

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, May 11, 2022

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

MEMBER ABSENT: Michael McCrory

ALSO, PRESENT: Rick Oliver, Building Inspector, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Katlyn Bettmann, Senior Clerk Typist.

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

New Item:

Tappan Fire District Site Plan
 Prepreliminary/ Preliminary/
 Final Site Plan
 and SEQRA Review
 135 Washington Avenue, Tappan
 77.11/3/4; CS zoning district

PB #22-22

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

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 Lisa DeFeciani and agreed to by all in attendance. The meeting was adjourned at 8:20 p.m. The next Planning Board meeting is scheduled for May 25, 2022

Dated: May 11, 2022



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 TOWN CLERK'S OFFICE
 MAY 11 - 12:34 PM 2022

PB #22-22: Tappan Fire District Site Plan Permit #BLGD-604-22
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TO: Atzl, Nasher & Zigler
234 Main Street, New City, New York
FROM: Orangetown Planning Board

RE: Tappan Fire District Site Plan: The application of Thomas Quinn-Tappan Fire District, applicant, for Volunteer Fire Association of Tappan, Inc., owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "Tappan Fire District 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 135 Washington Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 4 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 11, 2022 meeting**, at which time the Board made the following determinations;

Robert Ortman, Ryan Nasher, Jeff Sendlewski and Jerome Jefferson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 27, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Building Inspector, dated March 16, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 9, 2022
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 26, 2022.
5. Interdepartmental memorandum from the Parks and Recreation Department, Town of Orangetown, signed by Aric Gorton, Superintendent, dated April 26, 2022.
6. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated May 9, 2022.
7. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 29, 2022 and Michael Kezner, dated April 12, 2022.

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8. Letter and Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated April 7, 2022.
9. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated May 3, 2022.
10. Letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 14, 2022.
11. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 22, 2022.
12. Email from Orange & Rockland Utilities, from Alfred Gaddi, PE, dated March 31, 2022.
13. Notices from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, Acting Chair, dated April 6, 2022.
14. Letter from the New York State Parks, Recreation and Historic Preservation, dated January 11, 2022, signed by Sara McIvor, Historic Preservation Technical Specialist, with an attachment to Ramya Ramanathan, from Mihael Kilmer, New York State Department of Environmental Conservation, dated December 21, 2021.
15. Project Narrative from Atzl, Nasher & Zigler, dated March 28, 2022, last revised May 4, 2022.
16. Notice from Suez signed by Bill Prehoda, dated April 11, 2022.
17. A Short Environmental Assessment Form (SEAF) signed by Ramya Ramanathan, AICP.
18. The following plans were submitted:
 - Site Plans prepared by Atzl, Nasher & Zigler, dated January 12, 2022, last revised March 28, 2022.
 - Architectural Plans prepared by Sendleski Architects, dated December 22, 2021

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, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

Public Comment:

Tom Shae, 584 Route 304, Sparkill, raised concerns regarding flooding and runoff from the creek.

Vanessa Lapin, 659 Western Highway, Blauvelt, supports the fire department and asked for all documents to be posted on the website and preservation of lots and flooding.

Joseph Hauser, 3 Hauser Terrace, Tappan, supports the proposed project.

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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, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

SEQRA

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

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

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

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

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

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

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

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

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Building Inspector reviewed the submission and offered the following comments:
Chapter 43, Bulk Tale 3.12 requires a variance from the Town of Orangetown Zoning Board of Appeals for Front Yard, Side Yard, Total Side Yard and Rear Yard.
4. Chapter 2, Section 2-4(A) landscaping and lighting requires review and approval from the Town of Orangetown Architecture and Community Appearance Board of Review.
5. Chapter 21A, Section 21A-4(A) requires review and approval from the Town of Orangetown Planning Board.
6. Most of the site and partial building location in FEMA DFIRM (Federal Emergency Management Agency Digital Flood Insurance Rate map) Wetland Area. Requires approval from the DEC.

