

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, September 14, 2022

MEMBERS PRESENT: Thomas Warren, Chairman
Michael Mandel, Vice Chairman
Andrew Andrews Kevin Farry
Denise Lenihan 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 Liz Decort, Secretarial Assistant II.

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:

11 Brookside Avenue Site Plan **PB#22-31**
Prepreliminary/ Preliminary/ Final Site Plan **Final Site Plan Approval**
and SEQRA Review **Subject to Conditions**
11 Brookside Avenue, South Nyack **Neg. Dec.**
Section 66.54, Block 1, Lot 29, RG-6 zoning district

St. Dominic Family Services Resubdivision Plan **PB #22-43**
Prepreliminary/ Preliminary/
Final Resubdivision Plan **Preliminary Resubdivision**
and SEQRA Review **Plan Approval Subject to**
500 Western Highway, Blauvelt **Conditions**
Section 74.06, Block 3, Lot 1.1; R-40 zoning district **Neg. Dec.**

New Items:

Monzon Resubdivision Plan **PB#22-47**
Reapproval of Final **Reapproval of**
Resubdivision Plan Review **Final Resubdivision**
40-45 Grand Avenue, Tappan **Plan Subject to Conditions**
Section 77.10, Block 2, Lots 36 & 44.1; R-15 zoning district

Tappan Fire District Site Plan **PB #22-48**
Final Site Plan and SEQRA Review **Final Site Plan Approval**
135 Washington Street, Tappan **Subject to Conditions**
Section 77.11, Block 3, Lot 4; CS zoning district

Holt Fine Addition Site Plan **PB #22-49**
Prepreliminary/Preliminary/
Final Site Plan and **Final Site Plan Approval**
SEQRA Review **Subject to Conditions**
55 Glen Byron Avenue, South Nyack **Neg. Dec.**
Section 66.70, Block 2, Lot 23; R-12 zoning district

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TOWN OF ORANGETOWN

September 14, 2022 Planning Board Meeting

K & P Paving Site Plan

PB #22-50

Prepreliminary/Preliminary/Final Site Plan and
SEQRA Review

Continued: Revise Plans

568 Route 303, Blauvelt

Section 70.14, Block 4, Lot 19; LO zoning district

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 9:00 p.m. The next Planning Board meeting is scheduled for September 28, 2022.

Dated: September 14, 2022
Cheryl Coopersmith
Town of Orangetown

Cheryl Coopersmith

RECORDED
SEP 19 4 45 PM '22
TOWN OF ORANGETOWN

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 1 of 10**

**TO: Michael Piccirillo, 11 Brookside Avenue, South Nyack
FROM: Orangetown Planning Board**

RE: 11 Brookside Avenue Site Plan: The application of Michael Piccirillo, applicant for Eric Nebot, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**11 Brookside Avenue 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 11 Brookside Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.54, Block 1, Lot 29 in the RG-6 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 13 and September 14, 2022**, the Board made the following determinations:

July 13, 2022

Michael Piccirillo appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 29, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated July 5, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 6, 2022.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated March 7, 2022.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 22, 2022.
7. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated June 28, 2022.
8. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated June 7, 2022.
9. Email from Rockland and Orange Utilities, from Alfred Gaddi, PE, dated June 3, 2022.
10. Letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra Engineer II, dated June 21, 2022.

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 2 of 10**

11. Notice from the Town of Orangetown Zoning Board of Appeals, dated June 15, 2022, signed by Dan Sullivan Chairman.
 12. Plan prepared by Michael Piccirillo, AIA, dated February 3, 2022.
 13. Building Permit Referral dated April 1, 2022 signed by Rick Oliver, Building Inspector.
 14. Letter from Michael Piccirillo Architecture, dated April 19, 2022.
- The Board reviewed the plans. The hearing was then opened to the Public.

The applicant requested a CONTINUATION.

