

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, November 9, 2022**

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

**MEMBER ABSENT:** Andrew Andrews

**ALSO, PRESENT:** Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Patricia Beers, Stenographer, and Katlyn Bettmann, Clerk Typist

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

<b>The Reserve at Pearl River Resubdivision Plan</b> (Lot Line Modification) Prepreliminary/ Preliminary/ Final Resubdivision Plan Blue Hill Plaza/Veterans Memorial Drive, Pearl River 73.10/1/6; OP/PAC zoning districts	<b>PB #22-56</b> <b>Final Resubdivision Approval Subject to Conditions</b>
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<b>The Reserve at Pearl River Site Plan</b> Final Site Plan Review Blue Hill Plaza/Veterans Memorial Drive, Pearl River 73.10/1/6; OP/PAC zoning districts	<b>PB #22-57</b> <b>Final Site Plan Approval Subject to Conditions</b>
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<b>Databank Orangeburg Site Plan</b> Final Site Plan Review 2000 Corporate Drive, Orangeburg 73.15/1/19; LIO zoning district	<b>PB#22-58</b> <b>CONTINUED at the Request of the Applicant to January 11, 2023 Meeting</b>
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**Continued Items:**


<b>WPT Acquisitions Resubdivision Plan</b> 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	<b>PB#22-17</b> <b>CONTINUED at the Request of the Applicant</b>
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<b>WPT Acquisitions Site Plan</b> 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	<b>PB#22-18</b> <b>CONTINUED at the Request of the Applicant</b>
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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 12:30 a.m. The next Planning Board meeting is scheduled for December 14, 2022.

**Dated: November 9, 2022**

**Cheryl Coopersmith, Town of Orangetown Planning Board**

  
TOWN OF ORANGETOWN  
PLANNING BOARD  
2022 DEC 15 P 12:44

**PB #22-56: The Reserve at Pearl River  
Resubdivision Plan (Lot Line Modification)  
Final Resubdivision Plan**

**Town of Orangetown Planning Board Decision  
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**TO: Donald Brenner, 4 Independence Drive, Tappan, New York  
FROM: Orangetown Planning Board**

**RE: The Reserve at Pearl River Resubdivision Plan:** The application of the Reserve at Pearl River, LLC, applicant, for Hunter Douglas, Inc., owner, for Prepreliminary/ Preliminary/ Final Resubdivision Plan at a site to be known as “The Reserve at Pearl River 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 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 Blue Hill Plaza, Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 6 in the OP/PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **November 9, 2022** at which time the Board made the following determinations:

Diego Villareale and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Report dated October 26, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated October 28, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 7, 2022.
4. Short Environmental Assessment Form signed by Alan Pines, dated August 12, 2022.
5. Lot Line Modifications Plans prepared by JMC Consulting, undated.

The hearing was then opened to the Public.

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

TOWN CLERK'S OFFICE

2022 DEC 15 P 12:14

TOWN OF ORANGETOWN

**PB #22-56: The Reserve at Pearl River  
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There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger (alternate member), aye and Lisa DeFeciani, 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 Denise Lenihan and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger (alternate member), aye, and Lisa DeFeciani, 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, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Drainage Agency and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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- 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 Lisa DeFeciani and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger (alternate member), aye, and Lisa DeFeciani, 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."

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The metes and bounds for all proposed courses of the property exchange shall be labeled on the plan.
4. The overflow spillway for the proposed infiltration basin shall be shown on the drawing.
5. Iron pins shall be drawn and labeled at all property corners.
6. The Rockland County Drainage Agency reviewed the submitted documents and provided the following comment:
  - Please note that the site is outside the jurisdiction of Rockland County Drainage Agency and has no further comments.
7. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
8. 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.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Resubdivision.
10. **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:

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**Continuation of Condition #10...**

- 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.

**11.** 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.

**12.** 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.

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

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**PB #22-56: The Reserve at Pearl River  
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14. 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).

