

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, October 12, 2022**

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

**MEMBER ABSENT:** Michael McCrory

**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, 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:

**Continued Items:**

<b>Maloney Subdivision Plan</b>	<b>PB#22-52</b>
Recommendation to the Town Board to Release the Performance Bond 60 Fischer Avenue, Pearl River Section 68.11, Block 2, Lot 70, R-15 zoning district	<b>Continued to October 26th Meeting</b>

<b>Brosna Site Plan</b>	<b>PB #22-53</b>
Final Site Plan Review 624 Route 303, Blauvelt Section 65.14, Block 1, Lot 7 LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>1021 Route 9W Site Plan</b>	<b>PB #22-54</b>
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 1021 Route 9W, Upper Grandview Section 71.09, Block 1, Lot 19; R-22 zoning district	<b>Postponed Applicant did not attend meeting</b>

<b>Tappan Fire District Site Plan</b>	<b>PB #22-55</b>
Western Highway Site Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 300 Western Highway, Tappan Section 74.18, Block 2, Lot 35; R-15 zoning district	<b>Preliminary Site Plan Subject to Conditions Neg. Dec.</b>

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## October 12, 2022 Planning Board Meeting

The decisions of the **September 14, 2022** Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Denise Lenihan carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye and Andrew Andrews, aye.

The decisions of the **September 28, 2022** Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Lisa DeFeciani carried as follows: Thomas Warren – Chairman, abstain; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel, Vice Chairman and seconded by Denise Lenihan and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for October 26, 2022.

**Dated: October 12, 2022**  
**Cheryl Coopersmith**  
**Town of Orangetown**



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TOWN CLERK'S OFFICE

**PB #22-53: Brosna Construction Site Plan  
Final Site Plan Approval  
Subject to Conditions**

**Permit #51365**

**Town of Orangetown Planning Board Decision  
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**TO: James Kirby, 624 Route 303, Blauvelt, New York  
FROM: Orangetown Planning Board**

**RE: Brosna Construction Site Plan:** The application of Brosna Construction, applicant for 624 Route 303 Realty, owner, for Final Site Plan Review at a site known as "**Brosna Construction Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 624 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.14, Block 1, Lot 7 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 12, 2022**, the Board made the following determinations:

Patrick Benn and Ryan Nasher appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 30, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated October 6, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated October 7, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 27, 2022.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated October 11, 2022.
6. Notices from Rockland County Department of Health, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated September 19, 2022.
7. Letter from Orange & Rockland Utilities, from Alfred Gaddi, PE, Principal Engineer, dated September 6, 2022.
8. Notice from the Rockland County Highway Department signed by Dylan Rajasingham, dated September 9, 2022.
9. Building Permit Referral to the Planning Board dated April 16, 2020 prepared by Rick Oliver, Building Inspector.
10. Copy of the following Board Decisions: ACABOR #22-45, Approved as Presented, dated July 21, 2022; ZBA #22-23, Approved side yard, total side yard and Section 13.10B (4), dated April 6, 2022 and PB #21-59: Brosna Construction Site Plan, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec. dated April 28, 2021.

LOUISIANA STATE ARCHIVE

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MANITOWOC COUNTY ARCHIVE

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11. Project Narrative prepared by Atzl, Nasher & Zigler.
12. Site Plan prepared by Atzl, Nasher & Zigler, dated April 14, 2021, last revised May 24, 2022.
13. Architectural Plans prepared by Harry Goldstein, RA, dated April 15, 2021, drawings 1, 2,3 and 4.

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

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

**Reaffirmation of SEQRA**

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

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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's consultants, Harry Goldstein, and Atzl, Nasher & Zigler, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department Health, Rockland County Sewer District No. 1 and Town of Orangetown Zoning Board of Appeals and having reviewed the drawings presented by Harry Goldstein, RA, and Atzl, Nasher & Zigler, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is reminded that no work is permitted and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the inspector. The applicant shall address the location of the existing sign by either moving it to the approved location or by returning to the Planning Board for a new location.
4. The applicant still needs to comply with PB #21-59 conditions:
  10. The site plan provided does not match the previously approved site plan (K-Binet) for this property. For example, there is additional impervious area that has been created on the site - parking stalls at the back of the property.
  11. The new/ unapproved additional impervious area (identified in comment #10 above) **MUST** be included in the applicant's engineer's calculations for total area of disturbance and total increase of impervious area. The drainage requirements for this site shall be based upon those numbers.
  12. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to **DEME for review and approval**. The applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site.

