

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, May 25, 2022

MEMBERS PRESENT: Thomas Warren, Chairman

Stephen Sweeney

Denise Lenihan

Michael Mandel

Kevin Farry

Andrew Andrews

Michael McCrory

Lisa DeFeciani, (alternate member)

MEMBER ABSENT: None

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

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

New Items:

Onyx Management Plan

PB #22-23

Conditional Use Permit

Prepreliminary/ Preliminary/Final Plan and SEQRA Review

100 Corporate Drive, Blauvelt
65.18/1/6; LI zoning district

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

South Gate Replacement Site Plan

PB #22-24

Prepreliminary/ Preliminary/Final Plan and SEQRA Review

2 Glenshaw Street, Orangeburg
70.18/2/15; LI zoning district

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

Fitzsimons Subdivision Plan

PB #22-25

Request for Two 90 Day

Extensions to File

the Subdivision Plan with
the Rockland County Clerk's Office

315 Blauvelt Road, Pearl River
69.09/5/75; R-15 zoning district

**Granted Two 90
Extensions**

Other Business:

1. The Board reviewed Traffic Study proposals from four consultants to review the WPT Site Plan project, located at 518 Route 303 and 13 & 21 Mountainview Avenue, Orangeburg; Section 74.07, Block 1, and Lots 2, 33 & 36.

Amy Mele and Kory Chase appeared and testified for the applicant.

May 25, 2022 Planning Board Meeting

The Board reviewed four proposals: AKRF, Creighton Manning Engineering, Labelle Engineering and, Hardestry & Hanover Engineering.

The Board selected Creighton Manning Engineering to conduct the Traffic Study for the project site.

A motion was made to select Creighton Manning Engineering to conduct the traffic study for the WPT Project site 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; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye.

2. The Board selected AKRF to be the Planning Board's Planner to review the WPT Project site in the capacity of a "Planner".

A motion was made to select AKRF as the Planning Board Planner by Michael Mandel, Vice Chairman and second by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for June 8, 2022.

Dated: May 25, 2022
Cheryl Coopersmith
Town of Orangetown



PB #22-25: Fitzsimons Subdivision Plan Granted Two 90-day Extensions to File the Subdivision with the Rockland County Clerk's Office

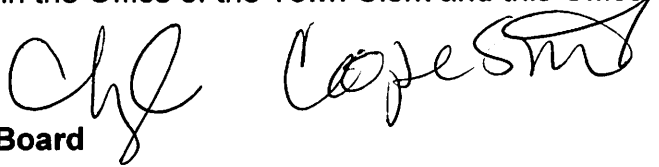
**Town of Orangetown Planning Board Decision
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DECISION: In view of the foregoing, the Board **GRANTED Two 90-Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.**

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, 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: May 25, 2022
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
MAY 25 2022
TOWN CLERK'S OFFICE

**PB #22-23: Onyx Management Plan
Final Conditional Use Permit
Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDC-950-22

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**TO: Nicole Vaqsques, 900 Rt. 9 North, Suite 400, Woodbridge, NJ
07095**
FROM: Orangetown Planning Board

RE: Onyx Management Plan: The application of Onyx Management Group, applicant, for PG-OE 100 Corporate Driver, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review and a Conditional Use Permit at a site known as “**Onyx Management 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 100 Corporate Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2022 meeting**, at which time the Board made the following determinations;

Seth Mandelbaum and Nicole Vasquez appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated May 19, 2022.
2. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 16, 2022.
3. Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated April 29, 2022.
4. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 28, 2022.
5. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 28, 2022.
6. Email from New York State Department of Transportation, from Jason Brenner, dated April 26, 2022.
7. Notices from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated April 20, 2022.
8. Applicant submitted Memorandum in Support of Application.

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9. Project Narrative from McCullough, Goldberger & Staudt, dated March 25, 2022.
10. A Short Environmental Assessment Form (SEAF) signed by Seth Mandelbaum, dated March 25, 2022.
11. The following plans were submitted:
 - Plans prepared by Project Design/Architecture Cycle Projects, dated April 30, 2021.
 - Building Use Plan prepared by Franz Laki, PE., last dated January 25, 2022.
 - Proposed Zone Boundary Adjustment Plan prepared by Franz Laki, P/E/, last dated December 21, 2021
12. Memorandum in support of Application, dated March 25, 2022.
13. Traffic Impact Study prepared by Colliers Engineering & Design, dated November 2, 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 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; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting 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 Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

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

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

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On motion Michael Mandel, Vice Chairman and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye. the Board made a Negative Declaration pursuant to SEQRA.