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

16. 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

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

18. 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, Vice Chairman seconded by Michael McCrory and carried as follows: Thomas Warren, aye; Denise Lenihan, aye; Michael Mandell, aye; Andrew Andrews, absent; Kevin Farry, aye, Lisa DeFeciani, aye; Tara Heidger, (alternate member), aye and Michael McCrory, 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: November 9, 2022**  
Town of Orangetown

*Cheyne Cooper Smith*  
TOWN CLERK'S OFFICE  
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**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB#22-56: The Reserve at Pearl River Resubdivision Plan  
Final Site Plan Approval Subject to Conditions**

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

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

**NAME OF ACTION: The Reserve at Pearl River Resubdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Final Resubdivision Plan Approval Subject to conditions**

**LOCATION:** The site is located at Blue Hill Plaza, Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 6 in the OP/PAC zoning districts.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental

Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant  
- Involved Agencies

TOWN CLERK'S OFFICE

2022 DEC 15 P 12:15

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**PB #22-57: The Reserve at Pearl River Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #50255**

**Town of Orangetown Planning Board Decision  
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**TO: Donald Brenner, 4 Independence Drive, Tappan, New York  
FROM: Orangetown Planning Board**

**RE: The Reserve at Pearl River Site Plan:** The application of the Reserve at Pearl River, LLC, applicant, for Hunter Douglas, Inc., owner, for Final Site Plan at a site to be known as **"The Reserve at Pearl River 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 Blue Hill Plaza, Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 6 in the OP/PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **November 9, 2022** at which time the Board made the following determinations:

Diego Villareale and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Report dated October 26, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated November 4, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 7, 2022.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated October 25, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 24, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 3, 2022.
7. Letters from Rockland County Health Department, signed by Elizabeth Mello, PE, dated May 17, 2022 and November 7, 2022.
8. An email from Planning Board Member Andrew Andrews, dated November 8, 2022.
9. Project Narrative prepared by the applicant.
10. Copy of Traffic Engineering Evaluation, The Reserve at Pearl River, prepared by Klein Traffic Consulting, LLC, dated February 15, 2021.

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11. A copy of a Full Environmental Assessment Form, revised November 8, 2022, signed by Diego Villareale, JMC.
12. Building Permit Referral to the Planning Board dated August 31, 2021 signed by Rick Oliver, Building Inspector.
13. Civil Plans prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, dated October 29, 2021, last revised September 15, 2021, unless noted;
  - C-000: Cover Sheet
  - C-101: Existing Conditions
  - C-100: Overall Layout Plan
  - C-110: Layout Plan
  - C-200: Grading Plan
  - C-210: Road Profiles
  - C-300: Utility Plan
  - C-400: Erosion and Sediment Control Plan
  - C-500: Landscape Plan
  - C-600: Lighting Plan
  - C-700: Basin Blowup, Profile and Cross Sections
  - C-900: Construction Details
  - C-901: Construction Details
  - C-902: Construction Details
  - C-903: Construction Details
  - C-904: Construction Details
  - C-905: Suez Specification Details
  - FA-1: Firetruck Access Plan, revised October 26, 2022
  - DA-2: Proposed Drainage Area Map, dated December 23, 2021
14. A copy of the Stormwater Pollution Prevention Plan, prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, dated October 28, 2022.
15. Erosion and Sediment Control Plan, prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, dated October 28, 2022.
16. Email from Umberto Baldinucci, JMC Planning Engineering Landscape Architecture & Land Surveying, dated October 26, 2022.
17. Copies of the following Board Decisions: PB #22-.06, Preliminary Site Plan Approval Subject to Conditions, dated February 23, 2022, ZBA#22-23, Section 469 Building Height, Side Yard, Total Side Yard and Section 469A (number of units) Variances Approved, dated May 18, 2022 and ACABOR #22-49, Approved as Presented, dated September 1, 2022
18. An email from Sherie Shaw dated November 11, 2022, with attachment of a letter from Brian Quinn, dated November 8, 2022 and a copy of the recorded easement.

The hearing was then opened to the Public.

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

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**PB#22-57: The Reserve at Pearl River Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #50255**

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**Public Comment:**

Thomas Finsterwall, 15 Mountainview Avenue, requested information regarding the number of units to be constructed.