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**Continuation of Condition #4...**

13. All existing and proposed drywells, seepage pits, and drainage piping (if applicable) shall be shown on the drawing.
14. The existing sanitary septic or sanitary sewer house connections (with connection detail) shall be shown on the plan (including all inverts.)
15. All existing easements and dedications shall be shown on the plan, including metes and bounds, ownership, filing information, etc.
16. Soil erosion and sediment control plans and details shall be submitted to this DEME for review and approval.
17. The sign along Route 303, within the designated street area and the 25-foot landscape buffer, is not present on the previously approved site plan. See comment #10.
18. The location of the referenced benchmark shall be shown on the drawings.

**5. The label "CBCT" shall be defined in the drawing legend.**

**6. The Town of Orangetown Fire Prevention Bureau has no comment at this time.**

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

- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Blauvelt Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- On April 6, 2022, a variance was granted for Section 13.10B (4) of the Orangetown Code, which prohibits signage within the required 25-foot wide vegetated buffer along Route 303 right of way. The Town shall be satisfied that all other applicable provisions of the Overlay zone, outlined in Article XIII. Section 13.10B have been addressed in the proposed site plan.

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**Continuation of Condition #7...**

- The overlapping of parking layouts on the site plan drawing makes it difficult to discern between what is existing and what is being proposed. The drawing must use different line weights, colors, shading, etc. or use multiple sheets, to better distinguish the final parking lot configuration from what exists or was previously approved.
- Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Parking requirements calculations in the site plan indicates that a total of 19 parking spaces are provided, with one space for manufacturing, 9 spaces for office, and ten spaces for display/storage; however, the sum of these numbers is 20. In addition, only 19 parking spaces are illustrated on the site plan. **This discrepancy must be resolved.**
- The dumpster area is illustrated on the site plan directly east of the employee parking spaces. It will be difficult for sanitation workers to access the dumpster area if a vehicle is parked in this space. The dumpster must be relocated to an area that is accessible and does not impact yard requirements or parking maneuverability for the site, or the parking space must be relocated so as not to block the dumpster. Since only a minimum number of parking spaces are proposed and the site is located on Route 303, it is imperative that all features on the site be fully accessible and useable without compromising any parking spaces. As the dumpster location could impact the number of parking spaces being provided, **it must be relocated as to avoid the loss of any parking spaces provided.**
- The employee parking space is also situated extremely close to the proposed building addition. The potential for traffic conflicts between pedestrians and vehicles is great. Depending on the location of the building entrances, an employee leaving the building may walk directly behind a vehicle in the employee parking space. Building entrances must be located where they are not in conflict with parked vehicles. If the parking lot must be reconfigured due to the location on the entrances, it is paramount that sufficient on-site parking be provided since the property is located at the intersection of a State right of way. Inadequate parking for a site that has access near a state highway can impede the safe and efficient flow of traffic, hamper site distance, and create unsafe access conditions.

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**Continuation of Condition #7...**

- The site plan drawing only indicates that the two-story addition will have a 400 SF footprint, which only denotes the area of the first floor without the second floor. **The gross square footage of the addition must be included on the site plan.**
- It will be difficult for a vehicle parked in the southwestern most parking space to maneuver without sufficient turnaround area. In addition, the new western parking space in the three-space area, will also be difficult to maneuver out of given the design of the driveway in relation to this parking space. **All parking stalls located at the end of a dead-end parking aisle must be provided with adequate backing and turning around space.**
- No landscaping plan was submitted. **A landscape plan, indicating the species of plants to be used and where they will be planted, must be provided.**
- It is recommended that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and just of water. They also have deeper root systems that help prevent erosion and increase runoff into locale waterbodies.
- **Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place snow piles.** Providing specific location on the site for snow piles will reduce the loss of available parking spaces meant to be used by customers or employees. This is especially critical since only the minimum number of parking spaces are provided. In addition, designate specific areas will help protect the landscaping from damage due to the weight of the snow and salt intrusion.
- For any proposed lighting, **a lighting plan shall be provided** that shows fields of illumination. This plan must demonstrate that the intensity of the lumens is less than 0.1 at the property line.

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

**9. Orange and Rockland Utilities reviewed the plan and had the following comment: The proposed addition may be in conflict with the existing gas service as it enters the dwelling in the center. Please contact new business for any service relocations. All code 753 rules must be followed.**

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10. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #22-45, Approved as Presented, dated July 21, 2022; ZBA #22-23, Approved side yard, total side yard and Section 13.10B (4), dated April 6, 2022 and PB #21-59: Brosna Construction Site Plan, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec. dated April 28, 2021.

11. 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.

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

13. 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.