September 14, 2022

Michael Piccirillo appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated August 31, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated August 25, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 26, 2022.
5. Short Environmental Assessment Form, dated August 8, 2022, signed by Michael Piccirillo.

A motion was made to open the public portion of the meeting by Michael Mandel 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, aye; and Andrew Andrews, aye.

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

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TOWN OF ORANGETOWN

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 3 of 10**

SEQRA

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel 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, aye; and Andrew Andrews, aye.

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 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, aye; and Andrew Andrews, aye.

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 Michael Piccirillo, RA and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Highway Department, Town of Orangetown Zoning Board of Appeals, and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

Michael Mandel
September 14, 2022
Michael Mandel

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 4 of 10**

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

On motion by Michael Mandel – Vice Chairman and seconded by Michael McCrory 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, aye; and Andrew Andrews, aye the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 5 of 10**

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

4. The Board required that the proposed trees to be planted should be changed to Green Giant Arborvitae. The plans shall note the type of trees to be planted on the site.

5. The applicant must supply plans on the Pool Enclosure (mechanism, fence include height connection between house and enclosure

6. The applicant must provide all information as required by the South Nyack Village Code, Chapter 330, Article XIV, section 330-17, Swimming Pools, © 3-8.

7. The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) for review and approval of the plans.

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

9. The Short Environmental Assessment Form must be revised as follows;
a) Number 9, 12 (a) and (b) and 15 must be marked Yes.
b) Number 20 must also be marked YES and noted 90 Clinton Avenue, South Nyack, site code C344063.

10. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no further comments at this time.

11. The applicant's engineer shall provide a written breakdown, preferably in table format, listing all specific existing impervious surfaces that are to remain, existing impervious surfaces that are to be removed, and proposed impervious surfaces. These areas shall include the square footage for each item.

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**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
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Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 6 of 10**

12. Drainage Review Recommendation – Brooker Engineering

The application is reducing impervious coverage on the site and maintaining the existing drainage pattern. There is no potential significant adverse impacts with respect to drainage that requires mitigation and Brooker Engineering therefore recommends the 11 Brookside Avenue Site Plan be approved for drainage subject to the following conditions.

Project Description:

This is the second drainage review report for this project, the last review was dated July 6, 2022. The proposed action consists of construction of a new pool and building addition to an existing single-family home. Portions of the existing driveway and other hardscapes are being removed, for a net reduction of 762 square feet of impervious surfaces. Stormwater runoff flows southeast to an existing drainage stream in the rear yard. Existing drainage patterns are being maintained.

Project Comments

1. The Site Plan shall provide the pool coping elevation and show proposed grading around the pool.
2. The proposed grading shall show the swale that enters the site along the west property line diverted around the pool.
3. Provide calculations to support the reduction in impervious area.

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

- A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland Sanitary Code.
- 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 New York State 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 Town shall be satisfied that the proposed fence and gates satisfy the requirements of Section 330-16D and 330-17 of the South Nyack Zoning Code.
- The designated street line (DSL) must be indicated on the site plan. The front yard and front setback measurements shall be to the DSL. The appropriate lot area deductions must also be indicated.

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 7 of 10**

Continuation of Condition #13...

- The Site Plan/Zoning Data Drawing (SP-1) is dated March 12, 2022 with a revision date of February 3, 2022. As this is the drawing of most interest, the date must be clarified. Ideally, the map date shall be specified on the GML Referral Form.
- Several questions on the SEAF are answered incorrectly. The EAF application, indicates that questions 12a, 12b, 15 and 20 on the SEAF shall be answered affirmatively.
- The map notes must include district information, lot area, zoning designation, and existing and proposed use.
- The subject proposed is within 500 feet of the NYS Thruway, the reason this referral was sent to this department. The Town of Orangetown land use board application shall note all corresponding referral agencies identified.
- The Vicinity Map must include zoning district information. A north arrow and scale shall also be provided on the map.
- The Building Permit application states that the existing use of the structure is Single Family (R-3). It is unclear what the R-3 denotes, as it is not listed as a district under Section 330-6A of the Village of South Nyack Zoning Code. The application must be corrected.
- The title sheet must include the most recent revision dated. Sheet A-200 was last revised on April 1, 2022.