Conditional Use Permit:

In view of the foregoing and the testimony before the Board, the application was Granted a Conditional Use Permit, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final Conditional Use Permit 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."

[Faint, illegible text, likely a stamp or signature]

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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. Per Chapter 43, Table 3.11, Column 4, number 9, "nightclub", the applicant is seeking a conditional use permit to operate a brewery and taproom. The Town code defines nightclub as; "A building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public for consumption in the within building and music and/or entertainment is provided and wherein the maximum number of occupants is based on seven to 15 square feet of actual floor area of the assembly space per person."
4. Per Chapter 43, Article IV, section 4.1, performance standards review and approval is required for the manufacturing component and the proposed new HVAC units to be located on the roof.
5. Per Chapter 43, Table 3.11, Column 1, LI District, Column 6, total parking spaces required is 620 with 371 proposed. Applicant must seek a parking variance from the Zoning Board of Appeal.
6. The SEAF, Part 1, Number 2 must be checked YES as approval is required by the Zoning Board of Appeals and a building permit and Certificate of Occupancy must be obtained.
7. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

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

1. Inadequate parking for a site that has access to a State highway 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 right of way. According to the project narrative, 563 parking spaces will be required for the proposed taproom, which consists of the brewery and nightclub, and 690 parking spaces are required for the whole building, also including the existing office, wholesale sales/warehouse, and potential use for the vacant space. The narrative further states that there will be a total of 391 parking spaces on the site, which includes the proposed layout for the second story parking garage, which was not furnished with the application materials. With the speculative garage parking included, only 69% of the required off street parking is provided for the proposed use, and 56% of the required parking is provided for the entire development. The proposed use alone accounts for 82% of the required off street parking. The capacity of the proposed nightclub must be reduced so that fewer spaces are required, or a parking agreement to permit parking on an adjacent site with safe access to the subject property must be provided by the applicant. If the Town considers the minimum parking requirement to be inappropriate for a night club, it must amend the zoning accordingly rather than approving noncompliant development.
2. The Town of Orangetown did extensive research over a two-year period to create the Route 303 Overlay Zoning District, working with county, state and federal agencies, as well as the public, to ensure that the resulting zoning requirements would provide strategies to improve the roadway's operation, aesthetics, and safety aspects. Safety aspects are of paramount importance, as this was one of the underlying reasons for the study. We must emphasize that sufficient off-street parking is provided for the proposed uses in order to reduce vehicular movement onto Corporate Drive and NYS Route 303. Furthermore, the Planning Board shall be satisfied that all of the applicable provisions of the Rt. 303 Overlay Zone have been addressed.
3. The Town must also consider the possibility of a different tenant mix in the future, which could result in similar peak hour parking demands, thereby exacerbating the onsite parking deficiency. This analysis must evaluate the feasibility of off-site arrangements within close proximity to the subject building.

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Continuation of condition #8...

4. The second-story garage circulation and parking layout plans, mentioned in the fifth paragraph of the project narrative, must be sent to this department for review. This is especially important since the number of outdoor parking spaces provided onsite is significantly less than the minimum requirement. If the opportunity exists to provide electric vehicle charging stations, they must be delineated on the drawing. **The application cannot be approved without this information being provided.**
5. Additionally, the application materials do not completely clarify how much of the second story will be utilized for the parking garage. **The composition of uses on the second floor must be indicated.**
6. Conditional uses are, by definition, subject to a higher standard of review. The Planning Board shall be satisfied that the proposal complies with the general standards for conditional uses outlined in Section 8.1 of the Orangetown Town Code.
7. A review must be completed by the New York State Department of Transportation and all required permits obtained.
8. A review shall be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
9. 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.
10. **Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. The site plan must ensure that snow will not be stored in the landscaped areas, as this will cause damage to the proposed landscaping due to the weight of the snow and salt intrusion. Providing specific locations on the site for snow piles will reduce the loss of available parking spaces meant to be used by customers and employees. This is especially important because, once again, the existing parking area does not provide enough parking spaces to meet the minimum code requirements for the proposed uses.**
11. **The parking calculations to confirm the minimum of parking spaces required for the brewery, nightclub, and existing uses must be provided on the site plan to confirm the accuracy of the requirements stated in the Project Narrative.**

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Continuation of Condition #8...