Brian Quinn, attorney for abutting property owner, discussed the easement to the site.

Vanessa Lapin, Orangetown resident; raised concerns regarding the types of proposed plantings and impact to water quality to the area.

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

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

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**PB#22-57: The Reserve at Pearl River Site Plan      Permit #50255**  
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Sewer District #1, Rockland County Drainage Agency and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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**PB#22-57: The Reserve at Pearl River Site Plan      Permit #50255**  
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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 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 February 4, 2022 interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, need to be complied with:
  - 1) The site plans indicate exterior stairs and retaining walls with fall projection to be designed by others at multiple locations. The design, plans, elevations and details must be provided.
  - 2) The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

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**PB#22-57: The Reserve at Pearl River Site Plan      Permit #50255**  
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**4. The applicant still needs to comply with PB #22-06 Conditions:**

**18.** In connection with the above comment, the drawings show a large area of regrading as well as existing stream improvements/ rip rap installation, along the southern side of the proposed project, occurring on the neighboring property. The applicant shall obtain both temporary construction easements as well as permanent access and maintenance easements. Copies of all correspondence related to this issue shall be supplied to the Town Attorney's office and DEME.

**19.** The proposed infiltration basin is missing some of the required design elements as spelled out in the NYS SMDM, such as upland stilling basin, concrete level spreader, backup underdrain piping, valve on underdrain piping, etc. The basin shall be redesigned to meet the NYS SMDM standards.

**23.** The plan depicts for the entrance to maintenance access path, for the infiltration basin, on the neighboring property. The applicant shall obtain a 25-foot-wide (minimum width) access easement from the neighboring property owner. The metes and bounds of said easement shall be shown on the drawings. Copies of all correspondence related to this shall be supplied to the Town Attorney's office and DEME.

**27.** The plans call for an emergency access drive on the neighboring property. The applicant shall obtain a 30-foot wide, minimum width, access easement from the neighboring property owner. The metes and bounds of said easement shall be shown on the drawings. Copies of all correspondence shall be supplied to the Town Attorney's office and DEME.

**29.** The SESC plan shows a proposed diversion swale being constructed on the neighboring property. The applicant shall obtain a 25-foot wide, minimum width, construction access and maintenance easement from the neighboring property owner. The metes and bounds of said easement shall be shown on the drawings. Copies of all correspondence related to this shall be supplied to the Town Attorney's Office and DEME. Also, a symbol for the diversion swale shall be added to SESC drawings legend and a detail for same added to the plans.

**30.** Profiles for all proposed sanitary and storm/ drainage piping shall be added to the drawings.

**31.** The detail for the proposed outlet control structure shall clearly show an access point from the top.

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

**34.** It appears that the proposed sanitary sewer system is to be dedicated to the Town of Orangetown Sewer Department. If this is the case, ingress/ egress easements shall be depicted, with metes and bounds, over all of the private roadways and encompassing all mains of private property. The roadway easements shall be the full width of the roads and the easements for any sewer mains "off road" shall be at least 20 feet in width. Copies of the written ingress/ egress easements shall be provided to the Town Attorney's office and DEMA for review and approval.

**39.** The site plan will require a Homeowners Association (or equivalent) to be formed in order to spell out the responsibilities for the maintenance of the private roadway, private stormwater drainage system, etc. This agreement shall include a named responsibility for overall drainage systems (SWPPP contact.)

**43.** The page and liber or instrument number (s) for all existing easements/ dedications shall be given on the plans, if applicable.

**5.** The revised Storm Water Pollution Prevention Plan (SWPPP) supplied is under review. A formal review will be sent to the applicant's engineer directly. However, a cursory review of the SWPPP has revealed a number of issues with it:

**a.** Because the project proposes to utilize an infiltration basin, the applicant/ applicant's engineer is advised/ reminded that as per the NYSDEC-SMDM (appendix D) and NYSDEC-FAQ's, the following testing regimen is required:

**Initial Feasibility Testing:**

1. One (1) field Perc test per 5000 SQFT of basin.

**Concept Design Testing:**

2. A minimum of one (1) test pit/boring AND one (1) infiltration test for every 5000 SQFT of basin area, with no fewer than (4) test pits/ boring and four (4) infiltration tests per facility.