14. 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.

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

- Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to RCDOH for review of the system for compliance with the County Mosquito code

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 8 of 10**

16. Orange and Rockland Utilities reviewed the submitted plans and offered the following comment:

Based on O&R maps it does not seem like the proposed work will be in conflict with the existing gas facilities. All code 753 rules must be followed.

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

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

18. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

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

- 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:

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 9 of 10**

Continuation of Condition #20...

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

24. 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).

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

Permit #909-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 10 of 10**

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

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

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

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.

The foregoing Resolution was made and moved by Andrew Andrews 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, 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: September 14, 2022
Cheryl Coopersmith



SEP 14 2022
TOWN OF ORANGETOWN
PLANNING BOARD

**PB#22-31: 11 Brookside Avenue Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 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 be prepared.

NAME OF ACTION: 11 Brookside Site Plan

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 11 Brookside Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.62, Block 1, Lot 39 in the RG-6 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

2022 SEP 14 10:00 AM
TOWN OF ORANGETOWN

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 1 of 10**

**TO: Jesse Cokeley, Collier Engineering, 50 Chestnut Ridge Road,
Montvale, New Jersey**
FROM: Orangetown Planning Board

**RE: Saint Dominic's Family Services Resubdivision Plan, a
continued item:** The application of Saint Dominic's Family Services, applicant for Sisters of St. Dominic of Blauvelt, New York, owner, for Prepreliminary/ Preliminary/ Final Re-Subdivision Plan Review at a site known as "**Saint Dominic's Family Services Resubdivision 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 500 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 1.1 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 13 and September 14, 2022**, the Board made the following determinations:

July 13, 2022

Brian Quinn, Jesse Cokely appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 14, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated July 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 22, 2022.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 8, 2022.
6. Notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated July 1, 2022.
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated June 30, 2022.
8. Town of Orangetown Zoning Board of Appeals, dated June 15, 2022, signed by Dan Sullivan, Chairman.
9. Letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra Engineer II, dated June 15, 2022.

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 2 of 10**

10. Subdivision Plan prepared by Collier Engineering and Design, dated May 18, 2022.
11. Short Environmental Assessment Form dated EAF August 5, 2022, signed by Jesse Cokeley, Collier Engineering.
12. Project Narrative from Ira Emanuel dated May 16, 2022.
13. Letter from the State Education Department, dated June 3, 2022, signed by Christopher Suriano.
14. Letter from the Office for People with Development Disabilities, dated March 23, 2022, signed by Brian O'Donnell, Statewide Director, Bureau of Program Certification, Division of Quality Improvements.

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

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

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

The applicant requested a CONTINUATION.

September 14, 2022

Jesse Cokeley, Ira Emanuel, and James Chrisici appeared and testified.

The Board received the following correspondence;

1. Project Review Committee Report dated August 31, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated August 25, 2022, with an attachment of a Revised EAF.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2022
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 26, 2022.
5. Subdivision Plan prepared by Collier Engineering and Design, dated August 5, 2022.

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

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 3 of 10**

A motion was made to open the public portion of the meeting by Michael Mandel 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, aye; Lisa DeFeciani, aye and Andrew Andrews, aye.