12. All provided signage shall be indicated on the site plan and shall conform to the Town's sign standard.
13. If additional lighting is proposed, **a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.**
14. Question 20 on the SEAF is answered incorrectly. The EAF Mapper Application provided by the NYSDEC, indicates that this question should be answered affirmatively
15. The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.
16. The sheet labeled FIG-1 includes a Zone Area Table that indicates a portion of the site and building is in the LIO zone. According to the project narrative, the portion of the property that is was within the LIO district has been rezoned to LI. The official zoning map supports this by showing that the entire parcel is currently within the LI zone. The table must be corrected so that all application materials are consistent.
17. As indicated, the site has been rezoned so that it is entirely within the LI Zoning district. The zoning map on FIG-1 must be corrected to reflect the current zoning of the property and immediate surrounding area.
18. The use group must be specified on the Bulk Require.
19. Map notes must be provided that include districts details and site-specific information such as zoning designation, owner information, and existing and proposed use.
20. Proposed improvements to this property present an opportunity to advance the goals of the NYS Climate Leadership and Community Protection act (CLCPA), through the inclusion of publicly available electric vehicle (EV) charging stations. The CLCPA or Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal is the electrification of our transportation system through the expanded installation of EV charging infrastructure. The Site's placement along a major commercial corridor combined with retail and nightclub uses makes it an ideal location for the siting of EV charging station. With US auto makers predicting that approximately one half of new vehicle sales will be electric by 2030, the available of charging stations will likely be a positive attraction the site, its tenants, and customers. This department urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.

**Town of Orangetown Planning Board Decision
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9. 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.

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

1. With the change of use and congestion of Route 303 the NYSDOT will require a traffic impact study to be prepared. In particular the NYSDOT is concerned with the impact at Route 303/Bradley Hill Road.
2. A NYSDOT Highway Work Permit may not be required. However, depending on the impact to the signal the NYSDOT may ask for un-grades.
3. In previous discussions with the Town, NYSDOT recommended a corridor study to be taken to determine the help fund this study. Will this project be part of this funding?
4. Near the intersection of Route and Bradley Hill have a link speed of 30 mph for Route 303. The posted speed is 40 mph and will need to be changed.
5. With the illegal movements at the intersection of Route303/ Corporate Drive, additional signage will be required.

11. The Board provided the additional conditions:

- **In accordance with Town of Orangetown Town Code, Section 7A-6P” Nightclub”, the hours of operation shall be follows: Sunday though Thursday; 11:00 a.m. to 10:00 p.m. and Friday and Saturday from 11:00 a.m. to 11:00 p.m. If hours of operation change, then the applicant shall return to the Planning Board for review and approval.**
- The proposed signage, as noted in the comments from NYSDOT #5, shall be subject to review and approval by the Town of Orangetown Office of Building, Zoning, Planning Administrative and Enforcement.
- The applicant shall install directional signs on the internal roads to direct cars to and from the proposed bar/restaurant because of the left turn into the property going north on Route 303 onto Corporate Drive and also when leaving the bar/restaurant turning left onto Route 303 going north. The Town of Orangetown Building Department shall review and approve the signs and placement.

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

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

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

**Town of Orangetown Planning Board Decision
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14. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

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

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

176. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

18. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

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

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

APPROVED
PLANNING BOARD
TOWN OF ORANGETOWN

**PB #22-23: Onyx Management Plan
Final Conditional Use Permit
Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDC-950-22

**Town of Orangetown Planning Board Decision
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22. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

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, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting 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 25, 2022
Town of Orangetown Planning Board
attachment



TOWN OF ORANGETOWN
PLANNING BOARD
MAY 25 2022

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

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

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

**Onyx Management Plan
Town of Orangetown Planning Board Decision
May 25, 2022**

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

DESCRIPTION OF ACTION: Conditional Use Permit

LOCATION: The site is located at 100 Corporate Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16 in the LI 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

PLANNING BOARD
MAY 25 2022
TOWN OF ORANGETOWN

**PB #22-24: South Gate Replacement Site Plan-Aluf
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #51857

**Town of Orangetown Planning Board Decision
May 25, 2022
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**TO: James Pezzuto, 2 Glenshaw Street, Orangeburg, New York
FROM: Orangetown Planning Board**