3. The Town of Orangetown will allow the use of the same hole for boring AND infiltration; "provided that the test is being done at the proper depth, with the required separation from seasonal high groundwater and the soil in the bottom of the test pit hasn't been disturbed where the infiltration test will be performed"

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If both the feasibility testing AND concept design testing has already been done, the reports and data shall be included in a separate Appendix of the SWPPP. The SWPPP narrative shall also outline and summarize each required testing regimen that has been done and the results they produced. Reference to the appropriate Appendix shall also be included.

b. The number of phases and their respective areas of disturbance shall be added to the introduction to the SWPPP where the 5-acre waiver requested is discussed and in Section VI.

c. The reasoning for the requested 5-acre waiver shall be added to Appendix K.

d. The Introduction of the SWPPP shall fully explain how the proposed design meets the requirements of the NYS Stormwater Management Design Manual (NYS-SMDM)-Chapter 5 Green Infrastructure.

e. Separate checklists for each and every proposed stormwater management facility (e.g. individual checklists for each, water quality structure, infiltration basin, drainage manhole, catch basin, piping run, rip rap apron, etc., with their corresponding structure name/ number) as well as all of the proposed soil erosion and sediment control features shall be added to Appendix F.

f. Separate checklists for each and every proposed stormwater management facility (e.g. individual checklists for each, water quality structure, infiltration basin, drainage manhole, catch basin, piping run, rip rap apron, etc., with their corresponding structure name/ number) as well as all of the proposed soil erosion and sediment control features shall be added to Appendix G.

g. The legend size for the graphical hydrographs provided in Appendices A and B shall be increased in size for ease of review.

6. According to the updated Geotechnical Report found in SWPPP Appendix L, test pits 202 & 203 had water seepage at 5.5 – 8 feet & 5 feet respectively. The report narrative then goes on to state that the water seepage was due to *"surficial runoff"* and that *"To prevent the surface runoff from inundating the infiltration test locations, a shallow trench was excavated uphill of the proposed basin footprint, and the test pit excavations."* However, the report does not state if additional testing was performed AFTER the trench was cut to ensure that the seepage encountered was indeed from surface runoff. Given the fact that ANY seepage could impact the design capacity of the proposed basin and possibly undermine the proposed basin walls, additional feasibility and concept testing, shall be done within the proposed basin area. As previously stated, DEME shall be notified at least 48 hours in advance of any field tests/ investigations.

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7. The infiltration basin cross sections, drawing C-700, appear to show that the top of the weir in the proposed outlet structure to be at elevation 171.5 and the 1 yr. storm (channel protection elevation) to be at elevation 171.76. This conflicts with the NYSDEC-SMDM which shows and states that the entire 1 yr./ channel protection volume shall be held within the basin and that *"For infiltration basins and trenches, adequate stormwater outfalls should be provided for the overflows associated with the 10 yr. (overbank flood control) design storm event (non-erosive velocities on the down slope.)"* Therefore, the outlet structure shall be redesigned to meet the requirements laid out in the NYSDEC-SMDM

8. Because the temporary sediment basin is proposed to be located in the same location as the infiltration basin. The Sequence of Construction on the SESC plan, the SWPPP and the drawings need to be adjusted. First, the Sequence must clearly state that, after all upstream disturbed areas have been stabilized, all flow to the temporary sedimentation basin must be diverted to an alternate stormwater quality and quantity feature. THEN, any accumulated sediment shall be removed from the temporary sediment basin using light tracking equipment (to avoid compaction of the basin floor.) Next, the basin shall be excavated to the final design elevation and design ground cover installed. Then, once the infiltration basin, basin bottom, basin slopes, etc. have achieved 100% stabilization, stormwater flow can be redirected to the infiltration basin and all temporary stormwater quality/ quantity features be removed. The temporary water quality/ quantity features shall be added to the SESC plan.

9. The proposed grading, shown on drawing C-200, shall be revised to show more natural/ smooth transitions between the proposed (now existing) grading on existing Lot 73.10-1-5 and the proposed grading for this site (Lot #73.10-1-6.)