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

SEQRA

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

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

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): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Health Department, Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 4 of 10**

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

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

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 5 of 10**

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

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

4. Per Chapter 43, Table 3.12 - The following variances from the Town of Orangetown Zoning Board of Appeals are required;

Lot 1.11

- a) Max Far required .15 with .44 proposed
- b) Min. side yard required is 100' with 71.1' proposed
- c) Min. total side yard required is 200' with 154.1' proposed
- d) Min. rear yard required is 100' with 16.2' proposed

Lot 1.12

- a) Max Far required .15 with .29 proposed
- b) Min. front yard required is 100' with 3.1' existing and proposed to building #7 (ENC).
- c) Min. side yard required is 100' with 12.7' proposed
- d) Min. total side yard required is 200' with 49.9' proposed
- e) Min. rear yard required is 100' with 5.7' proposed
- f) Max. building height permitted is .78 feet with 30' existing and proposed to building #7 (ENC).

5. Per Chapter 43, Table 3.11 - R-40, Column 6, refers to R-80 column 6, number 4, 1 car/200 square feet of floor area - The following parking variances are required;

Lot 1.11- 695 spaces required with 38 provided.

Lot 1.12- 486 spaces required with 148 proposed

6. The Short Environmental Assessment Form is in order.

7. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no further comments at this time.

SEP 14 2022
TOWN OF ORANGETOWN

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 6 of 10**

8. All existing easements and dedications shall be shown on the plan, including page and liber or instrument number, metes and bounds and ownership.
9. All existing sanitary and storm sewer mains shall be shown on the drawing(s).
10. A proposed easement drawing shall be added to the plans showing all proposed cross easement, including but not limited to parking, storm sewer piping, flow/" transport" and maintenance between the proposed lots. These agreements shall include, but not be limited to, a breakdown of responsibility, ownership, emergency contact information, etc. The applicant shall submit separate instruments for the Stormwater and Sewer easements.
11. Because the existing sanitary private sanitary sewer system will run between two independent lots, the applicant/applicant's attorney shall prepare and supply a Sewage Transportation Authority agreement for review and approval by DEME and the Town of Orangetown Town Attorney's Office.
12. All existing post construction stormwater maintenance agreements that exist for the current lot shall be reviewed, modified (as necessary) and submitted to the Town Attorney's Office and DEME for review and approval before being refiled (to be in line with the post Resubdivision Lots.)
13. The proposed ownership for reach lot shall be placed in a table on the drawing.
14. Monuments shall be drawn and labeled at all subdivision corners and along the entire Right of Way.
15. Iron pins shall be drawn and labeled at each property corner.
16. A legend shall be added to the drawing(s).
17. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review shall be completed by the Rockland County Department of Highways, and all required permits obtained from them.
 - 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.

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 7 of 10**

Continuation of Condition #17...

- Since Federal wetlands are contained on this site, any future development will be subject to a review by the United States Army Corps of Engineers and all required permits obtained. The wetlands must be labeled, and their extent delineated on the site plan.
- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage agency before the County Clerk can accept the plan to be filed.
- **Once a subdivision has been approved, a filed ap cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the County Clerk's office to ensure that the tax maps are properly updated.**
- The minimum parking requirements and calculations for each use, along with the number of off-street parking spaces provided, must be included on the subdivision plat.
- The bulk table denotes that the required side and total side yards on both lots are existing nonconformities; however, these nonconformities are created by the proposed lot line's proximity to Building No. 1 and 4. Additional variances will be needed for both bulk requirements. The bulk Requirements Table must be corrected, and the application for the Orangetown Zoning Board of Appeals must include these requirements.
- The Rockland County Planning Department request the opportunity to review the variance that are needed to implement the proposed site plan as required by NYS General Municipal Law 239-m (3)(a)(v).
- The Designated Street Line (DSL) must be indicated on the site plan. The front yard and front setback measurements shall be to the DSL. The appropriate lot area deductions must also be indicated.
- Being this is a subdivision application, General Note No. 6 on the subdivision plan must reference Section 239-n of the General Municipal Law instead of Section L and M.

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 8 of 10**

Continuation of Condition #17...