RE: South Gate Replacement Plan – Aluf Plastics Site Plan: The application of API Industries, applicant, for Aluf Real Properties, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for the replacement of an electronic gate at a site known as “**South Gate Replacement Plan – Aluf Plastics 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 2 Glenshaw Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2022 meeting**, at which time the Board made the following determinations;

David Anderson, Michael Murphy, and Anthony Lawson appeared and testified. The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated May 19, 2022.
2. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 22, 2022.
3. Notices from the Rockland County Health Department signed by Liz Mello PE, dated April 29, 2022.
4. Notices from the Rockland County Highway Department, signed by Dyan Rajasingham, dated April 28, 2022.
5. A Short Environmental Assessment Form (SEAF) signed by Michael Canel, dated February 24, 2022.
6. The following plans were submitted:
 - Spec. drawings of a Heavy-Duty Slide Gate Operators Model GSLA-A.

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

APPROVED
MAY 25 2022
TOWN OF ORANGETOWN

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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; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye.

There being no one 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), not voting 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, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

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

APPROVED AND FORWARDED:
TOWN OF ORANGETOWN
PLANNING BOARD

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On motion 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, aye; Lisa DeFeciani, (alternate member), not voting 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 South Gate Replacement 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: The applicant installed a new gate without obtaining the required approvals. This application is to legalize the work that was done.
4. The Short Environmental Assessment Form (SEAF) appears to be in order.
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped.

TOWN OF ORANGETOWN
PLANNING BOARD
MAY 25, 2022

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6. Rockland County Sewer District #1 reviewed the plans and provided the following comments:

1. The District does not object to the plan as shown. This project does not affect any sanitary sewers belonging to the District. This facility no longer discharges into the Rockland County Sewer District #1 collection system. The District owns and maintains two (2) interceptor sewers in an easement on the property. Although this project does not affect the sewers, the District would like to state the following for the record:
 - a. No permanent structures may be built within the Districts easements. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - b. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manholes, frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done within the District easements.
 - c. Contractors must obtain required insurances and sign a waiver to defend, indemnify, safe and hold harmless both the County of Rockland and Rockland County Sewer District No.1 from ay claims arising from work performed within the District easements.

7. 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.

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

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

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

11. 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.

12. 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.

13. 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.

2022 MAY 25 11:11 AM
TOWN OF ORANGETOWN

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14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
15. 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).
16. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
17. 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
18. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Stephen Sweeney and second by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, opposed; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), Not voting 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 25, 2022
Town of Orangetown Planning Board

attachment



TOWN OF ORANGETOWN
PLANNING BOARD
MAY 25 2022

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

**PB #22-24: South Gate Replacement Site Plan-Aluf
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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: South Gate Replacement Site Plan-Aluf

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 2 Glenshaw Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15 in the LI 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

APPROVED AND FORWARDED:
TOWN OF ORANGETOWN
MAY 25 2022

PB #22-25: Fitzsimons Subdivision Plan Granted Two 90-day Extensions to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

May 25, 2022

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TO: Frank Phillips, 148 South Liberty Drive, Stony Point, NY
FROM: Town of Orangetown Planning Board

RE: Fitzsimons Subdivision Plan: The application of Olga Fitzsimons owner, for Two 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 315 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.09, Block 5, Lot 75, in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2022**, at which time the Board made the following determinations:

Frank Phillips and Steven Fitzsimons appeared and testified.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, dated May 25, 2022.
2. Copy of PB#21-36, Final Subdivision Plan Approval Subject to Conditions, dated June 30, 2021.
3. A letter from Frank Phillips, dated May 5, 2022.

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

A motion was made to open the Public Hearing portion of the meeting by Andrew Andrews and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, 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 Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, aye.

TOWN OF ORANGETOWN
MAY 25 2022
TOWN CLERK'S OFFICE

PB #22-25: Fitzsimons Subdivision Plan Granted Two 90-day Extensions to File the Subdivision with the Rockland County Clerk's Office

**Town of Orangetown Planning Board Decision
May 25, 2022
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DECISION: In view of the foregoing, the Board **GRANTED Two 90-Day Extensions to File the Subdivision Plan with the Rockland County Clerk's Office.**

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), not voting and Andrew Andrews, 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: May 25, 2022
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
MAY 25 2022
TOWN CLERK'S OFFICE