10. An adequately sized turn around (or extension) for the proposed maintenance access path along the infiltration basin shall be added to the drawings. Also, it appears that the path is mislabel as being 10-foot-wide but scales out as the required 12 foot wide.

11. In connection with PB#22-06, condition 29, referenced above, it is unclear how the temporary diversion swale will function during construction, as it passes through areas that are to be regraded and the proposed regrading will direct stormwater runoff in directions contrary to path for the swale shown. Also, the Sequence of Construction and Drawings shall clearly identify when the swale is to be installed and when it is to be removed.

12. The sanitary calculations provided are under review by DEME. However, the required analysis of the existing contributing sanitary systems that tie into the pumping station as well as the overall pumping station capacity, was submitted separately. The analysis shall be included within the sanitary calculations. Lastly, improvements to the sanitary pumping will be required (e.g. new flow meter, etc.) This Department will coordinate said improvements with the applicant's engineer.

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13. The proposed sanitary building connection for the clubhouse shall be relocated to connect to the proposed new main, not MH-1-2.

14. Additional cleanouts shall be added to each sanitary building connection, right outside of the proposed buildings. The invert elevations for said cleanouts shall be labeled on the plans.

15. Drawings C-900 to C-905 were not included in the supplied drawing set.

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

**Site Plan Review:**

- Emergency access road for Clubhouse is greater than 150' in length and requires a turnaround. 2020 IFC 503.2.5
- Is the second emergency access road capable of supporting a load of 75,000 pounds.
- The slope of the lower emergency access road must not exceed 10%.
- Show vehicle protection for hydrants.
- Hydrant at the end of the clubhouse driveway should be moved to the Clubhouse driveway entrance.

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

- Sprinkler as per NFPA 13
- Fire Alarm system as per NFPA 72
- Lock box locations

**17. Drainage Review – Brooker Engineering**

**Drainage Review Recommendation**

The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that The Reserve Site Plan be approved for drainage subject to the following comments.

**Project Description**

This is the second drainage review report for this project; the last review was dated February 9, 2022. The project is adjacent to the recently completed The Club West at Pearl River Project and portions of this project, now shown as existing conditions, are included in the hydrologic analysis. The proposed The Reserve at Pearl River project is located south (uphill) of The Club West site. The disturbed area is wooded and slopes downhill to the northeast, with stormwater runoff crossing through a wetland and discharging to Lake Tappan. The project

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proposes four buildings, at grade parking, sidewalks, a clubhouse, pool, and a recreation area. The project disturbs about 11.58 acres of land and adds 5.01 acres of impervious area within the existing wooded area. An infiltration basin is proposed that can store 4.8 inches of rainfall runoff from the new impervious areas. The hydrologic model analyzes four design points; the largest being Design Point A. This Design Point represents the majority of land disturbance and new impervious area. The hydrologic model correctly delineates the drainage subarea that is directed to the new stormwater management infiltration basin.

**Project Comments**

1. As per the February 9, 2022 drainage review report, the watershed delineations along the south property line for PDA1-A shall evaluate any uphill off-site stormwater runoff that will enter the site and be diverted around PDA1-A.
2. As per the February 9, 2022 drainage review report, provide more detail for the grading north of the clubhouse to demonstrate stormwater runoff from this area will be directed to the detention basin and not bypass the basin.
3. As per the February 9, 2022 drainage review report, Design Point 1 is the point at which the majority of stormwater runoff from the site is concentrated water flow, which is beyond the property limits. Add an additional subarea to represent the portions of watershed between the site western property boundary and Design Point 1.
4. As per the February 9, 2022 drainage review report, show the existing conditions features of The Club within subarea EDA-1B on the Existing Drainage Area Map.
5. As per the February 9, 2022 drainage review report, provide the pervious and impervious breakdowns on all of the drainage subareas on the Drainage Subarea Maps.
6. As per the February 9, 2022 drainage review report, provide mapping that breaks down the proposed impervious areas, especially at PDA-1A.
7. As per the February 9, 2022 drainage review report, provide additional subarea breakdowns in the hydrologic mode.