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7. Provide elevations at lot corners.
8. Partial building in drainage easement. Obtain approval from persons/entity that uses easement.
9. Provide direction arrows depicting drainage flow over property.
10. The Short Environmental Assessment Form requires approval by DEME and third-party Engineer.
11. Indicate handicap accessibility on proposed walk.
12. The applicant's engineer shall prepare a written explanation as to why no stormwater measures are being proposed. It shall include a detailed breakdown (preferably in table form) of all existing pervious and impervious surfaces and all proposed pervious and impervious surfaces.
13. DEME strongly suggests that signage be added to the parking area(s) that are within the 100-year flood zone indicating that this area(s) is subject to flooding and parking is at "your own risk."
14. All pervious and impervious areas shall be clearly defined and described (e.g. lawn, asphalt, concrete, etc.) on the drawing.
15. The symbols used for the various impervious and pervious surfaces proposed shall be added to the legend of each drawing.
16. The proposed edge of pavement shall be clearly defined on the drawings. Also, the location of all proposed curbing shall be clearly defined on the drawings.
17. The plan proposes to use the existing sanitary building connection. In order for the Town of Orangetown Sewer Department to consider allowing the use of the existing connection, the connection shall be tv'ed by the applicant/ applicant's contractor and witnessed by the Orangetown Sewer Inspector. A determination will then be made by the Orangetown Sewer Inspector. If it is determined that the existing building connection cannot be used, a new 6-inch lateral shall be installed for building. **A note shall be added to the plan stating that the existing sanitary building connection shall be tv'ed by the applicant and witnessed by the Town of Orangetown Sewer Inspector. The Town Sewer Inspector will decide if the existing sanitary lateral can be used for proposed building.**

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18. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities.

19. The top and invert elevations for the existing sanitary clean outs shall be given on the plans.

20. The metes and bounds for all proposed easements shall be given on the plans.

21. The proposed easements shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval.

22. The ownership of all existing drainage easements along the Sparkill Creek shall be given on the plan.

23. The existing rip rap along the south eastern side of the site shall be labeled as existing.

24. The location of all proposed soil erosion and sediment control (SESC) features shall be shown on the SESC plan. Also, inlet protection shall be added to the catch basin along Washington Street, at the northwest corner of the property. A detail for same shall be added to the plans.

25. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.

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

- Show fire lane/zone striping and signage.
- An Ariel Fire Apparatus access road is required for buildings over 30'. Access road minimum width is 26', label Ariel Access road on the plan. 2020 NYS IFC D105.1
- A hydrant must be within 400' of all portions of the building measured along an approved access route. The west side of the proposed building appears to extend greater than 400' from the existing hydrant. A private hydrant or an automatic sprinkler system may be required. 2020 NYS IFC 507.5.1.
- Buildings over 30' in height are required to have at last 2 fire apparatus access roads. Provide 2nd access road or exception. 2020 NYS IFC D194.1

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Continuation of Condition #26...

Construction Plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system
- Installation of a fire alarm system to the NFA 72 standard

27. The Town of Orangetown Office of Parks and Recreation reviewed the plan and offered the following comments:

The location proposed for the new Tappan Fire Department building has been used unofficially for many years for parking and pedestrian access to Tappan Memorial Park. A 1.9-acre passive park located on SBL 77.11/3/62. Per the discussion with the members of the Tappan Fire Department, the new construction will eliminate the opportunity for public parking on parcel 77.11/3/4. It is the recommendation of the Town of Orangetown Parks and Recreation Department that efforts be made to maintain a pedestrian access along the northeast side of this parcel directly adjacent to the Sparkill Creek. In addition, please consider the establishment of a minimum of five (5) parking spaces along the Sparkill Creek stone wall located on parcel 77.11/3/3.

