

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, February 8, 2023

MEMBERS PRESENT:

Michael Mandel, Vice Chairman
Andrew Andrews Kevin Farry
Denise Lenihan Michael McCrory
Lisa DeFeciani

MEMBER ABSENT: Thomas Warren, Chairman and Tara Heidger, (alternate member)

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

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

Fisher Site Plan

Critical Environmental Area-South Nyack
Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
7 Berachah Avenue, South Nyack
66.61/1/19.2; RG-8H zoning district

PB #23-04

**Continued: Revise Plans
Need proof of Removal
of Easements**

Tri-Bee Re-Subdivision Plan

Prepreliminary/ Preliminary/
Final Re-Subdivision Plan
and SEQRA Review
120 & 122 East Central Avenue, Pearl River
68.20/2/5.1 & 5.2; CS zoning district

PB #23-05

**Final Re-Subdivision
Approval Subject to
Conditions/ Neg. Dec.**

Tri-Bee Re-Site Plan

Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
120 & 122 East Central Avenue, Pearl River
68.20/2/5.1 & 5.2; CS zoning district

PB #23-06

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

East Coast BLR Site Plan

Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
11 Kings Highway, Orangeburg
74.11/2/4; LIO zoning district

PB #23-07

**Continued: Revise
Plans**

**Lafamiglia Lanni Restaurant
Outdoor Dining Site Plan**

Prepreliminary/ Preliminary/ Final
Outdoor Dining Site Plan and SEQRA Review
645 Main Street, Sparkill
77.08/5/48.1; CS zoning district

PB #23-08

Postponed

TOWN OF ORANGETOWN
2023 FEB 27 P 12:51
TOWN CLERK'S OFFICE

February 8, 2022 Planning Board Meeting

Other Business:

1. Referral from the Town of Orangetown Town Board – De-mapping of Second Street. The Board received a memorandum from Bruce Peters, PE, Department of Environmental Management and Engineering, dated February 6, 2023. The Board had no objection to the Town Board to act as Lead Agency.

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

2. Village of Piermont Referral for a Zoning Amendment. The Board reviewed the information and had the following comment: The Short Environmental Assessment Form needs to be signed and dated.

The decisions of the January 11, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Lisa DeFeciani and seconded by Kevin Farry carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Farry and seconded by Denise Lenihan and agreed to by all in attendance. The meeting was adjourned at 11:30 p.m. The next Planning Board meeting is scheduled for February 22, 2023.

Dated: February 8, 2023

Cheryl Coopersmith, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2023 FEB 27 P 12:51
TOWN CLERK'S OFFICE

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 1 of 11**

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

RE: Tri-Bee Re-Subdivision Plan: The application of Tri-Bee LTD, owner, for review of a Re-Subdivision plan at a site to be known as “**Tri-Bee Re-Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 8, 2023** at which time the Board made the following determinations:

Thomas Bertussi, Donald Brenner, and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 25, 2023.
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 January 23, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 6, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 24, 2023.
5. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 27, 2023 and Jake Palant, dated January 6, 2023.
6. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 6, 2023.
7. Letters from Rockland County Department of Health, dated November 29, 2022 and January 11, 2023, signed by Elizabeth Mello, PE.

TOWN CLERK'S OFFICE
2023 FEB 27 P 12:51
TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 2 of 11**

8. Letter from Rockland County Sewer District No.1, dated January 20, 2023, signed by Joseph LaFiandra, Engineer II.
9. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated January 4, 2023.
10. Copy of the Short Environmental Assessment Form, dated January 27, 2023, signed by Thomas Bertussi, Principal.
11. Email from Orange & Rockland Utilities, from Alfred Gaddi, PE, dated January 3, 2023.
12. Subdivision Plan prepared by Jay Greenwell, PLS, dated August 28, 2022.

The hearing was then opened to the Public.

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

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

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

TOWN CLERK'S OFFICE

2023 FEB 27 P 12:51

TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 3 of 11**

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Department of planning, Rockland County Department of Health and Rockland County Highway Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

TOWN CLERK'S OFFICE

2023 FEB 27 12:51

TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 4 of 11**

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is proposing to merge lot 5.1 and lot 5.2. The Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, has no objection to the requested merger.
4. The Short Environmental Assessment Form (SEAF) that was submitted is an old form. A new SEAF must be submitted on the current form.
5. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
6. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and had no comment at this time.

