

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, June 22, 2022**

**MEMBERS PRESENT:**

Michael Mandel, Vice-Chairman  
Denise Lenihan  
Andrew Andrews  
Lisa DeFeciani, (alternate member)  
Michael McCrory  
Kevin Farry

**MEMBER ABSENT:** Thomas Warren, Chairman

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

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

**New Item:**

*262*  
**276 South Boulevard Site Plan**  
Critical Environmental Area  
Prepreliminary/ Preliminary/  
Final Site Plan and SEQRA Review  
276 South Boulevard, Upper Grandview  
71.05/1/41; R-22 zoning district  
*66.17-1-23*

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

**PB #22-19** *29*  
*C. Coopersmith*  
*7-21-22*

**Continued items from June 8, 2022:**

*C. Coopersmith*  
*7-21-22*  
**Asahi Site Plan**  
Prepreliminary/ Preliminary/ Final Site Plan  
and SEQRA Review  
875 Western Highway, Blauvelt  
65.13/1/2; LO zoning district

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

**PB#22-26**

**SMK Erie West Subdivision Plan**  
Request for One 90 Day Extension to file  
the Subdivision Plan at the  
Rockland County Clerk's Office  
104 West Erie Street, Blauvelt  
70.13/1/20; R-15 zoning district

**Granted One 90 Day  
Extension**

**PB #22-28**

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 7:57 p.m. The next Planning Board meeting is scheduled for July 13, 2022.

**Dated: June 22, 2022**  
**Cheryl Coopersmith**  
**Town of Orangetown**

*Cheryl Coopersmith*

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

**PB#22-29: 262 South Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDR-415-22**

**Town of Orangetown Planning Board Decision  
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**TO: Robert Silarski, 41A North Broadway, Nyack, New York  
FROM: Orangetown Planning Board**

**RE: 262 South Boulevard Site Plan – Critical Environmental Area:** The application of Robert Silarski, AIA, applicant for William McCloskey, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**262 South Boulevard Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 262 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 23 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 22, 2022** at which time the Board made the following determinations:

Robert Silarski appeared and testified.

The Board received the following communications:

1. Project Review Report dated June 8, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated June 13, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 17, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief, dated June 7, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 15, 2022.
6. Letter from Rockland County Department of Planning, signed by Helen Kenny-Burrows, Deputy Commissioner of Planning, dated May 17, 2022.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated May 19, 2022.
8. Notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated June 6, 2022.

2022 JUN 23 10:01 AM  
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9. Notices from the Town of Orangetown Zoning Board of Appeals dated May 18, 2022.
10. Short Environmental Assessment Form signed by Robert Silarski, AIA, dated January 22, 2022.
11. Building Permit Referral to the Planning Board dated December 29, 2021 signed by Rick Oliver, Building Inspector.
12. Plans, Elevations, Section Plans prepared by Robert Silarski, dated February 3, 2022, last revised March 8, 2022.
13. Project Narrative Prepared by S & Co., dated January 22, 2022.

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

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

**SEQRA**

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

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**PB#22-29: 262 South Boulevard Site Plan  
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Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

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

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

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

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

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

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

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

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3. The applicant is legalizing an existing carport, deck and balcony constructed without permits.

4. The plan shall show the deck framing as well.

5. Per Chapter 43, Article V, 5.152, accessory buildings shall be located no less than 15 feet from the principal structure, with 12.6' proposed, **variance is required from the Town of Orangetown Zoning Board of Appeals**

6. The Bulk Table must be revised as follows:

- a. Provide floor area ratio to include the garage and carport area.
- b. Maximum building height for accessory structure is 15'-0", the Bulk Table shall be revised accordingly.

7. The Short Environmental Assessment Form must be revised as follows:

- a. Part 1, number 5b, shall be checked "Yes"
- b. Number 7-Town of Orangetown Critical Environmental Area of Upper Grandview and Environs

8. The Site Plan shall show the framing for the deck that is attached to the accessory structure.

**9. Drainage Review-Brooker Engineering**

The application has demonstrated that that there are no potential significant adverse impacts with respect to stormwater runoff that require mitigation. Brooker Engineering, the Planning Board's Drainage Consultant recommends that the 262 South Boulevard Site Plan be approved for drainage subject to no conditions.