- A vicinity map that contains a north arrow and scale must be provided. The map must include zoning district information.
- The map notes must include district information and existing and proposed uses.
- The Use Group must be listed on both Tables of Bulk Requirements.
- The title block indicates that the lot is 1.11, however, this is the number of the proposed lots, rather than the existing lot number. The lot number of the title block must be corrected to 1.1

18. 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.

19. The Rockland County Department of Highway reviewed the submitted information and provided the following comments:

- The proposed 2-lot subdivision requires a few variances from the applicable bulk standards. Permitting the proposed action may set an undesirable land use precedent in the area and may cause detrimental impacts on the community and surroundings, including traffic congestions, traffic safety problems and flooding issues on the public roads unless the applicant provides a reasonable justification for their action. The potential impacts must also be investigated and mitigated, if required.
- The proposed subdivision may require permanent access, drainage, and utility easements. These permanent easements shall be clearly defined in the subdivision map and recorded in the Rockland County Clerk Office.

20. 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 Health
- Rockland County Sewer District No.1

21. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans and Board Decisions prior to signing the final plans.

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 9 of 10**

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

23. 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.

24. 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.

25. 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.

**PB #22-43: St. Dominic Family Services Resubdivision Plan
Preliminary Resubdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 10 of 10**

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

27. 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).

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

29. 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

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

31. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

The foregoing Resolution was made and moved by Michael Mandel 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, 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: September 14, 2022
Cheryl Coopersmith

Cheryl Coopersmith

SEP 14 2022
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**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

**PB #22-43: St. Dominic Family Services Subdivision Plan
Preliminary Subdivision Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022**

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

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

NAME OF ACTION: St. Dominic Family Services Subdivision Plan

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

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 500 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 1.1 in the R-40 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

10 01 2022 10:00 AM

**PB #22-47: Monzon Resubdivision Plan
Reapproval of Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 1 of 4**

**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: Monzon Resubdivision Plan: The application of Abel Monzon, owner, for Reapproval of Final Resubdivision Plan for the merger of two lots into one, and SEQRA Review at a site to be known as "**Monzon Resubdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 40-45 Grand Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.10, Block 2, Lots 36 & 44.1 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 14, 2022**, the Board made the following determinations:

Donald Brenner appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated August 25, 2022.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 8, 2022.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 26, 2022.
4. Copy of PB #214-6, Final Resubdivision Approval Subject to Conditions, dated July 28, 2021.
5. Re-Subdivision Plans of Land Survey for Abel Monzon, dated April 22, 2021, last revised June 29, 2022.

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

A motion was made to open the Public Hearing portion of the meeting by Michael Mandell, 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, aye; and Andrew Andrews, aye.

A motion was made to close 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, aye; and Andrew Andrews, aye.

SEP 14 2022
10:00 AM

**PB #22-47: Monzon Resubdivision Plan
Reapproval of Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 2 of 4**

Reaffirmation of SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS 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: Rockland County Department of Highways, Rockland County Sewer District #1, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Planning and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, 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;

10/11/22 6:20 PM

**PB #22-47: Monzon Resubdivision Plan
Reapproval of Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 3 of 4**

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

On motion by Michael Mandel 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, aye; and Andrew Andrews, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the subdivision 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 conditions of PB#21-46 remain in effect and must be complied with regarding the merging of two separate undeveloped substandard tax lots to create one larger substandard lot.

**PB #22-47: Monzon Resubdivision Plan
Reapproval of Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 4 of 4**

4. Per Chapter 43, Table 3.12, R-15 Zoning District, Group M, column 5, Minimum Lot Area required is 15,000 square feet with 9,572 square feet proposed; and column 6, Minimum Lot Width, 100' required with 75' proposed. When the application comes back to the Office of Building, Zoning, Planning Administration and Enforcement for development of the lot, the applicant shall make application to the Planning Board for Site Plan review, to include drainage of the site, as well as obtain the required variance(s) at the Zoning Board of appeals.
5. The Department of Environmental Management and Engineering (DEME), Town of Orangetown Prevention reviewed the plans and has no comments at this time.
6. The Office of Building, Zoning, Planning Administration and Enforcement reviewed the plans and has no comments at this time.
7. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and has no comments at this time.