TOWN CLERK'S OFFICE

2023 FEB 27 P 12:52

TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 5 of 11**

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

1). Inadequate parking for a site that has access to a County Highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the County Right of Way. Only 19 parking spaces are proposed for a total of 22 dwelling units. While the parking calculations indicates that 22 spaces are required, it is unclear how this calculation was determined. Multifamily residences are not an allowed use in the CS zoning district and, therefore, there is no established parking requirement. However, the MFR zoning district requires 1.5 spaces per one-bedroom unit and 2 spaces per two-bedroom unit. Senior Citizen housing, which generally has a lower parking demand than multifamily residences, requires 1.25 spaces per dwelling unit. No information regarding the number of bedrooms in each unity has been provided. However, the proposed 19 parking spaces represents less than one space per dwelling unit. The proposed site plan must be disapproved. Any development must be reduced in size or number of units so that adequate on-site parking can be provided.

2). As noted in the previous comment, multifamily residence are not an allowed use in the CS zoning district. As a result, there are no established bulk requirements for the proposed action. The information provided in the bulk table represents the bulk requirements for use group FF, which are generally commercial uses. Without established bulk requirements for this non-conforming use, it is advisable that the planning Board be guided by the requirements for Multifamily residences in other zoning districts. Multifamily residences in the MFR zoning district must meet the bulk requirements of use group U, which has substantially more restrictive bulk requirements, particularly a maximum floor area ratio (FAR) of 0.40. The proposed FAR of 0.69 exceeds this standard by 73%. In addition, the MFR zoning district has a maximum residential density of 6.0, 4.8 and 4.0 units per acre for one-bedroom, two-bedroom, and three or more-bedroom units, respectively. The proposed development will have a residential density of over 41 units per acre. Permitting development that does not comply with established standards can set an undesirable land use precedent and result in the overutilization of individual sites. We caution the Town to consider precedent and whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened before granting approvals. The Town must consider the cumulative and community impacts of permitting such development before granting approvals.

TOWN CLERK'S OFFICE

2023 FEB 27 P 12:52

TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 6 of 11**

Continuation of Condition #7...

- 3). The applicant must comply with the conditions of the Rockland County Highway Department's letter of January 10, 2023 and all required permits obtained.
- 4). 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.
- 5). A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- 6). As required by the Rockland County Stream Control Act, the subdivision/ lot merger must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 7). Once a subdivision as been approved, a filed map cannot be used to convey property, nor can the tax aps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly fired with the County Clerk to ensure that the tax maps are properly updated.
- 8). Fire lanes must be delineated on the site plan and access unimpeded.
- 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 (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- 10). There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11). The site plan indicates landscaping strips along the parking area without delineating the actual plants proposed. Only two existing trees are illustrated within the courtyard area; however, there is no legend provided to identify their species. A landscape plan, indicating the species of plants to be used and where they will be planted, must be provided.

TOWN CLERK'S OFFICE
2023 FEB 27 PM 12:52
TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 7 of 11**

Continuation of Condition #7...

12). We recommend that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.

13). Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for snow piles will reduce the loss of available parking spaces meant to be used by residents or visitors. This is especially since the site has fewer than the minimum required number of parking spaces. In addition, designating specific areas will help to protect landscaping from damage due to the weight of the snow and salt intrusion.

14). The site plan indicates that the existing macadam drive on the eastern portion of the site will be repaved. To help reduce the impact of this development, a reduction of impervious surfaces should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

15). If any additional lighting is proposed, it must be identified on the legend and delineated on the site plan drawing. 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.

16). Near the northwest corner of the building, the site plan illustrates a stairway and a concrete walkway to be constructed where two parking spaces are proposed. The location of this walkway will limit the amount of room available for a vehicle to park in either of these spaces. This is also unsafe and creates potential for conflict between a pedestrian descending the staircase and a vehicle entering one of the spaces. The sidewalk and the parking spaces must be reconfigured.

17). The site plan proposes eight parallel parking spaces near or adjacent to the outer walls of the structure. The use of parallel spaces, as opposed to perpendicular parking, may result in vehicle tailpipes being only a few feet from apartment windows. Pollution from idling vehicles may have a serious impact on indoor air quality for residents, depending on the location of windows. The Planning Board must consider the potential health impacts of this parking layout and consider relocating the parking spaces to a greater distance from the structure.

TOWN CLERK'S OFFICE
2023 FEB 27 12:52
TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 8 of 11**

Continuation of Condition #7...