10. Rockland County Department of Planning held that the parcel is outside of its area of jurisdiction, as it is not within 500 feet of any State or County Facility.

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

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

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

13. 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.

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**PB#22-29: 262 South Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

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

**15. 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.

**16.** 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.

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17. 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.

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

19. 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).

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

**21.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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

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

**Dated: June 22, 2022**  
Town of Orangetown



TOWN OF ORANGETOWN  
JUN 22 2022 4:10 PM  
TOWN CLERK'S OFFICE

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

**PB#22-29: 262 South Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

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

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

**NAME OF ACTION: 262 South Boulevard Plan – Critical Environmental Area**  
SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 262 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 23 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

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

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

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**PB#22-26: Asahi Site Plan  
Final Site Plan Approval  
Subject to Conditions/Neg. Dec.  
Town of Orangetown Planning Board Decision**

**Permit #BLDG-849-22**

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**TO: DCAK-MSA Architecture and Engineering, 53 Hudson Avenue,  
Nyack, New York  
FROM: Orangetown Planning Board**

**RE: Asahi Site Plan:** The application of DCAK0MSA Architecture and Engineering, for Asahi Depository, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as "Asahi Site Plan", in accordance, 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 875 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.13, Block 1, Lot 2; in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 8, 2022 meeting and June 22, 2022**, at which time the Board made the following determinations;

**June 8, 2022**

Dazen Cackovic and Joe Muebling appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 25, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, dated June 3, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6, 2022
4. letter from Brooker Engineering, signed by Kenneth DeGennaro, dated June 7, 2022.
5. Letter from Rockland County Planning Department, signed by Douglas Schuetz Acting Commissioner, dated June 8, 2022.
6. Letter and Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated May 23, 2022.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated May 23, 2022.
8. Letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, PE, dated June 2, 2022.
9. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated May 20, 2022.

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10. Project Narrative from DCAK-MSA Architecture and Engineering.
11. A Short Environmental Assessment Form (SEAF) signed by Drazen Cackovic, dated March 28, 2022.
12. Copy of Building Permit dated March 31, 2022, prepared by Rick Oliver, Building Inspector.
13. The following plans were submitted:
  - Site Plans prepared by DCAK-MSA Architecture and Engineering March 29, 2022, last revised May 16, 2022, unless noted:
    - TS-001: Title Sheet
    - C-100: Removals Plan, dated March 28, 2022
    - C-200: Site Plan and Vicinity Map
    - C-300: Grading Plan & Enlarged Site Plans
    - C-400: Civil Details
    - C-401: Civil Details
    - C-501: Vehicular Circulation Path Armored Truck & Fire Truck

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 Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

**Public Comment:**

Caroline Hill, 849 Western Highway, raised concerns regarding the entrance to the site and the weight limit on Western Highway.

Vanessa Lapin, 659 Western Highway, Blauvelt, raised concerns regarding signage for no Left Turn, enclosed bays and no idling. She believed there was wetlands on the site.

Patrick Hill 849 Western Highway, Blauvelt, raised concerns regarding accountability for truck traffic.

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

The applicant requested a **CONTINUATION** to the June 22, 2022 Planning Board Meeting.

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**PB#22-26: Asahi Site Plan  
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**June 22, 2022**

Dazen Cackovic and Joe Muebling appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2022
2. Letter from Brooker Engineering, signed by Kenneth DeGennaro, dated June 21, 2022.
3. The following plans were submitted:
  - Site Plans prepared by DCAK-MSA Architecture and Engineering:
    - TS-001: Title Sheet, last revised June 13, 2022
    - C-100: Removals Plan, last revised June 13, 2022
    - C-200: Site Plan and Vicinity Map, last revised June 13, 2022
    - C-201: Utility Plan, last revised June 13, 2022
    - C-300: Grading Plan & Enlarged Site Plans, last revised June 13, 2022
    - C-400: Civil Details; last revised June 13, 2022
    - C-401: Civil Details; dated March 28, 2022
    - C-500 Vehicular Circulation Path WB-67 Semi-Truck with Trailer, dated March 28, 2022
    - C-501 Vehicular Circulation Path Armored Truck & Fire Truck, dated March 28, 2022
    - C-502: Vehicular Circulation Path SU-30 Box Truck, dated May 16, 2022
    - C-600: Site Lighting Plan; dated June 13, 2022
    - L-100: Landscaping Plan, dated June 3, 2022

