

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, September 28, 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:

New Item:

Rebermak-McKee Attic Plan
Prepreliminary/Preliminary/
Final Site Plan and
SEQRA Review
19 Division Avenue, South Nyack
66.54/1/5; RG-6 zoning district

PB #22-51
Final Site Plan Approval
Subject to Conditions
Neg. Dec.

Continued Items:

WPT Acquisitions Resubdivision Plan
Prepreliminary/ Preliminary/
Final Resubdivision Plan
and SEQRA Review
518 Route 303 & 13 and
21 Mountainview Ave, Orangeburg
74.07/1/2, 33 & 36; CC, LI, LO zoning districts

PB#22-17
Postponed to
November 9th Meeting
at the Request of
the Applicant

WPT Acquisitions Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
518 Route 303 & 13 and
21 Mountainview Ave, Orangeburg
74.07/1/2, 33 & 36; CC, LI, LO zoning districts

PB#22-18
Postponed to
November 9th Meeting
at the Request of
the Applicant

A motion was made to go into Executive Session at 7:55 p.m. by Thomas Warren, 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.

A motion was made end Executive Session at 8:05 p.m. by Thomas Warren, 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.

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 Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for October 12, 2022.

Dated: September 28, 2022
Cheryl Coopersmith, Town of Orangetown Planning Board

Cheryl Coopersmith

**PB #22-51: Rebernak-McKee Attic Site Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDC-1372-22

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**TO: Jeffrey Small, 97 Duncan Avenue, Cornwall-on-Hudson, New
York 12520**
FROM: Orangetown Planning Board

RE: Rebernak-McKee Attic Site Plan: The application of Kate Rebernak and Scott McKee, owners, for Preliminary/ Preliminary/ Final Site Plan Review at a site known as "**Rebernak-McKee Attic 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 19 Division 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 5 in the RG-6 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 28, 2022 meeting**, at which time the Board made the following determinations;

Jeffrey Small appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 14, 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 September 26b 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated September 26, 2022.
4. Email from Rockland County Drainage Agency, from Shajan Thottakara, Engineer III, dated August 30, 2022.
5. Letter from the New York State Department of Transportation, signed by Brandon Robuck, PE, dated August 22, 2022.
6. Email from Orange and Rockland Utilities dated August 22, 2022, from Alfred Gaddi, PE.
7. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 5, 2022.
8. Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated September 6, 2022.
9. Copy of the Building Permit Referral signed by Rick Oliver, dated June 7, 2022.
10. Project Narrative prepared by Jeffrey Small, RA, dated July 29, 2022.
11. Short Environmental Assessment Form (SEAF) signed by Jeffrey Small, AIA, LEED, A.P., dated June 30, 2022.

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12. The following plans were submitted:

- Site Plan prepared by Jeffrey Small, dated May 27, 2022.
- Architectural Plan prepared by Jeffrey Small, dated May 27, 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 Thomas Warren – Chairman 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.

There being no one to be heard from the Public, a motion was made by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, 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 (al) 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

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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 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 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 made a Negative Declaration pursuant to SEQRA.

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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. 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.
4. The Short Environmental Assessment Form appears to be in order.
5. The Town of Orangetown Department of Environmental Management and Engineering reviewed the plans and had no comments.
6. The Rockland County Drainage Agency reviewed the submitted plans and determined that the site was outside the jurisdiction of the Drainage Agency and had no comments.
7. The New York State Department of Transportation (NYSDOT) reviewed the submitted documents and found that NYSDOT does not anticipate impacts to the State's highway.
8. Orange and Rockland Utilities reviewed the submitted information and found that there seems to be only construction on the existing roof and if that is the case, there is no conflicts to the gas service.

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9. 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.

10. 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

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

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

13. 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.

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14. 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.

15. 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.

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

17. 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 (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants 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).

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

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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, 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 28, 2022
Town of Orangetown Planning Board
attachment

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

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

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

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

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 19 Division 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 5 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

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