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

**September 14, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



10/21/2022 10:00 AM

**PB #22-48: Tappan Fire District Site Plan Permit #BLGD-604-22
Final Site Plan Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 1 of 12**

**TO: Atzl, Nasher & Zigler
234 Main Street, New City, New York
FROM: Orangetown Planning Board**

RE: Tappan Fire District Site Plan: The application of Thomas Quinn-Tappan Fire District, applicant, for Volunteer Fire Association of Tappan, Inc., owner, for Final Site Plan Review at a site known as "**Tappan Fire District Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 135 Washington Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 4 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 14, 2022 meeting**, at which time the Board made the following determinations;

Tom Quin, Ryan Nasher, and Jeff Sendlewski appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated August 31, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Building Inspector, dated August 31, 2022.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 9, 2022
4. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 26, 2022 and September.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated September 12, 2022.
6. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 29, 2022 and Michael Kezner, dated April 12, 2022.

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PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 2 of 12

7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated August 22, 2022.
8. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated September 2, 2022.
9. Project Narrative prepared by Atzl, Nasher & Zigler, dated March 28 revised July 13, 2022.
10. The following plans were submitted:
 - Site Plans prepared by Atzl, Nasher & Zigler, dated January 12, 2022, last revised July 14, 2022.
 - Architectural Plans prepared by Sendleski Architects, dated December 22, 2021, last revised June 1, 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 Michael Mandel, Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

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

Reaffirmation of SEQRA

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

SEP 14 2022
TOWN OF ORANGETOWN
PLANNING BOARD

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 3 of 12

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 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.

2022 SEP 14 10:00 AM
TOWN OF ORANGETOWN
PLANNING BOARD

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 4 of 12

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, aye; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye. the Board made a Negative Declaration pursuant to SEQRA.

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

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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 is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Planning Board and the construction plans are reviewed and approved by the Building Inspector.
4. The Board noted that the fire hydrant is closer than 400 feet, (moving the existing hydrant). The hydrant is approximately 310 feet of the Northwest corner of the property. This shall be noted on the map.
5. The applicant's engineer shall prepare a written explanation as to why no stormwater measures are being proposed. It shall include a detailed breakdown (preferably in table form) of all existing pervious and impervious surfaces and all proposed pervious and impervious surfaces.
6. The metes and bounds for all proposed easements shall be given on the plans.

SEP 14 2022
TOWN OF ORANGETOWN
PLANNING BOARD

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 5 of 12

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

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

- A hydrant must be within 400' of all portions of the building measured along an approved access route. The west side of the proposed building appears to extend greater than 400' from the existing hydrant. A private hydrant or an automatic sprinkler system may be required. 2020 NYS IFC 507.5.1.
- Buildings over 30' in height are required to have at last 2 fire apparatus access roads. Provide 2nd access road or exception. 2020 NYS IFC D194.1

Construction Plans shall include the following information:

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

9. Drainage Review- Brooker Engineering

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

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

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PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 6 of 12

Continuation of Condition #9...

Project Comments:

1. It appears there may be some fill in the FEMA floodway near the proposed 44 contour. Verify that there is no fill in the floodway or perform a hydraulic analysis verifying no increase in 100-year floodplain elevations.
2. Show the steps will be necessary from the center rear door, near the proposed top of curb elevation of 44.5.
3. The generator pad shall have a minimum of two feet of freeboard above the 100-year flood plain elevation.
4. Provide an elevation certificate for the proposed construction.