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

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

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**PB#22-26: Asahi Site Plan  
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**SEQRA**

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

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

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

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

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**PB#22-26: Asahi Site Plan  
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- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was Granted a Final Site Plan Approval Subject to the following conditions:**

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

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Building Inspector reviewed the submission and offered the following comments:
  1. Applicant is proposing to utilize the existing building for a New York based corporate office and for the storage of gold and silver.
  2. Review is required by the Town of Orangetown Architecture and Community Appearance Board of Review for the proposed exterior changes to the building and landscaping changes.
  3. The applicant indicated at the PRC meeting that the proposed operation will not utilize the 115 spaces that are required by the zoning code. The applicant shall consider land-banking parking spaces to reduce the amount of impervious coverage.
  4. The applicant is proposing a new 8'-0" high fence which requires a 5'-5" setback from the property lines along the side yards and rear yard. A section of the fence along the north property line has a 0'-0" setback. A variance from the Town of Orangetown Zoning Board of Appeals is required for that portion.
  5. The Short Environmental Assessment Form appears to be in order.
4. The total area of disturbance shall be added to the plans.
5. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include a detailed breakdown (preferably in table form) of all existing and proposed impervious surfaces and their related square footage/ acreage.
6. The applicant's engineer is reminded that if there is an increase in the total amount of impervious area, a full SWPPP, which addresses water quality, water quantity and post construction drainage improvements, must be prepared by a NYS Professional Engineer and submitted for review and approval by DEME.

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7. DEME strongly recommends that the applicant consider removing as much Impervious area (e.g. unnecessary parking) as possible so as to reduce the total impervious area coverage of the site. If this can be accomplished, a simple SWPPP will be required. However, that SWPPP shall include calculations detailing any and all proposed reductions in impervious areas as well as spell out how the proposal will satisfy both the "Green Infrastructure" and "Redevelopment" sections of the NYS Stormwater Management Design Manual. The SWPPP shall also include "during construction" protections and practices as well as a soil erosion and sediment control plan.

8. All existing drainage structures and related piping shall be shown on the plan. Also, profiles for all existing and proposed drainage facilities shall be added to the plans.

9. All existing and proposed sanitary sewer mains shall be shown on the plans.

10. The existing sanitary building connection shall be added to the plans.

11. All existing and proposed easement and dedications, along with their respective ownership, metes and bounds, and **filing information, shall be shown on the drawings.**

12. The datum for the contours shall be given on the plan.

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

#### 14. Drainage Review – Brooker Engineering

The application has demonstrated that there will be a reduction in impervious area and stormwater runoff, therefore there are no significant adverse impacts with respect to drainage that require mitigation. Brooker Engineering therefore recommends Asahi Site Plan be approved for drainage subject to the following Project Comments:

1. Show proposed ground cover in the area where pavement is removed.
2. Show proposed ground stabilization in the area of the southeast corner of the building.

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**15. The Rockland County Department of Planning had the following comments that are to be made part of the conditions:**

- 1. Table 15 (General Use Regulations) on sheet C-200 of the site plan states that warehouse use is permitted by right in the LO zoning district, however, Section 3.11, Column 2 of the Orangetown Zoning Code does not list warehouses as a permitted use in the LO zone. The Planning Board must confirm if the warehouse use is legally permitted on the site under another primary use classification or under storage as an accessory use.**
- 2. Table 4.2 (parking requirements) on Sheet C-200 of the site plan calculates the minimum number of parking spaces required for office use with one space per 300 square feet; however, Section 3.11, Column 6 of the zoning code requires one space per 200 SF of space of office use. The 9,338 square foot office area requires a minimum of 47 parking spaces. The applicant must also clarify which section of the code determines that one parking space is required per 1,000 square feet of storage space, as this requirement is not listed for the LO zoning district. The proposal resembles a wholesale and warehouse/manufacturing facility which requires on parking space per two employees or 300 square feet of gross floor area in the LI zoning district. The Planning Board must affirm which parking require apply for this use, Table 4.2 must be corrected, and either the parking lot be reconfigured to accommodate the minimum number of parking spaces required, or a variance be requested from the Zoning Board of Appeals.**
- 3. Inadequate parking for a site that has access to a County highway can impeded the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the County right of way. The Town must continually monitor the site to ensure that overflow parking does not occur, or that cars do not park within the County right of way.**
- 4. A review must be completed by the County of Rockland Department of Highway and all required permits obtained from them.**