28. Drainage Review- Brooker Engineering

The application is not increasing impervious area and stormwater runoff and is maintaining the existing drainage patterns; there are no potential significant adverse impacts with respect to drainage that require mitigation. Brooker Engineering therefore recommends that the Tappan Fire District Site Plan be approved for drainage subject to the following comments:

This is the first drainage review report for this project. The proposed action consists removal of an existing structure and parking area and the construction of a new 65' x 80' firehouse structure. The proposed building and parking are located over existing impervious surfaces; no increases in stormwater runoff will occur as a result of the proposed action. The Sparkill Creek is located on the property; the 100-year floodplain is elevation 43.3 NAVD and the 500- year floodplain is elevation 44.0 NAVD. The finished floor elevation of the new building is 46.0 NAVD.

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Continuation of Condition #28...

Project Comments:

1. Show the amount of existing and proposed impervious surfaces and quantify the reduction in impervious area on the Site Plan.
2. Show the FEMA floodway on the site plan. Any disturbances in the floodway require a hydraulic analysis that demonstrates no increase in 100-year base flood elevations.
3. Reference the FIRM Panel number on the Site Plan.
4. Show more detailed grading for the sidewalk along the southern property line. Show steps from the rear door locations if necessary. Coordinate the proposed elevations in this area with the existing elevations of the concrete curb, which is noted to remain.
5. Provide the elevation of the generator pad.
6. Show roof leaders and discharge points for the all the roof leaders.
7. Show the door on the east elevation on the Site Plan.
8. Add a map note "A Floodplain Development Permit is required from the Local Floodplain Administrator."
9. Provide an elevation certificate for the proposed construction.

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

1. Permitting development that does not comply with the applicable bulk standards can set undesirable land use precedent and result in the over utilization of individual sites. Significant variances are required from four of the five bulk standards that apply for the firehouse use. The front yard is deficient by 55 percent. The side yard and total side yard are only 12 and 40 percent compliant with the bulk standards, respectively. The rear yard is only five percent compliant with the minimum standard. The ability of the existing infrastructure to accommodate oversize structures is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Planning Board must consider the cumulative and regional impacts of permitting such development.
2. A review must be completed by the County of Rockland Highway Department, any concerns addressed, and all required permits obtained.
3. It must be stated whether a traffic light will be installed on Washington Street for the firehouse. If so, it must be installed in coordination with the Rockland County Highway Department.

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Continuation of Condition #29...

4. A review must be completed by the County of Rockland Drainage Agency, and all required permits obtained.
5. As per their letter of April 7, 2022, application is to be made to the Rockland County Department of Health for review of the stormwater management system to ensure compliance with the County Mosquito Code.
6. If there is any encroachment into the Federal wetlands, a review must be completed by the U.S. Army Corps of Engineers and all required permits obtained.
7. The engineer of record shall certify to the floodplain administrator for the Town that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
8. Prior to the start of construction of 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.
9. There shall be no net increase in the peak rate of discharge from the site at all design points.
10. Water is a scarce resource in Rockland County, thus proper planning and phasing of this project are critical to supplying the current and future residents of Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed PE and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the RCDOH.
11. For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the RCDOH
12. As proposed, the lot is 66 % deficient in providing the required amount of parking spaces for the firehouse. The fire department is likely to hold training events and activities that are open to the public, both within the building and in the parking lot. It is likely that the 13 spaces provided will not be able to support activities. Insufficient parking can impede 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. Under no circumstances will vehicles be permitted to park within the County right of way. If the on-site parking proves to be inadequate, the applicant shall pursue an off-site parking arrangement with an adjacent use. In the event that this is required, a written agreement with the adjacent property owner must be provided to the Town.