18). As noted in the previous comment, several of the proposed parking spaces are adjacent to the structure. The site plan must be amended to include protective bollards, particularly around the window wells, electric box, and entry stairs along the southern side of the structure.

19). The site plan must be amended to include a "Do Not Enter" sign at the northwest exit to prevent vehicles from entering.

20). No handicap parking spaces are depicted on the site plan drawing. Parking spaces shall be reserved for handicapped as required by State law and as directed by the Planning Board. The location of such spaces shall permit barrier-free access for the handicapped to proposed buildings and facilities, when required. All such spaces shall be designed by signs on stanchion as well as by ground markings.

21). All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.

22). We request the opportunity to review the special permit and variance application needed to implement the proposed site plan, as required by NYS General Municipal Law, section 239-m(3)(a)(v).

23). The designated street line (DSL) must be indicated on the site plan. Any lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to DEME for review, as required by NYS General Municipal Law, section 239-m(3)(a)(v).

24). Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the MDRC requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.

25.1). Map note#16 on Sheets 1 and 3 of the site plan states that the water supplier is United Water of New York. The map note on both sheets must be corrected to Veolia North America.

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

TOWN CLERK'S OFFICE

FEB 27 12:52

TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 9 of 11**

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

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

11. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

TOWN CLERK'S OFFICE

FEB 27 12 52

TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 10 of 11**

Continuation of Condition #13...

- Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

17. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (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 FEB 27 P 12:52
TOWN OF ORANGETOWN

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

**February 8, 2023
Page 11 of 11**

18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
19. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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
20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

**Dated: February 8, 2023
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE

2023 FEB 07 PM 2:52

TOWN OF ORANGETOWN

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

**PB#23-05: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Final Re-subdivision Plan Approval Subject to Conditions**

February 8, 2023

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: Tri-Bee Re-Subdivision Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

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

LOCATION: The site is located at 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 1 of 16

TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board

RE: Tri-Bee Site Plan: The application of Tri-Bee LTD, owner, for review of a site plan at a site to be known as "**Tri-Bee 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 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 8, 2023** at which time the Board made the following determinations:

Thomas Bertussi, Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 25, 2023.
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 January 26, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 6, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 26, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated February 7, 2023.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 27, 2023 and Jake Palant, dated January 6, 2023.
7. Notice and Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 6 & 10, 2023.
8. Letters from Rockland County Department of Health, dated November 29, 2022 and January 11, 2023, signed by Elizabeth Mello, PE.
9. Letter from Rockland County Sewer District No.1, dated January 20, 2023, signed by Joseph LaFiandra, Engineer II.

101460 514870 1171
25 2 12 2023
TOWN OF ORANGETOWN

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**February 8, 2023
Page 2 of 16**

10. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated January 4, 2023.
11. Copy of the Short Environmental Assessment Form, dated January 27, 2023, signed by Thomas Bertussi, Principal.
12. Email from Orange & Rockland Utilities, from Alfred Gaddi, PE, dated January 3, 2023.
13. Site Plan prepared by Jay Greenwell, PLS, dated September 27, 2022.
14. Referral from the Building Department signed by Rick Oliver, dated October 18, 2023.

The hearing was then opened to the Public.

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

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

SEQRA

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

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

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

2023 FEB 08 11 52 AM
TOWN OF ORANGETOWN

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**February 8, 2023
Page 3 of 16**

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Department of planning, Rockland County Department of Health and Rockland County Highway Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

RECEIVED
TOWN OF ORANGETOWN
FEB 12 2023

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 4 of 16

On motion by Kevin Farry and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Tara Heidger (alternate member), absent, 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."
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. Applicant is proposing to remove an existing 4 family dwelling and frame garage and add a 5,760 square foot addition to the existing 12,271 square foot 16-unit multifamily dwelling, for a total of 22 units and 18,031 square feet.
4. Tax Assessor's office records indicate that the structure at 120 E Central appears to have been built in approximately 1910, and the structure at 122 E Central in 1920, preceding the Town of Orangetown Zoning Regulations and is considered an existing non-conforming use.
5. Applicant has advised that the existing apartment building contains 2 – two-bedroom units, 2 studios and 12 one-bedroom units. The proposed addition will contain 4 on-bedroom units. Applicant must provide existing and proposed floor plan layouts.
6. Per Chapter 43, Article IX, section 9.2; "*Degree of nonconforming bulk not to be increased.*" Required front yard is 0 or 45' with 30' existing and proposed to the new addition.