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Continuation of Condition #15...

5. The Town of Clarkstown is one of the reasons this proposal was referred to this department for review. The municipal boundary abuts the northern property line of the site. New York State General Municipal Law states that the purpose of Section 239-l, 239-m and 239-n shall be to bring pertinent inter community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter community and county wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities, and the protection of community character as regards predominate land uses, pupation density, and the relation between residential and nonresidential area. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation amount adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area. The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
6. A review of the proposal with the firetruck turning radius plan, must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Blauvelt Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
7. A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.
8. The site abuts property owned by CSX Transportation, Incorporated and must have the opportunity to review this proposal and their comments considered.
9. The applicant must comply with the conditions of the Rockland County Department of Health's letter of May 23, 2022 and an application must be submitted for review of the stormwater management system for compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
10. Based on a review of the EAF and the Hudson River Natural Resources Mapper the subject site is near both federally and state regulated wetlands and significant areas on both the eastern and western portions of the site lie within a wetland "check zone", and contains probable wetlands soils. The Check Zone is an area near other mapped wetlands where actual wetlands. **Based on may occur.**
11. The proposed project may encroach into this area. This department recommends that field delineation of onsite wetlands be conducted to avoid negative impacts in the wetlands or any wetland buffers.

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**12.** Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with County Mosquito Code.

**13.** 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.

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

The proposed project is outside the jurisdiction of RCDA. Pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from RCDA is not required for development within this site.

**15.** The Town of Clarkstown reviewed the submitted information and found that the project is for local determination.

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

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

**18.** 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.

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

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

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**Continuation of Condition #20**

- 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.

**21.** 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.

**22.** 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.

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

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24. 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).

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

26. 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

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

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

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

**Dated: June 22, 2022  
Town of Orangetown Planning Board**  
attachment



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

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

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

**NAME OF ACTION: Asahi Site Plan –Final Approval Subject to Conditions-**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 875 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.13, Block 1, Lot 2 in the LO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

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**PB #22-28: SMK Erie West Subdivision Plan Granted One 90-day Extension to File the Subdivision with the Rockland County Clerk's Office**

**Town of Orangetown Planning Board Decision**

**June 22, 2022**

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**TO: Jay Greenwell, 34 Wayne Ave., Floor 2, Suffern New York**  
**FROM: Town of Orangetown Planning Board**

**RE: SMK Erie West Subdivision Plan:** The application of Jay Greenwell, applicant, for One 90 Day Extensions to file the Subdivision Plan at the Rockland County Clerk's Office, 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 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 meetings held **Wednesday, June 8 and June 22, 2022**, at which time the Board made the following determinations:

**June 8, 2022**

Jay Greenwell appeared and testified for the applicant.

The Board received the following communication:

1. Copy of the Final Subdivision Plan Approval Subject to Conditions, dated March 10, 2021.

The applicant requested a Continuation.

**June 22, 2022**

Jay Greenwell appeared and testified for the applicant.

The Board received the following communications.

1. Project Review Committee Report dated June 8, 2022.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 13, 2022.
3. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated June 16, 2022.
4. An Email from Jay Greenwell, dated June 10, 2022.

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

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**PB #22-28: SMK Erie West Subdivision Plan Granted One 90-day Extension to File the Subdivision with the Rockland County Clerk's Office**

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

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

**DECISION:** In view of the foregoing, the Board **GRANTED One 90-Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.**

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

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

**Dated: June 22, 2022**

**Town of Orangetown Planning Board**



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