14. 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 preserve 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:

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**Continuation of Condition #14...**

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

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

**15.** 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.

**16.** 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.

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

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

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

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

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

The foregoing Resolution was made and moved by Kevin Farry and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) aye; Michael McCrory, absent; 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: October 12, 2022  
Cheryl Coopersmith**



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**PB #22-55: Tappan Fire District Site Plan      Permit #BLDC-1341-22**  
**Western Highway Site**  
**Preliminary Site Plan Approval Subject to**  
**Conditions, Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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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-Western Highway Site:** 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-Western Highway Site"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 300 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 35 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 12, 2022 meeting**, at which time the Board made the following determinations;

Thomas Quin, Ryan Nasher, Jeff Sendlewski and Jerome Jefferson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 30, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Building Inspector, dated October 5, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2022
4. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 27, 2022.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated October 12, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 27, 2022.
7. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated September 27, 2022.
8. Letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, III, dated September 29, 2022.

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**PB #22-55: Tappan Fire District Site Plan      Permit #BLDC-1341-22**  
**Western Highway Site**  
**Preliminary Site Plan Approval Subject to**  
**Conditions, Neg. Dec.**

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9. Notices from the Town of Orangetown Zoning Board of Appeals, dated September 21, 2022.
10. Project Narrative prepared by Atzl, Nasher & Zigler.
11. The following plans were submitted:
  - Site Plans prepared by Atzl, Nasher & Zigler, dated June 24, 2022, last revised July 15, 2022.
  - Architectural Plans prepared by Sendlewski Architects, undated.
12. A letter from Patricia and William Reger, dated October 10, 2022.

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

A motion was made to open the Public Hearing portion of the meeting by 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; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

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

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**PB #22-55: Tappan Fire District Site Plan      Permit #BLDC-1341-22**  
**Western Highway Site**  
**Preliminary Site Plan Approval Subject to**  
**Conditions, Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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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, 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 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 Sewer District No.1, Rockland County Department of Health and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

TOWN OF ORANGETOWN  
OCT 31 4 10 PM  
TOWN CLERK'S OFFICE

**PB #22-55: Tappan Fire District Site Plan      Permit #BLDC-1341-22**  
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On motion Michael Mandel, Vice Chairman and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, 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 **Preliminary Site Plan Approval Subject to the following conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant was provided with the following comments from the Office of Building, Zoning, Planning Administration and Enforcement:
  - The application will be referred to the Town of Orangetown Zoning Board of Appeals for a Front and Side Yard Variances.
  - The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval.
  - Please provide a complete parking plan with all striping. Calculate parking at one space per 200 SF and list (calculations) on the site plan.
  - Provide north, south, east and west elevation drawings.
  - Provide directions arrows on Grading Plan depicting drainage flow over property and from roof drains.
  - Depict the existing curb on Western Highway as being accessible.
  - If the rise between floors is greater than 12', add landing.
  - It appears that the assembly area on the top floor is inaccessible. Please remedy.
  - Demonstrate at least one bathroom is ADA compliant.
  - The scale on the architectural drawings appears to be inaccurate.

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4. The plans depict a proposed stormwater management facility to be placed underground. However, underground systems are specifically for sites where "above ground"/ at grade systems are not physically practical or possible. Due to the availability of open property on this site, all proposed stormwater management facilities shall be "above ground" system(s).
5. The total area of disturbance shall be listed on the plans.
6. The applicant's engineer is reminded that if the total area of disturbances over 1 acre, a full SWPPP shall be prepared for this site plan.
7. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval
8. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the proposed post construction stormwater facility locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to DEME.
9. Profiles for all existing and proposed drainage piping shall be added to the plans
10. Drawing 1 lists the lot area as 90,393 SF (2.07 acres.) However, a note on the site plan itself, just below the new proposed 2.5 story building, lists a lot area of 53,133 SF (1.2198 acres.) This discrepancy shall be corrected.
11. A construction entrance and catch basin inlet protection for all existing and proposed basins, shall be clearly show on the erosion and sediment control plan.
12. The soil erosion and sediment control symbols shall conform to NYSDEC standards.
13. The proposed (if applicable) sanitary building connection, with connection detail, shall be clearly shown on the plan, including all inverts.
14. If sanitary facilities or kitchen facilities are proposed for the new 2.5 story building, sanitary calculations for the proposed site, prepared and sealed by a NYS Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include the existing building and the proposed building.

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15. If kitchen facilities are proposed for the new 2.5 story building, the applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied with. The applicant shall contact the Town's F.O.G. Coordinator to determine this application's compliance with the F.O.G program.

16. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include facility specific Operation and maintenance manuals, management schedules, inspection checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.