PLANNING BOARD
FEB 13 2023
TOWN OF ORANGETOWN

February 8, 2023
Page 5 of 16

7. Per Chapter 43, Article IX, section 9.34; "Extension or enlargement. "Extension or enlargement" shall mean: in the case of a nonconforming use in a building, the enlargement of such building so as to create additional floor area, or the extension within any existing building to any portion of the floor area therein not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming or the extension of the use to an area outside the building; ... A nonconforming use shall not be extended except as follows: To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use."

8. Per Chapter 43, Table 3.11, column 3, Uses by special permit, Zoning Board, Number 1, "Additions to existing residential structures...on the same lot as existing residential uses." A special permit is required.

9. Applicant must advise as to what parking regulation they are applying to arrive at 22 spaces being required. Per Chapter 43, Table 3.11, CS District, Column 6, "same as R-80", R-80 District, Column 6, Residences, at least 1 parking space for each ½ dwelling...22 apartments would then result in 44 spaces being required.

10. A complete site development plan shall be submitted in conformance with Chapter 21 and 21A.

11. Applicant must show compliance with NYS codes in reference to accessible parking spaces, site accessible routes, and accessible units.

13. New steps are proposed at the northeast corner of the existing building and are shown terminating right onto a proposed parking spot. A landing shall be provided at the bottom of the stairs.

14. What is proposed to prevent cars from driving into the building along the north side?

15. Retaining wall details must be provided.

16. Proposed building elevations must be submitted with existing and proposed building heights indicated.

RECEIVED
FEB 27 12 53 PM '23
TOWN OF ORANGETOWN

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 6 of 16

17. Review and approval is required by the Town of Orangetown Architecture and Community Appearance Board of Review.

18. The Short Environmental Assessment Form (SEAF) that was submitted is an old form. A new SEAF must be submitted on the current form.

19. 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

20. Because the total amount of impervious area is increasing, the applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

21. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed stormwater detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the drainage calculations. 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.

22. The total area of disturbance shall be listed on the plans.

23. DEME Department requests that the applicant's surveyor/ engineer look into the feasibility of relocating the site exit onto John Street, to the south west corner of the property, to reduce the number of impervious surfaces, eliminate a 90° turn - around the southwest corner of the lot and a 180° turn – exiting the property onto John Street and heading south.

24. The plans shows a new retaining wall being installed along the south west property line/ Right of Way line for John Street. The wall must be a pre-engineered (e.g. Versa lock, Unilock, Keystone, etc.) wall. No laid-up stone/ field stone wall will be accepted. Detailed design drawings, that include the amount of disturbance in the Town R.O.W. that will be required, shall be submitted for review and approval. Plan, profile and cross-sections for the proposed wall shall also be added to the drawings.

TOWN CLERKS OFFICE
FEB 27 10 53 AM
NO. 61204780 20 2401

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 7 of 16

25. In connection with comment #5 above, the property owner shall sign a hold harmless agreement with the Town of Orangetown/ Highway Department. The specific language of the agreement shall be coordinated with the Town Attorney's office. The hold harmless agreement shall be submitted to the Highway Department and the Town Attorney's office for review and approval.

26. New concrete curbing shall be installed along the edge of pavement on John Street, along the project site. A detail for same shall be added to the drawings.

27. The existing and proposed sanitary building & house connections, and their connections to existing public sanitary mains, shall be shown on the plan.

28. The existing sanitary mains in John Street and East Central Avenue shall be shown on the plan.

29. The sanitary house connection for the existing 2 1/2 story dwelling that is being removed shall be labeled to be cut and capped at the sanitary main.

30. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include both the existing apartment building as well as the proposed addition.

31. Soil erosion and sediment control plans and details shall be submitted with the plans for review and approval.

32. 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 Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

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

- Show the proposed height of the building on the Site Plan,
- Show fire Lane striping and signage,
- What is the dimension of the entrance? Minimum fire apparatus access road width is 20',
- Show that fire apparatus can drive around the building, and
- Show dimensions of access road on Site Plan.

TOWN OF ORANGETOWN

PLANNING BOARD

1001 CENTRAL AVENUE

**February 8, 2023
Page 8 of 16**

34. Drainage Review Recommendation – Brooker Engineering

The application has demonstrated that there are no potential significant impacts with respect to drainage that require mitigation. We Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Tri-Bee LTD 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 a 24'x80' building addition to an existing apartment structure. An existing dwelling and detached garage on a separate tax lot to be merged with the subject lot will be removed. Land slopes downhill to the northwest towards John Street and East Central Avenue. Improvements to the parking lots and site circulation will be performed as part of the overall work. The site plan largely maintains the existing drainage pattern and stormwater runoff rates; no stormwater detention facilities are proposed.

Project Comments

1. Provide a breakdown of existing and proposed impervious areas. Increases in impervious area greater than 400 SF require stormwater mitigation.
2. Verify no new doors are proposed on the north, east, and south sides of the building addition.
3. Verify if curbs are proposed along the two feet wide landscaped areas around the north, east, and south sides of the building addition.
4. Show positive drainage around the east side of the building addition.
5. Verify on the Site Plan if the addition will be slab on grade or have a basement.

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

- 1). Inadequate parking for a site that has access to a County Highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the County Right of Way. Only 19 parking spaces are proposed for a total of 22 dwelling units. While the parking calculations indicates that 22 spaces are required, it is unclear how this calculation was determined. Multifamily residences are not an allowed use in the CS zoning district and, therefore, there is no established parking requirement. However, the MFR zoning district requires 1.5 spaces per one-bedroom unit and 2 spaces per two-bedroom unit. Senior Citizen housing, which generally has a lower parking demand than multifamily residences, requires 1.25 spaces per dwelling unit. No information regarding the number of bedrooms in each unity has been provided. However, the proposed 19 parking spaces represents less than one space per dwelling unit. The proposed site plan must be disapproved. Any development must be reduced in size or number of units so that adequate on-site parking can be provided.

ORANGE COUNTY PLANNING BOARD
2023 FEB 13 10:43 AM
ROCKLAND COUNTY PLANNING BOARD

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 9 of 16

Continuation of Condition #35...

2). As noted in the previous comment, multifamily residence are not an allowed use in the CS zoning district. As a result, there are no established bulk requirements for the proposed action. The information provided in the bulk table represents the bulk requirements for use group FF, which are generally commercial uses. Without established bulk requirements for this non-conforming use, it is advisable that the planning Board be guided by the requirements for Multifamily residences in other zoning districts. Multifamily residences in the MFR zoning district must meet the bulk requirements of use group U, which has substantially more restrictive bulk requirements, particularly a maximum floor area ratio (FAR) of 0.40. The proposed FAR of 0.69 exceeds this standard by 73%. In addition, the MFR zoning district has a maximum residential density of 6.0, 4.8 and 4.0 units per acre for one-bedroom, two-bedroom, and three or more-bedroom units, respectively. The proposed development will have a residential density of over 41 units per acre. Permitting development that does not comply with established standards can set an undesirable land use precedent and result in the overutilization of individual sites. We caution the Town to consider precedent and whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened before granting approvals. The Town must consider the cumulative and community pacts of permitting such development before granting approvals.

3). The applicant must comply with the conditions of the Rockland County Highway Department's letter of January 10, 2023 and all required permits obtained.

4). 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.

5). A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.

6). As required by the Rockland County Stream Control Act, the subdivision/lot merger must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

PLANNING BOARD
FEBRUARY 8, 2023
ORANGETOWN, FLORIDA

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 10 of 16

Continuation of Condition #35...

7). Once a subdivision has been approved, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the County Clerk to ensure that the tax maps are properly updated.

8). Fire lanes must be delineated on the site plan and access unimpeded.

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 (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.

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

11). The site plan indicates landscaping strips along the parking area without delineating the actual plants proposed. Only two existing trees are illustrated within the courtyard area; however, there is no legend provided to identify their species. A landscape plan, indicating the species of plants to be used and where they will be planted, must be provided.

12). We recommend that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.

13). Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for snow piles will reduce the loss of available parking spaces meant to be used by residents or visitors. This is especially since the site has fewer than the minimum required number of parking spaces. In addition, designating specific areas will help to protect landscaping from damage due to the weight of the snow and salt intrusion.

2023 FEB 08 10:00 AM
PLANNING BOARD
TOWN OF ORANGETOWN

PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions

Permit #BLDG-2294-22

February 8, 2023
Page 11 of 16

Continuation of Condition #35...

14). The site plan indicates that the existing macadam drive on the eastern portion of the site will be repaved. To help reduce the impact of this development, a reduction of impervious surfaces should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

15). If any additional lighting is proposed, it must be identified on the legend and delineated on the site plan drawing. 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.

16). Near the northwest corner of the building, the site plan illustrates a stairway and a concrete walkway to be constructed where two parking spaces are proposed. The location of this walkway will limit the amount of room available for a vehicle to park in either of these spaces. This is also unsafe and creates potential for conflict between a pedestrian descending the staircase and a vehicle entering one of the spaces. The sidewalk and the parking spaces must be reconfigured.

17). The site plan proposes eight parallel parking spaces near or adjacent to the outer walls of the structure. The use of parallel spaces, as opposed to perpendicular parking, may result in vehicle tailpipes being only a few feet from apartment windows. Pollution from idling vehicles may have a serious impact on indoor air quality for residents, depending on the location of windows. The Planning Board must consider the potential health impacts of this parking layout and consider relocating the parking spaces to a greater distance from the structure.

18). As noted in the previous comment, several of the proposed parking spaces are adjacent to the structure. The site plan must be amended to include protective bollards, particularly around the window wells, electric box, and entry stairs along the southern side of the structure.

19). The site plan must be amended to include a "Do Not Enter" sign at the northwest exit to prevent vehicles from entering.

APPROVED
DATE: 2/10/23
BY: [Signature]

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**February 8, 2023
Page 12 of 16**

Continuation of Condition #35...

20). No handicap parking spaces are depicted on the site plan drawing. Parking spaces shall be reserved for handicapped as required by State law and as directed by the Planning Board. The location of such spaces shall permit barrier-free access for the handicapped to proposed buildings and facilities, when required. All such spaces shall be designed by signs on stanchion as well as by ground markings.

21). All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.

22). We request the opportunity to review the special permit and variance application needed to implement the proposed site plan, as required by NYS General Municipal Law, section 239-m(3)(a)(v).

23). The designated street line (DSL) must be indicated on the site plan. Any lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to DEME for review, as required by NYS General Municipal Law, section 239-m(3)(a)(v).

24). Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the MDRC requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.

25.1). Map note#16 on Sheets 1 and 3 of the site plan states that the water supplier is United Water of New York. The map note on both sheets must be corrected to Veolia North America.

36. The Rockland County Department Health (RCDOH) has received plans for review and offered the following comment:

Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to RCDOF for review of the system for compliance with the Rockland County Sanitary Code (Mosquito Control).

ROCKLAND COUNTY
DEPARTMENT OF HEALTH
HEALTH OFFICE

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**February 8, 2023
Page 13 of 16**

37. The Rockland County Highway Department reviewed the submitted information and offered the following comments:

1. As the parking in the area is a concern, the Highway Department believes the applicant should provide a mitigation plan for the parking variances.
2. The applicant must secure a road work permit from the Rockland County Highway Department if the proposed action is approved by the Town.

38. 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.

39. Orange and Rockland reviewed the submitted information offered the following comment: The proposed work may be in conflict with the existing gas service. It seems an addition load will most likely be required for the site. Please contact O&R's new business department for all disconnects/ reconnects and load increases. All code 753 rules must be followed. will be retiring the main and services feeding the property.

40. 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.

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

42. 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.

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

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

APPROVED
DATE: 02/08/23
BY: [Signature]

**February 8, 2023
Page 14 of 16**

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

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

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

45. 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.

[Faint, illegible text, possibly a signature or stamp]

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**February 8, 2023
Page 15 of 16**

46. 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.

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

48. 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).

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

50. 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

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

**TOWN OF ORANGETOWN
PLANNING BOARD
KIMBERLY R. WATSON
PLANNING BOARD CHAIR**

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**February 8, 2023
Page 16 of 16**

Override

The Board made motions to override Condition 1 of the January 27, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

The Board held that the number of residential units are existing. In regard to the number of parking spaces, the applicant will need to make application to the Town of Orangetown Zoning Board of Appeals for a parking variance.

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, aye; Michael Mandel, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), not voting and Michael McCrory, aye.

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

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

**Dated: February 8, 2023
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2023 FEB 27 P 12:54
TOWN CLERK'S OFFICE

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

**PB#23-06: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Preliminary Site Plan Approval Subject to Conditions**

February 8, 2023

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: Tri-Bee 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 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN OF ORANGETOWN