10. 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 2, 2022.
2. The applicant must comply with the conditions of the Rockland County Drainage Agency's letter April 14, 2022.
3. The engineer's letter to the Town of Orangetown Planning Board, dated July 14, 2022, states that there is no wetland on the site; however, the NYS Department of Environmental Conservation Environmental Resource Mapper indicated Federal wetlands within the northwestern portion of the site. The applicant must address this. As we have stated in prior reviews, if there is any encroachment into the Federal wetlands, a review must be completed by the USACOE and all required permits obtained. The wetlands must be delineated on the Site Plan.
4. If the USACOE requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S. then a section 401 Water Quality Certification (WQC) will be required. Issuance of these certification is delegated in NYS DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC Coverage under a Blanket requires compliance withal conditions for the corresponding Nationwide Permit.
5. The Sparkill Creek is listed in the FINAL NYS 2018 Section 303(d) List of Impaired/TMDL Waters (June 2020) as a waterbody with impairments that do not support best uses and requires development of a Total Maximum Daily Load (TMDL). The cause/pollutants identified are fecal coliform and oxygen demand. The suspected source of the pollution is urban/stormwater runoff. Development applications within the Sparkill Creek watershed must consider the adverse impacts of potential pollutant loading to the Creek.

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 7 of 12

Continuation of Condition #10...

6. The engineer of record shall certify to the floodplain administrator for the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town of Orangetown and the Federal Emergency Management Agency.
7. 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.
8. There shall be no net increase in the peak rate of discharge from the site at all design points.
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. The Planning Board must determine whether the proposed snow storage areas are sufficient for this site. This is especially important since only approximately a third of the required parking spaces are being provided.
11. All proposed signage shall conform to the Town requirements found in Column 5 of the Table of General Uses for the CS zoning district. Since the site is located in the Tappan Historic Area, any monuments signs must conform to the requirements of the R-15 district standards, and cannot exceed 20 SF. If any variances are required for the signage, we request the opportunity to review the.
12. To help reduce the impact of this development, reduction of impervious surface should be considered. In addition to permeable pavers proposed for the sidewalk, additional green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.
13. We recommend that the applicant use plants that are native to NY 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 use of water. They also have deeper root systems that help prevent erosion and increase runoff into local water bodies.
14. The Cover Sheet and Notice of Lead Agency from the Town of Orangetown states the site is located at 135 Washington Avenue. This must be corrected to Washington Street. **(Note: The Publication for the meeting states: Washington Street)**

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 8 of 12

11. Response to ATZL, Nasher & Zigler letter dated September 9, 2022 by David Majewski, Chief Fire Inspector, Town of Orangetown, dated September 14, 2022:

The engineer for the Tappan Fire District Site Plan, PB#22-22, has put forth his interpretation of section 507.5.1 of the International Fire Code (IFC) which is not longer in effect in NYS. Although the verbiage has not changed, the code in effect at present is the 2020 NYS IFC. The above section states:

“Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.”

The Town of Orangetown Chief Fire Inspector, interpret this to mean the distance from the hydrant to all portions of the building. As though a firetruck connected to the hydrant and drove to the furthest portion of the building laying hose as it traveled.

The letter from ATZL, Nasher & Zigler letter dated September 9, 2022, contends that “the code calculates the distance from a hydrant to a fire apparatus access road.”

The definition of a fire apparatus access road is: *A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.*

By definition, the hydrant located on a public street, is on the fire apparatus access road. Therefore, the distance from the hydrant to the access road is approximately 3'. The Chief Fire Inspector, sees nothing in the code which would dictate a measurement from the hydrant to the property line as being compliant with this code section.

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 9 of 12

12. 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.

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

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

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

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

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

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

17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

SEP 14 2022

SEP 14 2022

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 10 of 12

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- 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.

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

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

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 11 of 12

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

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

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

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

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

27. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #22-43, Approved as Presented, dated July 21, 2022; HABR #22-14, Approved as Presented with two minor changes, dated July 12, 2022; and PB#22-22; Preliminary Site Plan Approval Subject to Conditions, dated May 11, 2022.