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

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- The Planning Board must be satisfied that the proposed site complies with the other provisions for the Planned Adult Community (PAC) floating zone outlined in Section 4.6 of the Town of Orangetown Zoning Code.
- The Zoning Compliance Chart on Drawing No C-100 indicates that 121 standard parking spaces will be provided along roads, 68 in the garages, and 72 on the garage apron. However, the site plan drawing illustrates 128, 72 and 76 spaces in these locations, respectively. These discrepancies must be resolved, and the information provided on the Zoning Compliance Chart must be consistent with the site plan drawing.
- The applicant must comply with the conditions of the Rockland County Highway Department's letter of October 19, 2022.
- A review of the Fire Truck Access Plan must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River Fire Department to ensure that the site is designed in a safe manner and that there is sufficient access to, and maneuverability on, the site for emergency vehicles. The review should consider whether the site can accommodate fire equipment and whether there is adequate water (volume/fire flow) for firefighting purposes.
- A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- As required by the Rockland County Stream Control Act, the subdivision/lot merger 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 map cannot be used to convey property, nor can the tax maps be undated 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 Rockland County Clerk to ensure that the tax maps are properly updated.**
- Since this senior housing development, TRIPS paratransit vehicles will likely be serving the residents of the site. The planning Board must be assured that the design of the inner roadway can accommodate these vehicles and that there is sufficient room for a pick-up/drop-off area. In addition, a review must be completed by the Rockland County Department of Public Transportation so that they can evaluate the site in relation to the needs of providing their services.

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- The site is located on relatively steep topography. Extensive regrading must be done in order to implement the proposed development design. To limit the extent of soil erosion, prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the NYS Guidelines 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.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 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 the Towns, Villages, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II, Drinking Water Supplies, of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- To ensure that the existing forested area to remain is left undisturbed, a construction envelope shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible materials prior to any grading or disturbance of the site. Soils outside the construction envelope shall not be disturbed.
- Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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- We recommend that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.
- To help reduce the impact of this development, a reduction of impervious surfaces should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rail gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.
- All proposed signage shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- Area designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents and guests. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- The required documentation to comply with the NYS Environmental Quality Review Act, 6 NYCRR Part 617, must be submitted to the municipality and the county for this application to be deemed complete. SEQRA Forms can be completed using the EAF Mapper Application provided by the NYSDEC. The municipality shall encourage applicants to use this tool to ensure that the relevant fields are populated with accurate information and all potential impacts are taken into consideration.
- 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. Any additional variances required due to a change in measurements must be submitted to this department for review, as required by the NYS GML, Section 239-m(a)(v).
- The RC 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).

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- Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the MDRC, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.
- The site plan must include standard notes including district information.
- The area map and site plan drawings are oriented upside-down with the north arrow directed toward the bottom right corner of the page. It is unclear why this was done, as it creates confusion with interpreting the drawings. The drawings and map must be revised to more closely reflect the actual orientation of the site.

**19. The Rockland County Department of Health review the information and offered the following comments:**

- Application is to be made to the Rockland County Health Department (RCDOH) for sanitary sewer extension approval. Sewer capacity analysis is to be included.
- Application is to be made to the Rockland County Health Department for water main extension approval.
- If the clubhouse will have a kitchen, a permit will need to be obtained from the Rockland County Department of Health.
- Public pools are regulated by the Rockland County Department of Health and engineering plans for must be submitted and approved.
- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.
- In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from Rockland County Health Department Rockland Codes Initiative (RCI) prior to occupancy.

**20. The Rockland County Drainage Agency reviewed the submitted documents and provided the following comment:**

- Please note that the site is outside the jurisdiction of Rockland County Drainage Agency and has no further comments.

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

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**22.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #22-.06, Preliminary Site Plan Approval Subject to Conditions, dated February 23, 2022, ZBA#22-23, Section 469 Building Height, Side Yard, Total Side Yard and Section 469A (number of units) Variances Approved, dated May 18, 2022 and ACABOR #22-49, Approved as Presented, dated September 1, 2022

**23.** 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.

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

**25.** 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.

**26. 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.

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- 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.