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13. The Planning Board must determine whether the proposed snow storage areas are sufficient for the site. This is especially important since only approximately a third of the required parking spaces are being provided.
14. The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. As proposed, the lumens are as high as 21.8 in the southeast corner of the site.
15. The applicant must provide evergreen landscaping or fencing along the rear of the property since the building will only be located five feet from the property line. This will help shield the structure from the adjacent parkland.
16. All proposed signage must be shown on the site plan and conform to the Town Requirements found in Column 5 of the Table of General Uses for the CS zoning district. Since the site is located in the Tappan Historic Area, any monument signs must conform to the requirements of the R-15 district standards, and cannot exceed 20SF. If any variances are required for signage, Rockland County Planning requests the opportunity to review as required by NYS General Municipal Law, Section 239-m(3)(a)(v).
17. 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.
18. An area to the east of the structure is reserved for a 95-gallon refuse container. It must be stated whether this is sufficient for the proposed use, or if additional refuse containers/dumpster are required.
19. The Rockland County Department of Planning requests the opportunity to review the variances that are needed to implement the proposed site plan.
20. The cover sheet and notice of Lead Agency form from the Town states the site is located at 135 Washington Avenue. This must be corrected to Washington Street. If the public hearing notice was issued with the wrong address, it must be revised and reissued.

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

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

31. The Rockland County Department of Highway reviewed the information and offered the following:

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

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32. 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.

33. Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA. Please have the applicant submit an application to the RCDA directly. The RCDA will provide project specific comments upon receipt and review of the permit application submission. Copies of the permit application package and Chapter 846 are being mailed to the property owner

All future development proposals for this site will require a review and a written determination from the RCDA as to whether a permit is required. The RCDA recommends that the Municipal department ensure the site has no outstanding violations and the applicant has secured a Stream Control Act Permit from Rockland County Stream Control Act is not requested for the current proposal. However, please be advised that, any future improvements at this site will require a permit or a determination otherwise from RCDA, prior to granting development permits.

34. Orange and Rockland Utilities reviewed the submitted information and found that the proposed work may be in conflict with the existing gas stub. Based on O&R maps, an O&R gas stub to an inactive service. O&R New Business Department must be contacted for all disconnects and installations. All code 753 rules must be followed.

35. 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.

36. 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

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

39. 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.

40. 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.

41. 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.

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Town of Orangetown Planning Board Decision
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42. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

43. 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).

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

45. 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

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

Override:

The Planning Board made a motion of Override Condition #13 of the letter from Rockland County Department of Planning, dated April 14, 2022, for the following reason:

TOWN CLERK'S OFFICE
MAY 11 2022 11:35 AM
TOWN OF ORANGETOWN

PB #22-22: Tappan Fire District Site Plan Permit ##BLGD-604-22
Preliminary Site Plan
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Override continued....

“13. Access and parking for the Tappan Memorial Park is provided through this lot. The construction of the fire house, it must be stated whether the access and parking will still be available to the public. Will sufficient parking be available for both the firehouse and the parking use once construction is complete? If the lot will no longer serve as parking and access for the park, an alternate location must be designated for such. These issues must be rectified before the firehouse use can be approved.”

The Planning Board held that Rockland County Planning condition #13 shall be overridden due to the following: There is currently no easement or agreement relating to this property and the Town of Orangetown that authorizes public parking on this property. The fact that the owner has apparently not pursued trespass in the past for cars parked on the property does not provide a legal basis for the Planning Board to enforce a condition relating to the instant site plan application that would require the applicant to provide public parking in the future on its private property. Also, the applicant has sufficiently demonstrated that there is not sufficient space to provide public parking on the property. It is noted that there is an easement on the property for pedestrian access to the park and that pedestrian access to the park will continue to be available.

A motion to override condition #13 of the April 14, 2022 letter was made by Andrew Andrews and second by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

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

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

Dated: May 11, 2022
Town of Orangetown Planning Board
attachment



TOWN CLERK'S OFFICE
MAY 11 2022 11:18 AM
TOWN OF ORANGETOWN

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

PB #22-22: Tappan Fire District Site Plan – Preliminary Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
May 11, 2022**

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

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

NAME OF ACTION: Tappan Fire District Site Plan –Preliminary 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 135 Washington Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 4 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

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

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

TOWN CLERKS OFFICE

2022 JUN -1 PM 03 35

TOWN OF ORANGETOWN