PB #22-48: Tappan Fire District Site Plan Permit ##BLGD-604-22
Final Site Plan
Approval Subject to
Conditions

Town of Orangetown Planning Board Decision
September 14, 2022
Page 12 of 12

The foregoing Resolution was made and moved 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, aye; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

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

Dated: September 14, 2022
Town of Orangetown Planning Board



SEP 14 2022
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**PB #22-49: Holt-Fine Site Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDC-1185-22

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 1 of 7**

**TO: Kier Levesque, 49 Third Avenue, Nyack New York
FROM: Orangetown Planning Board**

RE: Holt-Fine Site Plan: The application of Kier Levesque, applicant, for Rebecca Holt Fine, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**Holt-Fine 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 55 Glen Byron Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.70, Block 2, Lot 23 in the R-12 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 14, 2022 meeting**, at which time the Board made the following determinations;

Kier Levesque and Rebecca Holt-Fine appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated August 31, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated August 25, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated September 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated August 26, 2022.
5. Letter from Rockland County Department of Planning, signed by Helen Kenny Burrows, Deputy Commissioner of Planning, dated August 19, 2022.
6. Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated August 22, 2022.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated April 28, 2022.
8. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated August 17, 2022.
9. Email from Orange and Rockland Utilities dated August 12, 2022, from Alfred Gaddi.
10. Project Narrative prepared by Kier Levesque, dated June 1, 2022.
11. Revised Short Environmental Assessment Form (SEAF) signed by Kier Levesque, dated September 6, 2022.
12. Copy of the Building Permit Referral signed by Rick Oliver, dated May 12, 2022.
13. The following plans were submitted:
 - Site Plan prepared by Kier Levesque, RA, dated May 5, 2022.
 - Architectural Plan prepared by Kier Levesque, RA, dated May 10, 2022.

SEP 14 2022
10:00 AM
PLANNING BOARD

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 2 of 7**

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

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

There being no one to be heard from the Public, a motion was made by 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, aye; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye.

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (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, aye; Lisa DeFeciani, (alternate member), aye and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

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

following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County 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.

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

SEP 14 2022

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 4 of 7**

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 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. Per the Village of South Nyack Zoning Code, Chapter 330, Section 330, Schedule 1, R-12 District, required front yard is 35' with 25.0' and 25.2' existing and proposed to the new expansion.
4. Per the Village of South Nyack Zoning Code, Chapter 330, Article XIV, Section 330-87 C (4); "Architectural review. After final submission, the Planning Board shall refer the application to the Architectural Review Board, when required, for approval..."
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 and the construction plans are reviewed and approved by the inspector.
6. The Short Environmental Assessment Form must be revised as follows;
 - c) Number 7, must be marked Yes and noted Hudson River CEA.
 - d) Number 12 a and b must be marked Yes.
 - e) Number 13 must be marked Yes.
 - f) Number 15 must be marked Yes and noted Atlantic Sturgeon, Short nose
 - g) Number 20 must also be marked YES and noted 90 Clinton Avenue, South Nyack, site code C344063.

SEP 14 2022

SEP 14 2022

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 5 of 7**

7. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.

8. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and offered the following comment:

The existing sanitary house connection or septic system shall be shown on the drawing.

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. Orange and Rockland Utilities reviewed the submitted information and found that there does not seem to be any conflicts with the proposed work. Please contact O&R's new business department for any load increases. All code 753 rules must be followed.

11. 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.

12. 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 Health Department
- Rockland County Sewer District No. 1

13. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

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

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 6 of 7**

Continuation of Condition #15...

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

**Town of Orangetown Planning Board Decision
September 14, 2022
Page 7 of 7**

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

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

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

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

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

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: September 14, 2022
Town of Orangetown Planning Board
attachment**



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

**PB #22-49: Holt-Fine Site Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2022**

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

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

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

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 55 Glen Byron Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.70, Block 2, Lot 23 in the R-12 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