**27.** 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.

**28.** 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.

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

**30.** 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).

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

**32.** 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

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

**Overrides**

The Board made motions to override Conditions #1, #2, #3 and #4 of the November 3, 2022 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**“#1. As stated in their May 3, 2022 GML review, Section 4.66 and the bulk table found in Section 4.69 of the Town’s Zoning Code permits the Town Board to increase the base density of four dwelling units/acre to five units/acre, if 50% of said bonus is set aside for affordable housing. At their meeting on July 13, 2021, the Town Board granted a maximum of 110 units, a bonus of 25 units over the 85 units permitted. However, at their February 15, 2022 meeting, the Board reduced the maximum number to 85 units, and directed the applicant to apply for a variance if they sought a unit count that was greater than this number. This implies that no affordable units are proposed for the development. As stated above, the Town has provided a method to grant additional units over the permitted density in their code. Instead, the applicant is attempting to construct an additional 25 units (Or 29%) over what is permitted without providing the required additional benefit to the Town or its citizens. We find that the variance for number of units defeats the purpose of this code provision. If the applicant wishes to construct the additional units, they must provide the required number of affordable units as mandated in the PAC regulations.”**

The Board held that the determinations of the Town of Orangetown Town Board Resolutions dated July 13, 2021 and February 15, 2022 as well as Town of Orangetown Zoning Board of Appeals #22-33, dated May 18, 2022 satisfies this condition.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, absent; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), aye and Michael McCrory, nay.

**“#2. If the applicant seeks the bonus density noted above, the net lot area of 21.42 acres for this specific site must be used when calculating the maximum numbers of units. At five units per acre, a maximum of 107 units are permitted for this site not 110, as long as 11 of the 22 additional units are reserved as affordable units.”**

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The Board held that the determinations of the Town of Orangetown Town Board Resolutions dated July 13, 2021 and February 15, 2022 as well as Town of Orangetown Zoning Board of Appeals #22-33, dated May 18, 2022 satisfies this condition.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, absent; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member) aye and Michael McCrory, nay.

“#3. Our first comment in our January 21, 2022 review noted that the bonus density awarded to the site appeared to have been based on the 22.58 gross acreage of the site, rather than the 21.42 acres that should have been used when calculating the appropriate number of units. Our second comment addressed the lack of information regarding affordable housing, when 50 percent of the bonus density is required to be affordable units, as required by Section 4.66 of the Town Code. The Planning Board overrode these two comments, and referenced comments made by Jane Slavin, Director, OBZPAE, in her February 15, 2022 memorandum to the Town of Orangetown Town Board as their reasons for override. However, our department has not received this memorandum. This document must be provided.”

The Board held that the determinations of the Town of Orangetown Town Board Resolutions dated July 13, 2021 and February 15, 2022 as well as Town of Orangetown Zoning Board of Appeals #22-33, dated May 18, 2022 satisfies this condition.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, absent; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), aye and Michael McCrory, nay.

“4. The Zoning Compliance Chart on the site plan indicates that variances are required for the number of stories, number of dwelling units, side yard and total side yard. The minutes that our department has found online from the May 18, 2022 ZBA meeting indicated that these variances were granted. We have not received any documentation of OBZPAE indicating that re-approval of these variances is required. This discrepancy must be resolved. All variance that have been approved must be denoted on the Zoning Compliance Chart, along with the resolution number and hearing date. In addition, the Rockland County Department of Planning has not directly received the meeting minutes from the Orangetown ZBA, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency. We have received the minutes from the most recent Planning Board Meeting.”

TOWN CLERK'S OFFICE

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The Board held that the determinations of the Town of Orangetown Town Board Resolutions dated July 13, 2021 and February 15, 2022 as well as Town of Orangetown Zoning Board of Appeals #22-33, dated May 18, 2022 satisfies this condition.

A motion to override the condition was made and moved by Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, absent; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), aye and Michael McCrory, nay.

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

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: November 9, 2022**  
Town of Orangetown



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TOWN CLERK'S OFFICE