tappan

A-205: Architectural Building Sections - Tappan

A-401: Details I

A-402: Details 2

A-403: Roof & Wall Details

A-404: Door and Window Details

A-405: Window Details

A-406: Schedules and Signage

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

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

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

Reaffirmation of SEQRA

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

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

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- 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 Kevin Farry, and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; 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 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 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 Planning Board and the construction plans are reviewed and approved by the Building Inspector.
4. The total area of disturbance (a.o.d.) shall be listed on the civil drawings. The applicant's engineer is reminded that all proposed demolition and improvements must be added into the total a.o.d. (e.g. fence removal, piping and valve removal, asphalt removal, asphalt installation, building construction, fence installation, etc.). The a.o.d. shall be listed on the civil drawings: C-100, C-203 through C-206.

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5. The drainage calculations received by DEME were unbound, completely mixed up and hard to read. Also, there is no cover page, no table of contents, no project narrative, no description of proposed improvements, no description of proposed stormwater mitigation measures, etc. A thorough, complete set of drainage calculations shall be supplied for review and approval.

6. 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.

7. "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, permanent sediment depth markers with detail, plantings (if utilized for water quality control), emergency overflow spillways with elevations, etc.

8. Drawing C-204 shows a pipe – "Backwash connection to be containerized in FRAC tanks when used" existing the GAC treatment building. This is unacceptable. A system shall be added to direct and contain any possible spills from this connection.

9. Drawing C-203 (Civil Sedimentation and Erosion Control Plan) shall show ALL proposed site improvements.

10. The planting plans for the proposed rain gardens shall clearly demonstrate the total number of the plants that are to be planted in each garden. Also, the drainage calculations shall clearly demonstrate the stormwater quality affects the rain garden shall provide.

11. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) 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.

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12. Copies of all correspondence, including any and all approvals with the NYSDEC, US Army Corp of Engineers, Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEMA, prior to signing the map.

13. The Town of Orangetown Fire Prevention Bureau reviewed the plans and offered the following comments:

1. A Fire Apparatus Access road with a hydrant requires a minimum width of 26', proposed road width is 20'.
2. The proposed Fire Apparatus Access road requires a turnaround (2020 IFC D103.4) in accordance with 2020 IFC Figure D103.1. Show how the revised plan complies with this provision.

14. Drainage Review Recommendation – Brooker Engineering

The application has provided sufficient information to demonstrate that there are no potential significant adverse impacts with respect to drainage require mitigation. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Suez PFAS Compliance Tappan Wells Site Plan application be approved subject to the following Project Comments.

Project Description

This is the second drainage review report for this project. The project consists of the construction of a new 37'-4" by 28'-0" water treatment building for Suez Water. The site is already developed with driveway access and a parking area for a water supply well field. The site is on a plateau and stormwater runoff flows downhill to the east, south, and west sides of the parking area. Stormwater runoff is disconnected from the adjacent properties by the large undisturbed slopes on the site. For this submission, the building has increased in size slightly and the access driveway pavement improvements have increased. Rain gardens are provided to mitigate against increased in 7,000 SF of impervious surface.

Project Comments

1. Add a drawing last revised date to the drawing list on Sheet G-1.
2. Provide the building dimensions and paved area dimensions on the site plan.
3. The drainage report should contain supporting information for the 7,000 SF increase in impervious surfaces.
4. The drainage report should contain an executive summary, description of methodology, and existing and proposed conditions drainage subarea maps.
5. Calculations for each rain garden should be provided that shows the drainage area to be diverted to each rain garden.
6. Show proposed grading on the new road. Provide a swale along the east side of the widened driveway to prevent stormwater runoff from being directed to the adjacent property to the east on Washington Avenue.
7. It appears some areas of the new driveway and at the southwest corner of the new parking area will bypass the rain gardens; this should be redesigned.

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15. 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.

16. Orange and Rockland Utilities reviewed the plans and found that O&R does not have any gas facilities in the area. All code 753 rules must be followed.

17. The Rockland County Department of Health (RCDOH) reviewed the submitted information and provided the following comment:

1. Application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

18. 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:** There are no waterbodies that appear on the regulatory maps at the project site you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assures the classification of the water course into which it feeds and a Protection of Water permit may or may not be required to disturb its bed or banks. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks.
- 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 identified property is not within a New York State protected Freshwater Wetlands.
- **State Pollutant Discharge Elimination System (SPDES) Stormwater:** If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC Permits. As the site is within a Municipal Separate Storm Sewer System (MS4) community, the 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.

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Continuation of Condition #18...

- **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.

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.

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

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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, 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.

**PB#22-47: Suez PFAS Compliance
Tappan Wells #16 & #20 Site Plan
Final Site Plan Approval Subject to Conditions**

Permit # 51726

**Town of Orangetown Planning Board Decision
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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 Michael Mandel, Vice Chairman, and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; 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 27, 2022
Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE
2022 SEP -7 P 12:13
TOWN OF ORANGETOWN