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

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

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

20. Iron pins shall be drawn and labeled at each property corner. If not currently installed, the applicant shall label as such and install.

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

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

- Show Fire Lane striping and signage.
- Ariel Fire Apparatus access is required for buildings over 30'. Access road minimum width this 26' and shall be no closer than 15' or further than 30' to the building. IFC D105.5 label on plan.
- Open Flame cooking devices shall not be operated on combustible balconies or within 10' of combustible construction.

**Construction Plans shall include the following information:**

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

**23. Drainage Review- Brooker Engineering**

The application has provided stormwater detention that can mitigate potential significant impacts with respect to drainage. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Tappan Fire District – Western Highway Site Plan be approved for drainage subject to the following Project Comments.

This is the first drainage review report for this project. The proposed action consists of the construction of a new 26 feet by 26 feet 2.5 story building in the rear (west side) of the site, behind the existing firehouse. A terrace is proposed behind the proposed new building for an increase in impervious area of approximately 3,500 SF. A cultec underground detention system is proposed to receive stormwater rainfall runoff from the new impervious areas and provide mitigation of increases in stormwater runoff.

**Project Comments**

1. Provide the total impervious areas for existing and proposed conditions on the Site Plan.
2. Provide drainage calculations that support the size of the detention system. It appears based on 79.26 CF of storage per cultec detention unit and approximately 3,528 SF of new impervious area, there is storage for 0.5 inches of rainfall runoff from the new impervious area. The system will likely need to be expanded; however, there is room on the site for expansion of the system as currently proposed.
3. Drainage calculations shall include existing and proposed drainage area maps. The maps should show the area diverted to the detention system under proposed conditions. Brooker Engineering notes that there are proposed swales diverting additional grassy area to the detention system that should be included in the design.
4. The effective depth of available storage shall be the invert elevation of the overflow pipe.

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**Continuation of Condition #23...**

5. Show first floor and second floor elevations of the new building and all door locations on the Site Plan.
6. Show rim and invert elevations and pipe sizes for the drainage system in the terrace. Show positive drainage away from the building. Show positive drainage away from the building at the northeast corner of the new building.
7. Show number of risers and treads and height of risers for the staircase on the south side of the new building.
8. Show top and bottom of wall elevations for the terrace retaining wall.
9. Provide cleanouts or catch basins at all junctions and changes in direction of the proposed storm drainage pipes.
10. Show the foundation drain for the new building.
11. Provide soil testing to support the location and use of the cultec system.
12. Provide a maintenance schedule of the cultic system on the Site Plan

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

1. The applicant must comply with the conditions of the Rockland County Highway Department's letter of September 10, 2022.
2. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
3. 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.
4. There shall be no net increase in the peak rate of discharge from the site at all design points.
5. A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (August 2010) and local ordinances.
6. 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.
7. Parking requirements section on Drawing No. 1 of the site plan indicates that 13 parking spaces are provided; however, no parking spaces are depicted on the site plan. **The individual parking spaces must be clearly delineated on the site plan and in the field. The dimensions of the parking spaces must be indicated on the site plan, as well.**

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**Continuation of Condition #24...**

8. **A garbage enclosure must be indicated on the site plan.** Access to the garbage enclosure must be unimpeded and it must be demonstrated that its location will not impact yard requirements and parking maneuverability on the site. The fir trees will be shown on the site plan and the trees to be planted will be 6' to 7' in height.
9. It is recommended that the row of fir trees along the north boundary of the property be continued to the west property line to mitigate any potential visual or auditory effects of the proposed addition from the adjoining residential property.
10. **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, especially along Western Highway.
11. The Rockland County Planning Department requests the opportunity to review the variances that may be needed to implement the proposed site plan as required by NYS General Municipal Law, Section 239-m (3)(a)(v).

**25.** 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.

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

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

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

**28.** 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.

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

**31. 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.

**32.** 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.

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

**35.** 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).

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

**37.** 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

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

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The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, 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: October 12, 2022  
Town of Orangetown Planning Board

A handwritten signature in blue ink, appearing to read "Cheryl Cooper", is written over the printed name of the Town Clerk.

TOWN OF ORANGETOWN  
2022 OCT 31 A 10:14  
TOWN CLERK'S OFFICE



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

**PB #22-55: Tappan Fire District Site Plan      Permit #BLDC-1341-22  
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**Town of Orangetown Planning Board Decision  
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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: Tappan Fire District Site Plan Permit #BLDC-1341-22  
Western Highway Site - Preliminary Site Plan Approval Subject to  
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SEQR STATUS:    Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 300 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 35 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN