

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

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

MEMBER ABSENT: Michael McCrory and Denise Lenihan
ALSO, PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Katlyn Bettmann, Clerk Typist

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

New Items:

Mandell Site Plan- Critical Environmental Area **PB #21-59**
Request for Two (2) Ninety **Granted**
Day Extensions to File the Site Plan **Two (2) 90-Day Extensions**
26 Shadyside Avenue, Upper Grandview **to File the Site Plan**
71.05/1/8; R-22 zoning district

14 De Longis Court Site Plan **PB #22-60**
Prepreliminary/ Preliminary/ Final **Final Site Plan**
Site Plan Review and SEQRA **Approval Subject**
Legalization of Existing Retaining Wall **to Conditions**
14 De Longis Court, Sparkill **Neg. Dec.**
77.12/1/ 34.1; RG zoning district

Ebenezer Full Gospel Church **PB #22-61**
Building Addition Site Plan **Final Site Plan**
Final Site Plan Review **Approval Subject**
136 Sunset Road, Blauvelt **to Conditions**
70.05/1/16; R-80 zoning district

Levine Site Plan **PB #22-62**
Critical Environmental Area **Final Site Plan**
Prepreliminary/ Preliminary/ **Approval Subject**
Final Site Plan and SEQRA Review **to Conditions**
39 Tweed Boulevard, Upper Grandview **Neg. Dec.**
71.09/1/40; R-22 zoning district

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TOWN CLERK'S OFFICE

December 14, 2022 Planning Board Meeting

Moore & Mills Site Plan

Critical Environmental Area
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
1083 South Route 9W, Nyack
71.09/1/7; R-22 zoning district

PB #22-63

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

Saint Thomas Aquinas Site Plan

Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
125 Route 340, Sparkill
74.16/1/1; R-40 zoning district

PB #22-64

**Preliminary Site Plan
Approval Subject
to Conditions
Neg. Dec.**

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 9:00 p.m. The next Planning Board meeting is scheduled for January 11, 2023.

**Dated: December 14, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



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PB #22-59: Mandell Site Plan: Granted Two 90-day Extensions to File the Site Plan

**Town of Orangetown Planning Board Decision
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TO: Ryan Nasher, 232 South Main Street, New City, New York
FROM: Town of Orangetown Planning Board

RE: Mandell Site Plan- Critical Environmental Area: The application of Eduard Mandell, owner, for Two (2) Ninety Day Extensions to File the Site Plan for the construction of a detached garage and retaining walls at a site known as "**Mandell 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 26 Shadyside Avenue, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 8 in the R-22 zoning district.

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

Ryan Nasher appeared and testified for the applicant.

The Board received the following communication:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated December 9, 2022.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2022.
3. An Email from Ryan Nasher, Atzl, Nasher and Zigler, dated November 17, 2022.

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, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) and Andrew Andrews, aye.

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

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PB #22-59: Mandell Site Plan: Granted Two 90-day Extensions to File the Site Plan

**Town of Orangetown Planning Board Decision
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DECISION: In view of the foregoing, the Board **GRANTED Two 90-Day Extensions to File the Site Plan subject to the following conditions:**

1. The Office of Building Zoning Planning Administration and Enforcement has no comment.
2. The Town of Orangetown Department of Environmental Management and Engineering (DEME) has no objection to the request for a Two (2) 90-day extensions to file the Site Plan. However, the applicant still needs to comply with PB #21-40 Condition #6:
 6. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include facility specific Operation and maintenance manuals, management schedules, inspection checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.

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, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) and Andrew Andrews, aye.

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

**Dated: December 14, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



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TOWN CLERK'S OFFICE

**PB #22-60: 14 De Longis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-709-22

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**TO: Joy Diviny, 13 North Main Street, Pearl River, New York
FROM: Orangetown Planning Board**

RE: 14 De Longis Court Site Plan: The application of Joy Diviny, applicant, for Juliana Khouri, owner for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "14 De Longis Court 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 14 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.1; in the RG zoning district.

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

Joy Diviny appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 30, 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 December 9, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated December 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated November 23, 2022.
5. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated December 6, 2022 and Jake Palant, dated November 16, 2022.
6. Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated December 9, 2022.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated November 15, 2022.
8. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated November 18, 2022.

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9. Revised Short Environmental Assessment Form (SEAF) signed by J. Khouri dated August 29, 2022, revised December 13, 2022.
10. Copy of the Building Permit Referral signed by Rick Oliver, dated March 11, 2022.
11. Survey Map prepared by Robert Rahnefeld, PLS dated February 9, 2022.
12. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated December 7, 2022.
13. Project Narrative.
14. Letter with attachments from JSA Consultants, entitled Inspection and Evaluation of Existing Gravity Retaining Wall, signed by John S. Aletta, PE, dated February 18, 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 Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) 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 Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) 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, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) and Andrew Andrews, aye, the Board declared itself Lead Agency.

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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, Rockland County Department of Highways, Rockland County Department of Planning 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;

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**PB #22-60: 14 De Longis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

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- 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, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) 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 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 approved subdivision map "Graney Gardens" signed 12/23/1998, a conservation & slope easement was to be undisturbed for the entire north and west portion of the subdivision. After the owner purchased the home, they installed a block retaining wall at the rear (north) of the property by excavating into the conservation easement about 20 feet to create a retaining wall that averages about 3 ½ feet without obtaining permits. The applicant is requesting approval so they can legalize the wall.

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**PB #22-60: 14 De Longis Court Site Plan
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4. The SEAF shall be revised as follows;
 - Project location address must be filled in,
 - #3 acreage amounts must be completed,
 - #5 a and b shall be YES,
 - #12b shall be YES,
 - #13a shall be YES (Sparkill Creek), and
 - #15 shall be YES (Least Bittern (bird)).
5. The applicant has supplied a letter from a structural engineer certifying the structural integrity of the wall, as such, OBZPAE has no objection to this request.
6. 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.
7. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and has no comment on this project at this time.
8. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
9. The applicant must comply with the conditions of the Rockland County Highway Department's letter of November 15, 2022.
10. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
11. There shall be no net increase in the peak rate of discharge from the site at all design points.
12. Retaining walls 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 NYS PE.
13. Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The EAF Mapper Application indicates that questions 12b, 13a and 15 should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicant to use this tool to complete the EAF as it populates the answers to certain questions using the NYS data base information.

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- 14.** A full-sized Site Plan printed in proportion to the scale indicated on the drawing **must be submitted to Rockland County Planning Department for review.**
- 15.** A vicinity map that contains a north arrow and scale must be provided.
- 16.** The Rockland County Highway Department reviewed the submitted information and offered the following:
The applicant must secure a road work permit from the Rockland County Highway Department if the proposed action is approved by the Town of Orangetown.
- 17.** 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.
- 18.** 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
 - Rockland County Department of Planning
 - Rockland County Highway Department
- 19.** 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.
- 20.** 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.
- 21.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 22. 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 #22...

- 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.

23. 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.

24. 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.

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

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26. 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).

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

28. 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

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

Override

The Board made motions to override Condition #6.3 of the December 9, 2022 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"#1. The Site Plan shall include a bulk table detailing proposed as well as required bulk values. It must also indicate the pre-existing, nonconforming conditions."

The Board held that there is no need for a bulk table for a retaining wall Site Plan.

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**PB #22-60: 14 De Longis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

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

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, absent, Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, aye, (alternate member) 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: December 14, 2022
Town of Orangetown Planning Board
attachment



TOWN CLERK'S OFFICE
2023 JAN 17 P 2:12
TOWN OF ORANGETOWN

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

**PB #22-60: 14 De Longis Court Site Plan
Legalization of Existing Retaining Wall**

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

NAME OF ACTION: 14 De Longis Court Site Plan - Legalization of Existing Retaining Wall

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

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 14 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.1; in the RG 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

TOWN CLERK'S OFFICE

2013 JAN 17 P 2:12

TOWN OF ORANGETOWN

**PB #22-61: Ebenezer Full Gospel Church
Building Addition Site Plan
Final Site Plan Approval
Subject to Conditions**

Permit #50525

**Town of Orangetown Planning Board Decision
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York

FROM: Orangetown Planning Board

RE: Ebenezer Full Gospel Church Building Addition Site Plan: The application of Ebenezer Full Gospel Assembly, owner, for Final Site Plan Review at a site known as **"Ebenezer Full Gospel Church Building Addition 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 136 Sunset, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.05, Block 1, Lot 16 in the R-80 zoning district.

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

Jay Greenwell, John Johnson and Joshua Daniel appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated November 30, 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, dated December 12, 2022.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2022.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated November 23, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 13, 2022.
5. Letter and Notice from Rockland County Department of Planning; letter signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 18, 2022 and Notice signed by Jake Palant, dated October 24, 2022.
6. Letter and Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated November 16, 2022.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated November 15, 2022.
8. Letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer I, dated November 17, 2027.
9. Letters from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 21 and December 14, 2022.

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10. Email from Orange and Rockland Utilities, dated October 21, 2022 from Alfred Gaddi, Pe.
11. Copy of an Email from Joshua Fisher, NYSDEC and the Jay Greenwell, applicant, dated July 20, 2023.
12. Copy of the Environmental Assessment Form, dated September 15, 2020, revised October 19, 2022.
13. Copy of the Building Permit Referral dated September 3, 2022.
14. Site Plans for Ebenezer Full Gospel Assembly prepared by Jay Greenwell, PLS, dated November 12, 2020, unless noted:
 - Drawing 1: Site Plan last revised September 27, 2022
 - Drawing 2: Grading, Drainage & Utility Plan last revised September 24, 2022
 - Drawing 3: Erosion Control Plan, dated March 19, 2021 last revised September 27, 2022
 - Drawing 4: Details last revised September 27, 2022
 - Drawing 5: Existing Conditions
15. Landscape Plan prepared by Eric Osborn, dated May 5, 2022.
16. Copies of the following Board Decisions: ACABOR #22-38, Approved as Presented, dated July 7, 2022; ZBA #21-85, Section 3.11, Column 6, #3 Parking Space Variance Approved, dated October 6, 2021 and PB#20-50, Preliminary Site Plan Approval Subject to Conditions, dated May 12, 2021.
17. A Project Narrative, prepared by Jay Greenwell, PLS, dated October 10, 2022..
18. Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, PE, last revision date March 3, 2022.

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

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

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

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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, 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: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highway, Rockland County Drainage Agency, Rockland County Planning Department and 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:

- 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;

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- 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, absent; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), aye and Michael McCrory, absent, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #22-38, Approved as Presented, dated July 7, 2022; ZBA #21-85, Section 3.11, Column 6, #3 Parking Space Variance Approved, dated October 6, 2021 and PB#20-50, Preliminary Site Plan Approval Subject to Conditions, dated May 12, 2021.

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4. The shed on the south/east property line shall be indicated to be moved off of the property line into compliance with code.
5. The engineer of record shall provide a letter to Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE) certifying that no work or disturbance will happen within the 100-year floodplain or the 100-foot floodplain buffer.
6. The application shall be revised to indicate the correct square footage as indicated on the plans which includes the basement.
7. The existing trees indicated on the landscaping plan are not shown on the Site Plan drawing A-2 or A-3. The plans must be coordinated.
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 and the construction plans are reviewed and approved by the inspector.
9. **The applicant still needs to comply with PB #20-50:**
 9. The original Site Plan for the church (which included the now proposed addition) was "Approved for Filing" on August 17, 2000. On that map, the (now existing) detention basin, is labeled as a "First Flush" detention basin. First Flush is typically understood to be a stormwater quality measure not a stormwater quantity measure. That means that it was designed to accommodate/ handle the first 1 to 1.5 inches, depending on the standard at that time of any rain storm, **NOT** the 100- year storm event. In addition, it does not contain the then, (as now) common features of a detention basin, (e.g. outlet structure, emergency spillway, access path, etc.) In order for the proposed project to achieve zero-net increase in runoff, the calculations and drawings must show how the 100-year storm for the new addition will be accommodated/ handled. An analysis of the existing basin must be performed in order to evaluate the capacity of the basin. This shall include but not be limited to, the flows rates and volumes for the 1, 25, and 100-year storms from all of the current contributing areas/ impervious surfaces under current/ pre-addition conditions as well as post construction flows including the addition and potential additional parking spaces if land banked spots are ever needed.

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Continuation of Condition #9...

10. The total area of disturbance (a.o.d.) shall be added to drawings 1 and 2. The table calculating the a.o.d. on drawing #3 shall be added to the drainage calculations. The applicant's engineer is advised that if the total a.o.d. is over an acre, a full SWPPP shall be prepared to address water quality and quantity and submitted for review and approval.

13. The drainage calculations are currently under review by DEME. However, more detail shall be added to the calculations. For example, thorough/ detailed analysis of the capacity of the existing first flush basin (see comment #9 above), drainage basin maps, pre and post tabular and graphical hydrographs for both proposed subsurface systems, storage vs. vol. vs. elevation tables for each subsurface system, etc.

16. A "blow up" plan view of the specifically proposed Cultec system shall be added to the drawings. Also, an overflow shall be designed and shown for the Cultec system.

18. All new drainage features shall be clearly on the drawings and in the drawing legends.

20. The profile views for the Cultec and drywell system shall include the storage volume and related elevation for the storm(s) analyzed in the drainage calculations.

22. Profiles shall be added to the drawings for all proposed drainage facilities.

23. The locations of the sewer mains within the Rockland County Sewer District No. 1 easement shall be shown on the drawings.

25. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed subsurface stormwater system(s), existing basin – along with all required improvements, existing headwalls, existing and proposed catch basins and the existing and proposed piping network, etc. shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with a telephone number, yearly report to be submitted to DEME, etc.

26. The existing and proposed, if applicable, sanitary building connection(s) shall be shown on the drawings.

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10. The previously supplied drawings depicted the proposed Cultec system "outside" overflow parking lot and play area. Why was it moved. This shall be thoroughly explained in the drainage calculations. Also, the details for the Cultec system have remained the same despite the system now being proposed under a parking area. The drawing details shall be revised to account for the additional loading factors on top of the proposed Cultec system to prevent structural failure of the system. These details and loading calculations shall be added to the drainage calculations.

11. The revised drainage include Perc test results. However, as per PB #20-05, condition #14, Perc tests, soil analysis and groundwater determinations need to be done at all subsurface stormwater locations. This testing was **NOT** done at either of the proposed drywell systems locations for the land banked parking areas. Therefore, the required testing must be done in these areas as well. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring or fall when the ground water table is typically at its highest.

12. Emergency overflows shall be shown for all existing and proposed surface and subsurface stormwater systems, e.g. first flush basin, "Cultec" system, dry wells, etc. All related piping and infrastructure need for the overflows shall be shown on the drawings. Any calculations required to size said overflows, shall be provided in the drainage calculations.

13. All existing and proposed drainage facilities shall be given a unique ID name or number for ease of review. These IDs shall be shown on the plans, profiles and details, as well as being used in the drainage calculations.

14. The drainage calculations shall thoroughly explain how and when the proposed drywell systems shall be installed, in the land banked parking area locations. This shall include who gets notified and when.

15. The drainage calculations shall fully explain how the revised, existing stormwater infrastructure will function, using the nomenclature for each drainage facility as found on the drawings.

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- 16.** The drainage calculations shall include a table of existing vs proposed, impervious and pervious surfaces, with total for both. The table shall also identify specific areas e.g. pavement – existing, proposed and to be removed, grass, woods, roof top, sidewalk, etc.
- 17.** The drawings show that the foundation drain for the new addition is to be connected to the existing stormwater system/ first flush basin. The drainage calculations must include projected flow from this system and its effect on the capacity of the first flush basin. Also, the invert elevations for said foundation drain, shall be added to the plans and required profiles.
- 18.** A detail shall be provided for the existing DMH over drywell, including proposed weir. A plan and profile of the DMH over drywell shall also be provided and include all piping connections with top and invert elevations.
- 19.** All existing piping that is to be “plugged” shall be removed in its entirety.
- 20.** Rip rap energy dissipation (or other approved alternative) shall be designed and depicted at the exhaust of all existing and proposed stormwater piping. Details for same shall be added to the drawings.
- 21.** The new curb around the land banked parking areas shall be made clearer visually and labeled.
- 22.** The top and invert elevations for the Cultec inspections ports shall be shown on the plan and required profile drawings.
- 23.** Elevations shall be added to the plan, profiles and details for the proposed drywell systems, e.g. top, invert, piping invert, top & bottom of stone bedding, etc.
- 24.** Profiles shall be added to the drawings for the proposed trench drains along the land banked parking areas as well as all existing drainage facilities.
- 25.** Details for the proposed connections from the trench drains, to their respective drywell systems, shall be added to the plans.
- 26.** The proposed retaining walls shall be labeled on the plans.
- 27.** The page and liber or instrument number for the existing Rockland County Sanitary Sewer Easement shall be given on the plans.

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28. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and offered the following comments:

- Show the width of Apparatus Access Road,
- Ariel Fire Apparatus access is required for buildings over 30;. Access road minimum width is 26' and shall be no closer than 15' or further than 30' to the building. IFC D105.5.
- Show the distance from the closest hydrant to the furthest portion of the building measuring along the Fire Apparatus Access Route. Greater than 600' may require an on-site fire hydrant. IFC 507.1

29. Drainage Review Recommendation – Brooker Engineering

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 Ebenezer Full Gospel Church Building Addition Site Plan Amendment be approved for drainage subject to the following Project Comments.

Project Description

This is the third drainage review report for this project; the last review was dated May 11, 2021. The project received Site Plan approval on August 17, 2000; a copy of the approved Site Plan is included for this submission. The development consists of a church building with associated driveways, parking, and other infrastructure improvements. There are DEC wetlands along the northeastern portion of the parcel; the developed portion of the site, including the expansions for this application, do not affect the NYSDEC wetlands or the wetland adjacent area. The original Site Plan approval included a 62' by 138' gymnasium on the west side of the building. This was not built at the time of the original construction. The detention pond that was part of the original Site Plan approval for mitigation of stormwater runoff for the parking lots and building was constructed. A paved 15,730 SF overflow parking area was constructed north of the building; this was not part of the design for the original approval. The grass playing fields and infiltration trench from earlier submissions have been removed from the current plan. Drywells have been added to provide mitigation for the new building addition. An underground detention system is provided for the parking area in the rear. For this submission, the "first flush" basin has been reconfigured to match the original design by eliminating the outfall pipe which did not provide any routing or stormwater storage in the basin. First flush stormwater will enter the basin and higher flows will surcharge the catch basin and bypass the basin. Soil testing has been performed to demonstrate a 16.5-inch drop in 60 minutes (one inch in 3.6 minutes). The Culec system has been conservatively designed for a one- inch drop in 30 minutes.

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Continuation of Condition #29...

Project Comments

1. As per the May 11, 2021 and November 11, 2020 reviews, for ease of inspection during construction, provide a plan view of the Cultec entire system. Show connections and inverts between the gallery rows.
2. As per the May 11, 2021 and November 11, 2020 reviews, provide the maintenance schedule and requirements for all stormwater facilities on the Site Plan details.
3. As per the May 11, 2021 review, provide details for the drywell system. Include rim and invert elevations and show the overflow path. We note the soil test pits were performed to a depth of six feet; separation to groundwater should be verified.
4. As per the May 11, 2021 review, show the area of the new roof addition that is to be directed to the drywells. The plans note 1500 SF of rooftop to be directed to the drywells; it is not clear where this area is located.
5. Coordinate the thickness of the stone on the drywell detail with the drainage calculations.
6. Update the drainage calculations to account for a 6'-0" outside diameter for the drywells.
7. Show the overflow path for each drywell and Cultec system on the Site Plan. Drainage Review Recommendation The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated.

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

- #1. The subject property is approximately 450 feet southeast of the Hackensack River, which is the reason for Rockland County Department of Planning's review of the proposal. An updated review must be completed by the Rockland County Department Drainage Agency. In addition, the applicant must comply with the comments made by them in their letter of October 14, 2020.
- #2. The lower Hackensack River and minor tributaries are listed in Part 3b of the FINAL NYS 2018 Section 303(d) List of impaired Waters (June 2020). The Hackensack River is impaired for fishing and secondary contact recreation due to urban runoff (unknow biological impacts). The review and possible approval of this application must consider the potential adverse impacts to the Hackensack River. Development within the Hackensack River watershed should not result in any further impairment to the river and/or its tributaries. The Board should take this under consideration in its evaluation of the proposal.

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Condition #30...

#3. The subject parcel is also within the 100-year flood zone of the Hackensack River. The designated Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

#4. An updated review of the September 27, 2022 Site Plan must be completed by the Rockland County Sewer District No. 1. **IN** addition, the applicant must comply with the comments made in their letter of November 10, 2020.

#7. Additionally, the Hudson River Natural Resources Mapper identifies the site as located in the riparian buffer of the Hackensack River. The New York Natural Heritage Program (NHP) has identified riparian buffers to highlight important streamside areas that influence stream dynamics and health. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment and nutrients, and help attenuate flooding. Natural buffers also support unique and diverse habitats, and offer serve as wildlife travel corridors. The DEC has found urban stormwater runoff and possible sanitary discharge resulting in nutrient and dissolved oxygen pollutions issues in the river as causing minor impacts. Allowing new construction and increased impervious surfaces in or near riparian buffer could result in the degradation in the quality of local waterways and exacerbate flooding. The proposal must be carefully reviewed for any potential impact to sensitive environmental resources.

#8. An updated review of the September 27, 2022 Site Plan must be completed by the County of Rockland Department of Health (RCDOH). In addition, the applicant must comply with the conditions of the RCDOH letter of August 23, 2021, and an application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Mosquito Control.

#9. 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 (January, 2015) and local ordinances.

#10. Prior to the start of construction or grading, all soil and erosion control plan measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

#11. There shall be no net increase in the peak rate of discharge from the site at all design points.

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Continuation of Condition #30...

#12. Fire lanes must be designated on the Site Plan and shown to be accessible.
#13. Page 7 of the Orangetown Application indicates that the total area of the building will be 18,573 square feet, not including the basement. The Site Plan drawing indicates that the existing building is 8,533 square feet and the addition, without the basement, will be 10,048 square feet, which totals 18,581 square feet. This minor discrepancy must be resolved and all application materials must contain consistent information.

#16. To help reduce the impact of this development, a reduction of impervious surfaces should be considered. It is recommended that porous pavers or porous concrete be considered for use in the parking areas to replace the use of conventional asphalt. If installed correctly and properly maintained, porous pavers have been shown to be effective in helping manage off-site runoff or stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of these improvements, it is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

#17. For any proposed lighting, a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

#18. The Planning Board must be satisfied that the proposed snow storage areas are sufficient for the parking areas of this size. It must be assured that there will be no loss of available parking, specifically since the site provides significantly less than the minimum required number of parking spaces.

#19. All proposed signage shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.

#20.1. Map Note 6 on the Site Plan refers to Sections L & N of the NYS GML. This must be corrected to Sections L & M.

31. The Rockland County Department of Health reviewed the information submitted and found that the application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

32. Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA and offered the following comments:

1) Please indicate application number 22-24 in the subject/reference of all mail/email communications. Please note that the RCDA may not be able to track and respond to re-submissions and communications without the application number reference as requested.

2) Contrary to the selection on the Application Check List, the County Planning Information Certification form was not submitted to the RCDA. Please have the applicant provide a duly completed, signed and dated "County Planning Information Certification" form with supporting documents listed under the specific item (A, B, C or D) selected to the RCDA. A fillable PDF County Planning Information Certification form is included with Permit application package, which is available at the County website under Highway Department, Drainage Agency Division.

APPROVED BY THE TOWN OF ORANGETOWN
PLANNING BOARD
DATE: 12/14/2022

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Continuation of Condition #32...

- 3) Please delineate the 100-year floodplain (base flood/ special flood hazard Area) limits at the site on the Site Plan and/ or Grading, Drainage & Utility Plan.
- 4) Please provide a note on the project drawing(s) to identify the source of topography with elevations indicated on the Grading, Drainage & Utility Plan.
- 5) The Site Plan indicates that the vertical datum used for elevations is NGVD 29, however, the effective FIRM is in NAVD 88 datum. Therefore, please provide a datum conversion factor on the project drawing(s).
- 6) Please revise the Erosion Control Plan to include the following:
 - a) Inlet protection measures for the existing catch basins located southeast of the existing church building.
 - b) Proposed location(s) of the stabilized construction entrance(s) to prevent sediment transport from the disturbed areas during construction, consistent with the details provided.
- 7) The Grading, Drainage & Utility Plan indicates a proposed 6 chamber long and 5 chamber wide Cultec Chamber system in 23.67' x 43.5' excavation. However, based on the Cultec Chamber unit length and the minimum stone at the ends, the proposed excavation length is insufficient. Please provide a site-specific construction layout of the proposed chamber system that identifies number of rows and chambers per row, stone fill areas, inter connections pipes and sizes, inlet connections and overall system dimension, consistent with the minimum installation requirements as per the manufacturer.
- 8) The Grading, Drainage & Utility Plan indicates roof drain connections from two building corners to the proposed drywells. Please demonstrate the entire area of proposed Gymnasium roof runoff will be conveyed to the drywells, consistent with the calculations.
- 9) The General Notes shown on Details drawing are too small to read and it must be revised to have them readable.
- 10) Please provide a measure to prevent floating debris from entering the underground infiltration SMP systems for runoff from conveyed from overland and parking areas. This may be accomplished by installing hooded catch basins or inverted pipes immediately preceding the SMP infiltration systems.
- 11) The Grading, Drainage & Utility Plan indicates that the proposed Cultec Chamber stormwater management practice (SMP) system will be abutting the existing Rockland County Sewer District #1 (RCSD #1) sanitary sewer easement. Therefore, provide a copy of the approval from RCDS #1 to the RCDA.

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Continuation of Condition #32...

12) The Stormwater Design Calculations submitted includes results of percolation test conducted on May 27th and 28th by Fairway Testing. The stormwater management practice (SMP) systems are designed basin on infiltration test rates of 2-inch/hour and 16-inch/hour, not witnessed by the RCDA. Please be advised that all field tests, if any, for groundwater depth and infiltration rate must be witnessed by a RCDA inspector for the design to be acceptable. Therefore, the applicant is hereby notified that the RCDA may request additional infiltration tests at the proposed infiltration SMP system locations during construction and the conditions found during the tests may result a re-design of the proposed SMP systems that must be reviewed and approved by the RCDA, prior to any other construction at the site. Please also note that this requirement will be added as a condition on the permit when issued.

13) Please note that the "Exist. Macadam Parking Lot & Play Area" and Exist. Access Drive" were constructed after year 2016 without the required permit from the RCDA, which is a violation of the Rockland county Stream Control Act. However, the RCDA has no further comments regarding the existing violation as it appears that the current submission includes unauthorized parking areas constructed without the required RCDA permit as proposed development and provided adequate mitigation measures to address the increase in stormwater runoff from the unauthorized parking area construction.

14) Please provide a Certificate issued by the Floodplain Administrator (FA) of the Town of Orangetown certifying that the proposed construction is in compliance with the floodplain regulations of this municipality and the Federal Emergency Management Agency (FEMA). Alternatively, please have the FA certify that the entire project is outside the 100-year floodplain limits.

15) Upon publishing the "Notice of Application" provided earlier, please obtain the requested "Affidavit of Publication" from the newspaper publisher and forward it to the RCDA for filing with your application.

16) Upon revisions, please have your Engineer/ Architect provide the RCDA with an estimate of cost of construction for the proposed storm drainage improvements, detention/ storage facilities, and soil erosion and sediment control measures for the required performance bond. As indicated in the Rockland County Stream Control Act Permit Application rules and regulations, a performance bond for the proper performance of all work affecting County regulated streams is required.

17) Please note that all drawings and calculations submitted in support of the application must be signed and stamped or seals by a Professional Engineer or a Registered Architect licensed in the State of New York. At least one set of drawings and calculations must bear the original sign and stamp/seal.

18) No work shall be done at the site prior to obtaining a Stream control Act Permit from the RCDA

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33. Rockland County Sewer District #1 (District) has reviewed the submitted Site Plan, last revised on September 15, 2020 and offered the following comments:

**1. Rockland County Sewer District No. 1 does not object to the plan as shown.
2. The District owns and maintains four (4) pressure sewer mains in an easement on the subject property. The drawings show proposed stormwater management structures and a proposed grass playfield with infiltration trenches next to easement.**

- a. No permanent structures may be built within the Sewer District easement.**
- b. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.**
- c. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done with its easement.**
- d. Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the **County of Rockland and Rockland County Sewer District No. 1** from any claims arising from work performed within its easements.**

34. Orange and Rockland Utilities reviewed the submitted information and offered the following comment:

- The proposed addition may be in conflict with the existing gas facilities. Please contact O & R's new business department for any disconnects/reconnects and load increases. All code 753 rules must be followed.**

35. 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.

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

37. 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 #37...

- 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.

38. 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.

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

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

41. 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).

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

43. 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

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

45. 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.

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Overrides

The Board made motions to override Conditions #5, #6, #14 and #15 of the November 18, 2022 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#5. According to maps made available to the Rockland County GIS Division, and the Hudson River Natural Resources Mapper, there are Federal wetlands on the subject property. Any Federal wetlands must be delineated on the Site Plan drawing and a review must be completed by the United States Army Corps of Engineers (ACOE). If the ACOE requires a permit pursuant to Section 404 of the clean water Act for the discharge to fill in Waters of the U.S., then Section 401 Water Quality Certification (WQC) will be required to verify compliance with State water quality regulations. Issuance of these certifications is delegated the NYSDEC. 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 with all conditions for the corresponding Nationwide Permit. A determination on the ACOE jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.”

The Board held that the site is outside the New York State Department of Environmental Conservation district and is not disturbing the buffer.

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

“#6. According to the Hudson River natural Resource Mapper, most of the subject site is in the “State Regulated Wet Lands Check Zone.” The check zone is an area near other mapped wetlands where an actual wetland may occur. While the applicant has indicated that the NYSDE has been consulted on the location on the wetland boundary, this department recommends that field delineation on onsite wetlands be conducted to avoid potential negative impacts to the wetlands or any wetland buffer. NYSDEC wetlands permits may be necessary.”

The Board held that the site is outside the New York State Department of Environmental Conservation district and is not disturbing the buffer.

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Overrides

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

"14. Sheet 2 and 3 of the Site Plans illustrate a large number of existing trees along the northwest portion of the site, which are not on the Landscape Plan. Sheets 2 and 3 do not indicated that these trees will be removed from the site. The Landscape plan must indicate the full extent of trees to remain within the area of the site depicted on the drawing.

The Board held that the applicant does not propose to remove any trees.

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, absent; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), aye and Michael McCrory, absent.

"15. 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 car 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.

The Board held that review of the Landscape Plan was coordinated with the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR). At the July 7, 2022 ACABOR Meeting, the Board reviewed the Landscaping Plan under ACABOR #22-38, and granted Approved as Presented.

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

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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; Michael Mandel - Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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: December 14, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



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TO: Alanna and James Levine, 39 Tweed Boulevard, Nyack, New York
FROM: Orangetown Planning Board

RE: PB#22-62: Levin Site Plan - Critical Environmental Area: The application of James & Alanna Levine owners for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as "**Levin 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 39 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 40; in the R-22 zoning district.

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

Alanna and James Levine appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 30, 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 December 12, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, signed by Bruce Peters, PE, dated December 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated November 23, 2022.
5. A letter from Brooker Engineering signed by Kenneth DeGennaro, PE, dated December 8, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, acting Commissioner of Planning, dated November 17, 2022, and a notice from Jake Palant, dated October 13, 2022.
7. A letter from Rockland County Department of Highways, signed by Dylan Rajasingham, Engineer III, dated October 4, 2022.
8. Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated November 11, 2022.
9. Notices from the Town of Orangetown Zoning Board of Appeals, dated October 5, 2022, signed by Dan Sullivan, Chair.
10. Notice from the Rockland County Environmental Resources, dated October 4, 2022, signed by Allan Beers.

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11. Project Narrative prepared by Alanna and James Levine.
12. Revised Short Environmental Assessment Form (SEAF) signed by Alanna Levine, dated November 23, 2022.
13. Copy of the Building Permit Referral signed by Rick Oliver, dated August 11, 2022.
14. Construction Plan proposed Walls for Levine, prepared by Thomas Skrable, PE, dated August 8, 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 Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), aye.

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

SEP 16 2022 11:01 AM
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Sewer District No. 1, Rockland County Environmental Resources, Rockland County Department of Health and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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On motion Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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 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 advised during the Project Review Committee meeting that the two retaining walls at the north side of the house are not being replaced. The drawing must be revised accordingly. The Site Plan must mark which walls are coming down and which ones are staying.
4. The designated street line shall be show on the plans.
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.

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6. 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.
- The soil erosion and sediment control symbols shall conform to NYSDEC standards.

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

8. Drainage Review Recommendation – Brooker Engineering

The application has demonstrated that there are no potential significant impacts with respect to drainage that require mitigation. The Drainage Consultant therefore recommends that the Levine Site Plan be approved for drainage subject to the following Project Comments.

Project Description This is the first drainage review report for this project. The proposed action consists of the replacement of 130 linear feet of existing railroad tie retaining walls along the existing driveway and the north side of the house with segmental block retaining walls. Stormwater runoff flows downhill to the east. No new impervious areas are proposed and existing drainage patterns will remain. No post construction stormwater management facilities are proposed; none are required.

Project Comments

1. Provide the existing and proposed impervious areas on the site to document no new impervious areas.
2. Show the limit of disturbance on the Site Plan, including the over dig for the segmental block retaining wall geogrid.
3. Add a legend to the Site Plan.
4. Brooker Engineering recommends adding a swale along the northern driveway retaining wall to direct stormwater runoff from the hillside and Tweed Boulevard to the north around the wall and away from the garage.

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

- The proposed construction encroaches into the Tweed Boulevard right of way, which is a County -owned Highway. The applicant must comply with the conditions of the Rockland County Highway Department's letter of October 4, 2022 and secure a road work permit.

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Continuation of Condition #9...

- 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 (Nov. 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.
- Several questions on the SEAF are answered incorrectly. The EAF Mapper Application indicates that questions 7, 12b, 15 and 20 should be answered affirmatively.
- Page 5 of the Town of Orangetown Land Use Board application indicates variance approval is required. The application does not specify which variances are needed, however, Map Note 6 indicates that the required variances include the front and side yards. Any variance application for this proposal must be forwarded to Rockland County Department of Planning for review, as required by NYS General Municipal Law, Section 239-m (3)(a)(v).
- Retaining walls 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 PE.
- 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.
- The Site Plan shall include a bulk table detailing proposed as well as required bulk values. It must also indicate the pre-existing, nonconforming conditions.
- Page 5 of the Land use application indicates that a variance is required. No further information is provided in the application materials. This discrepancy must be resolved.
- The subject is approximately 85 feet east of Clausland Mountain Park, a County Park. All county interests within 500 feet of the site and all corresponding Referral Agencies must be indicated on page 6 of the application.
- The map notes must include district information and lot area.

10. The Rockland County Department of Highways (RCHD) reviewed the submitted information and offered the following comment:

- The applicant must secure a road work permit from RCDH if the proposed action is approved by the Town.

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11. 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 Highway Department

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

13. The 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:

- 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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Continuation of Condition #15...

- 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.

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).

TOWN CLERK'S OFFICE

2023 JAN 17 P 2:15

TOWN OF ORANGETOWN

**PB #22-62: Levin Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDG-1821-22

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

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

Override

The Board made motions to override Condition #8.5 of the November 17, 2022 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#8.5. The Land Use Board Application indicates that the application is being reviewed for a variance. Contrary to this, the GML referral form indicates that the application is being submitted for Prepreliminary/final plan review. Neither the referral form or Land Use Board Application indicate that this proposal is being presented before the Zoning Board of Appeals, which typically reviews variance requests. The application materials must contain consistent information. In any incorrect information exists on the public hearing notice, it must be revised and reissued.”

The Board held that no variances are required for this submission.

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

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; Michael Mandel- Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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: December 14, 2022
Town of Orangetown Planning Board**
attachment

Cheryl...
TOWN OF ORANGETOWN
JAN 17 2:15 PM '23

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

**PB #22-62: Levin Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
December 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

NAME OF ACTION: Levin Site Plan- Critical Environmental Area

**DESCRIPTION OF ACTION: Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

LOCATION: The site is located at 39 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 40; in the R-22 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

TOWN CLERK'S OFFICE

2023 JAN 17 P 2:16

TOWN OF ORANGETOWN

**PB #22-63: Moore & Mills
Critical Environmental Area
Final Site Plan Approval Subject to Conditions Permit #BLDG-1126-22
Approval Subject to
Conditions/ Neg. Dec.**

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

**TO: Meeka Asayag, Design Farm Group, 124 Avenue,
 Tappan, New York
FROM: Orangetown Planning Board**

RE: Moore & Mills Site Plan- Critical Environmental Area: The application of Kathryn Mills and Michael Nugent Moore, owners, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site to be known as **"Moore & Mills 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 1083 South Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 7; in the R-22 zoning district.

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

Meeka Asayag and Kathryn Mills appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 30, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated December 12, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated November 23, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 9, 2022.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 9, 2022 and Notice signed by Jake Palant, dated November 2, 2022.
7. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated November 16, 2022.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated November 11, 2022.
9. Letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra Engineer II, dated November 18, 2022.
10. Notice from the Village of Grandview-on-Hudson, signed by Julie Paglianoi, dated November 18, 2022.

TOWN CLERK'S OFFICE
JAN 17 2:16 PM
TOWN OF ORANGETOWN

PB #22-63: Moore & Mills
Critical Environmental Area
Final Site Plan Approval Subject to Conditions **Permit #BLDG-1126-22**
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Town of Orangetown Planning Board Decision
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11. Notice from the Town of Orangetown Zoning Board of Appeals, dated November 2, 2022, signed by Dan Sullivan Chairman.
12. Site Plan prepared by Paul Gdanski, PE, dated September 27, 2022.
13. Planting Plan prepared by Design Farm, dated September 27, 2022.
14. Building Permit Referral dated May 5, 2022 signed by Rick Oliver, Building Inspector.
15. Copy of the Short Environmental Assessment Form, dated October 5, 2022, signed by Kathryn Mills, revised December 13, 2022.

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

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 Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel- Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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; Michael Mandel- Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), aye, the Board declared itself as 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, namely Paul Gdanski, PE 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

2023 JAN 17 P 2:19

TOWN OF ORANGETOWN

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**Town of Orangetown Planning Board Decision
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and Engineering; and having heard from the following involved and interested agencies: Village of Grandview-on-Hudson, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Department of Planning, 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:

- 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; Michael Mandel- Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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:**

TOWN CLERK'S OFFICE
2023 JAN 17 P 2:19
TOWN OF ORANGETOWN

**PB #22-63: Moore & Mills
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**Town of Orangetown Planning Board Decision
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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The designated street line shall be shown on the plans.
4. The Short Environmental Assessment Form shall be revised as follows:
 - #12a and b shall be answered "YES",
 - #13a shall be "YES",
 - #15 shall be "YES"-Atlantic Sturgeon Short Nose,
 - #20 shall be "YES",
 - #344075-Camp Blauvelt and 546031-Hudson River.
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 by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
6. The total increase in impervious area (if any) shall be listed on the drawing.
7. Stormwater/ drainage calculations, prepared by a NYS Licensed Professional Engineer, shall be submitted for review and approval. The calculations shall include year storms analyzed, stormwater quantity reduction (if applicable), design parameters/ sizing for bioswale and rain garden, etc.
8. Specific details, including elevations, sizing, cross sections, etc., for the proposed bioswale and rain garden shall be added to the plans.
9. The proposed bioswale/ raingarden is shown to be partially on the neighboring property to the south, this shall be corrected.

TOWN CLERK'S OFFICE

2023 JAN 17 P 2:19

TOWN OF ORANGETOWN

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**Town of Orangetown Planning Board Decision
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10. The scope of the work, especially the retaining wall repair/ replacement & existing and proposed drainage patterns, are unclear on the drawings.
11. The entire existing 24-inch CMP drainage piping, along the northern property line, shall be shown in its entirety.
12. All existing conditions plan shall be added to the drawings.
13. The soil erosion and sediment control symbols shall conform to NYSDEC standards.
14. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no further comments at this time.

15. Drainage Review Recommendation – Brooker Engineering

The application has demonstrated that there are no potential significant impacts with respect to drainage that require mitigation. Brooker Engineering therefore recommends that the Moore & Mills Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for this project. The proposed action consists of the construction of about 75 linear feet of along the western portion of the existing driveway to the home. A bioswale and landscaping improvements are proposed along the south side of the house. and the north side of the house with segmental block retaining walls. No new impervious areas are proposed and existing drainage patterns will remain. A bioswale is proposed along the south side of the existing dwelling.

Project Comments

1. Provide the existing and proposed impervious areas on the site to demonstrate no new impervious areas.
2. The area of disturbance is listed as 18,063 SF (map note 13). The extent of work that corresponds to this quantity of disturbance is not clear on the plan; show the limit of disturbance on the Site Plan.
3. Add a legend to the Site Plan. Distinguish existing and proposed conditions on the Site Plan.

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2023 JAN 17 P 2:19
TOWN OF ORANGETOWN

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Continuation of Condition #15...

4. Show the invert of the wall underdrain pipe at the bioswale and clarify if this pipe discharges to daylight or the bioswale underdrain. Show the invert out elevation of the bioswale underdrain. The bioswale is not likely to receive significant infiltration at a 33% slope.
5. Private cleanouts at all bends in the storm drainage pipes.
6. Show the bioswale limit of disturbance contained to the subject property.
7. Coordinate the straw bale and silt fence symbols on the plan with erosion control legend.
8. Modify the Stabilized Construction Entrance Detail to show the stone being placed on existing pavement.

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

- A review shall be completed by the NYS Department of Transportation and any required permits obtained.
- The Village of Grand View-on-Hudson is one reason this proposal was referred to this department for review. The municipal boundary abuts the east property line of the site. NYS General municipal law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county wide planning, zoning, Site Plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another, traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area. The Village of Grand View-on-Hudson must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Grand View-on-Hudson must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

TOWN CLERK'S OFFICE

2023 JAN 17 P 2:16

TOWN OF ORANGETOWN

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Town of Orangetown Planning Board Decision
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Continuation of Condition #16...

- A review must be completed by the NYS Department of Environmental Conservation and any required permits obtained.
- The applicant must comply with the conditions of the Rockland County Department of Health's letter of November 16, 2022, and an application must be submitted to them for review to ensure compliance with the County Code, Article XIX, Mosquito Code.
- Prior to the start of 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 location of the proposed retaining wall must be clearly labeled on the Site Plan drawing. Retaining walls shall be designed by a NYS PE and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by a NYS PE.
- The applicant must furnish proof of permission for any construction proposed within the easement for ingress and egress to NYS route 9W.
- The proposed bioswale/rain garden is depicted encroaching slightly into Lot 8 to the south. The applicant must obtain and provide permission from the adjoining property owner to allow this, or the raingarden redesigned to be contained entirely within the subject property's boundaries.
- Several questions on the EAF are answered incorrectly. The EAF Mapper Application indicates that questions 12a, 12b, 15 and 20 on the EAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answered to certain questions using the NYS Database information.
- 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 variances required due to a change in measurement must be submitted to this department for review, as required by NYS General Municipal Law, Section 239-m (3)(a)(v).

TOWN CLERK'S OFFICE

2023 JAN 17 P 2:16

TOWN OF ORANGETOWN

PB #22-63: Moore & Mills
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Town of Orangetown Planning Board Decision
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17. 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.

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

- Application is to be made to the RCDOH for review of the system for compliance with the County Mosquito code

19. 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
- Rockland County Department of Highway
- Rockland County Planning Department
- Village of Grand View-on-Hudson

20. 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.

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

22. 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.

TOWN CLERK'S OFFICE
2023 JAN 17 P 2:17
TOWN OF ORANGETOWN

**PB #22-63: Moore & Mills
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Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #22...

- 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:
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.

23. 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.

24. 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.

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

TOWN CLERK'S OFFICE
2023 JAN 17 P 2:11
TOWN OF ORANGETOWN

**PB #22-63: Moore & Mills
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26. 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).

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

28. 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

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

30. 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 Michael Mandel-Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel- Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye, Denise Lenihan, absent, Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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: December 14, 2022,
Cheryl Coopersmith

Cheryl Coopersmith

TOWN CLERK'S OFFICE
2022 JAN 17 11 11 AM
TOWN OF ORANGETOWN

**PB #22-63: Moore & Mills Site Plan
Final Site Plan Approval Subject to Conditions
Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
December 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: Moore & Mills Site Plan,

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

**DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions
Approval Subject to Conditions**

LOCATION: The site is located at 1083 South Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 7 in the R-22 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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TOWN OF ORANGETOWN

PB #22-64: Saint Thomas Aquinas

Permit #BLDG-1955-22

Classroom Site Plan

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TO: Arcari & Iovino Architects, Edward Arcari, 1 Katherine Street, Little Ferry, New Jersey 07643

FROM: Orangetown Planning Board

RE: Saint Thomas Aquinas Classroom Site Plan: The application of Arcari + Iovino Architects, Edward Arcari, applicants, for Saint Thomas Aquinas College, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "**Saint Thomas Aquinas Classroom 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 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 1; in the R-40 zoning district.

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

Joseph Donnini, Anthony Fovino and Steven Collazuol appeared and testified.

The Board received the following communications:

1. Project Review Report dated November 30, 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 December 8, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated November 23, 2022.
5. Letters from Brooker Engineering signed by Kenneth DeGennaro, PE, dated December 11 & December 14, 2022.
6. Letter and Notice from Rockland County Department of Planning signed by Douglas Schuetz, Acting Commissioner and Jake Palant, dated December 9, 2022.
7. Letter and Notice from the Rockland County Department of Health, from Elizabeth Mello, PE, dated November 16, 2022.
8. Notice from the Rockland County Department of Highways, signed by Dylan Rajasingham, dated November 21, 2022.
9. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated October 28, 2022.
10. Notice from the Town of Orangetown Zoning Board of Appeals, dated November 2, 2022, signed by Dan Sullivan, Chair.

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JAN 17 2:11

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11. Letters from the Rockland County Drainage Agency, dated November 2 and 17, 2022, dated by Liron Derguti, Engineer I.
12. Letter from Rockland County Sewer District #1, dated November 18, 2022, signed by Joseph LaFiandra, Engineer II.
13. A letter from the New York State Department of Transportation, dated November 18, 2022, signed by Zakia Alam, Assistant Engineer, Traffic & Safety.
14. Drainage Calculations prepared by Steven Collazuol, dated November 11, 2022.
15. Revised Short Environmental Assessment Form signed by Edward Arcari, dated December 13, 2022.
16. Plans prepared by arcari & Iovino and Steven Collazuol, last revision date of October 6, 2022, unless noted:
 - G.001: Location Map, Symbols, Key Plan, Door Maneuvering Clearances, Abbreviations, Drawing List
 - G.002: Code Review, Egress Plan & General Notes
 - G.003: Vicinity Map, Aerial Context Photo & Site Diagram
 - G.004: Zoning Map & Table
 - S.1: Grading & Utilities Plan
 - S.2: Landscape & Lighting Plan
 - S.3: Soil Erosion and Sediment Control Plan
 - S.4: Details
 - A.100: Foundation Plan, Construction Plan, Reflected Ceiling Plan, Wall Types and details
 - A.101: Roof Plan, Details and Dome Plans
 - A.102: Finish Plan, Specifications and Enlarged Plan
 - A.103: Building Sections and Wall Section
 - A.104: Exterior Elevations
 - A.105: Door, Storefront & Window Schedule and Details
 - SK.221129A: Fire Apparatus Access Road, dated November 29, 2022

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

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

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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; Michael Mandel, Vice Chairman, aye; Denise Lenihan, absent; Kevin Farry, aye; Michael McCrory, absent; Andrew Andrews, aye; 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 Department of Health, New York State Department of Transportation, Rockland County Department of Planning, Rockland County Sewer District #1, Rockland County Highway Department, 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;

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- 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 Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Michael Mandel, Vice Chairman, aye; Denise Lenihan, absent; Kevin Farry, aye; Michael McCrory, absent; Andrew Andrews, aye; 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

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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 applicant received a parking variance on May 15, 2019 for the construction of the new dorm building, 814 spaces were required with 740 approved based upon the proposed square footage calculations. The applicant must provide parking calculations based upon the proposed square footage and obtain a variance.

4. Per Chapter 43, Table 3.12, R-40 District, Column 4, the maximum square footage permitted is .15 with .195 proposed, a variance is required from the Town of Orangetown Zoning Board of Appeals.

5. The Short Environmental Assessment Form (SEAF) shall be revised as follows;

- #12b shall be Yes, #15 shall be Yes – Bald Eagle
- # 20 shall be Yes – V00579 – Former Orangeburg Pipe, 3 Rt 303.

6. The designated street line shall be shown on the plan.

7. The HVAC unit shall be added to the roof plan.

8. Review and approval is required by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR).

9. 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.

10. A Full SWPPP, including drainage calculations, shall be prepared for this Site Plan, and submitted to DEMA for review and approval. The applicant's engineer is reminded that the SWPPP/ drainage calculations must address water quality and water quantity. Also, the SWPPP shall clearly describe how the proposed stormwater design meets the requirements for green infrastructure/ new construction and be designed in accordance with the January 2015 (including any and all updates) version of the NYS Stormwater Management Design Manual (NYSDEC SMDM.) Drainage calculations were supplied but are incomplete. The 1-yr, 10-yr and 100-yr storms must be analyzed for both pre and post construction. As well as pond routing through the designed post construction stormwater practice. Any proposed post construction stormwater system shall achieve a zero increase in runoff from the proposed site.

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11. The plans depict a proposed stormwater management facility to be placed underground. However, underground systems are specifically for sites where "above ground"/ at grade systems are not physically practical or possible. Due to the availability of open property on this site, all proposed stormwater management facilities shall be "above ground" system(s.)

12. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the proposed post construction stormwater facility location(s.) These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to DEME.

13. IF 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 5,000 square feet of basin.

Concept Design Testing:

- 2. A minimum of one (1) test pit/boring AND one (1) infiltration test for every 5,000 square test of basin area, with no fewer than four (4) test pits/ borings and four (4) infiltration test 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 has not been disturbed where the infiltration test will be performed”*

14. If the project proposes to utilize infiltration basins, the project narrative and calculations shall clearly verify that the required WQv for the project will infiltrate/ dewater within 48 hours.

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15. If the project proposes to utilize infiltration basins, the applicant's engineer is reminded that as per the NYSDEC-SMDM - "*The bottom of infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high-water table or bedrock layer, as documented by on-site soil testing.*"
16. If the project proposes to utilize infiltration basins, adherence to NYSDEC-SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snowpack treatment, Rain -on-snow events, etc.
17. The total a.o.d. shall be listed on the drawings.
18. Profiles for all proposed stormwater facilities, in the project area, shall be shown on the plans.
19. All existing sanitary and stormwater facilities, in the project area, shall be shown on the plans.
20. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include facility specific Operation and maintenance manuals, management schedules, inspection checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.
21. Sanitary calculations and details for the proposed sanitary sewer pumping system, prepared and sealed by a NYs Licensed Professional Engineer, shall be submitted to DEME for review and approval. The design of the private sanitary pumping station shall provide a minimum of 24-hour storage. It is strongly suggested that backup power also be supplied for the station.
22. The applicant's engineer is advised that the proposed sanitary force main **CANNOT** tie into an existing sanitary building connection. The proposed force main shall tie directly into the nearest private sanitary main. This connection, including existing main, shall be added to the plans.
23. A profile for all of the proposed sanitary lines shall be added to the drawings.
24. Top and invert elevations for all sanitary cleanouts (if applicable), sanitary pumping station, force main connections, etc. shall be added to the plans, details and required profile.
25. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any land use construction on or near existing and proposed sanitary sewer facilities.

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26. The soil erosion and sediment control symbols shall conform to NYSDEC standards.

27. Legends shall be added to the plans.

28. The datum for the contours shall be given on the plans.

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

30. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and offered the following:

- Show the Fire Apparatus Access Road, minimum 20' wide, extending to within 150' of all portions of the building.

31. Drainage Review Recommendation – Brooker Engineering

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 Saint Thomas Aquinas Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project. The project consists of a new 1,191 SF classroom observatory building and sidewalk; no parking expansion is required. Stormwater runoff from this area flows south in an overland manner to an existing parking lot. The footprint is located on a grassy area with a gentle slope. Brooker Engineering has reviewed the drainage calculations used to size the underground detention system for this updated drainage review report.

Project Comments

1. Drainage calculations shall size the system for the 100-year, 24-hour design storm.
2. The drainage calculations shall account for an increase in rainfall intensity from existing to proposed conditions due to the shorter hydraulic travel time.
3. The Modified Rational Method results in a total storage of only 1.6 inches of rainfall runoff over the new impervious area; this shall be increased.
4. Incorporate the effects of the new sidewalk that bypasses the detention system into the calculations.
5. Provide backup calculations for Runoff Volume and Released Volume in the Modified Rational Method for sizing the detention facility.

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Continuation of Condition #31...

6. Provide a plan view and section view of the Cultec chamber unit.
7. Provide cleanouts/manholes at all bends in the storm drainage pipes.
8. Provide invert elevations of all drainage structures.
9. Show the overflow path from the Cultec system.
10. Provide soil testing to demonstrate infiltration rate and separation to groundwater table.

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

- A review shall be completed by the NYS Department of Transportation and any required permits obtained.
- The subject property is 395 feet northwest of the Sparkill Creek, which is one of the reasons for the department's review of the proposal. In addition, the site encroaches into the 100-year buffer of the 100-year floodplain of the Creek. An updated review of the October 6, 2022 Site Plan shall be completed by the Rockland County Drainage Agency.
- According to maps made available to the Rockland County GIS division, and the Hudson River Natural Resources Mapper, there are Federal wetlands on the subject property. A review must be completed by the USACOE and any required permits obtained. Any Federal wetlands must be delineated on the Site Plan drawing.
- The applicant must comply with the conditions of the Rockland County Department of Health's letter of November 16, 2022, and an application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Article XIX Mosquito Code.
- 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.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Sparkill Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- 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 Standards for Urban Erosion and Sediment Control.

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Continuation of Condition #32...

- There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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 Rockland County Department of Health for review.
- Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The SEAF Mapper application, provided by the NYSDEC indicates that questions 12b, 15 and 20 on the SEAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answer to certain questions using the NYS database information.
- The parking requirements note on Sheet G.004 states that there will be no increase in the number of students or staff. Per Section 3.11, Column 6, Line 4, schools require at least one parking space per "200 square feet of gross floor area but not less than one space for each 6 students where provided." Therefore, the parking requirements are not solely based on the number of students or staff. Parking calculations, using the gross floor area of the entire site, must be provided. The previous reviews by the Rockland County Department of Planning of this site indicate that the minimum required number of parking spaces are not available on site for the existing buildings. The College and Town must ensure that sufficient parking is provided for the proposed use. This be done by limiting students from bringing vehicles to campus for freshman and/or sophomore years, as often done by higher educational institutions. Under no circumstances can any overflow parking be located within the State highway right of way.
- The Rockland County Department of Planning recommends 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.

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Continuation of Condition #32...

- The Rockland County Department of Planning requests the opportunity to review the Floor Area Ratio variance required to implement the proposed Site Plan, as mandated by NYS General Municipal Law, Section 239-m (3)(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. Any additional variances required due to a change in measurement must be submitted to Rockland County Department of Planning for review, as required by the NYS General Municipal Law, Section 239-m (3)(v).
- The GML Referral form, Orangetown Land Use Board Application and Zoning Table on Sheet G.004 of the Site Plan only indicate that the development site comprises Tax lot 74.16-1-1. However, the Vicinity Map on Sheet G.003 highlights both lots 1 and 29. Additionally, the Zoning Table, the Land Use Board application, and Question 3 of the SEAF indicates that the area of the site is 27.5 acres, which is the combined acreage of lots 1 and 29. It must be clarified if lot 29 is part of the development site. All application materials must contain consistent information, and if any incorrect information exists on the public hearing notice, it must be revised and reissued.
- The top portion of the development site is cut off on Sheet G.004, and note of the other sheets provided depict the entire development site. The whole site and its improvements, within the confinement of the property boundaries must be delineated on at least one sheet.

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

- More details on the proposed sewage disposal system is required to determine if any approvals are required from this department.
- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

34. Orange and Rockland reviewed the submitted information and offered the following:

The proposed building may be in conflict with the existing gas service. Please contact O&R's new business department for all disconnects/reconnects and load increases. All code 753 rules must be followed.

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35. The Rockland County Drainage Agency (RCDA) reviewed the submitted documents and provided the following comment:

- 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 if 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 and a written determination from the RCDA as to whether a permit is required.

36. 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.

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

The proposed project does not abut the State Highway System and has minimal to no impact. The Department has no additional comments at this time and no permit will be required from the NYSDOT to pursue the work.

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

- Rockland County Sewer District #1
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals
- Rockland County Health Department
- Rockland County Department of Planning
- Rockland County Department of Highways

39. 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.

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

41. 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 #41...

- 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.

42. 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.

43. 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.

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

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45. 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).

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

47. 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

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

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

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: December 14, 2022
Town of Orangetown

Cheryl Cooper

TOWN OF ORANGETOWN
2023 JAN 17 P 11 NVK 0202
TOWN OF ORANGETOWN

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

**PB #22-64: Saint Thomas Aquinas
Classroom Site Plan
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
December 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: The Saint Thomas Aquinas Classroom Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to
Conditions/ Neg. Dec.**

LOCATION: The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 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

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