

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, January 11, 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:

<b>SQ Properties Site Plan</b>		<b>PB #23-02</b>
Request for a 90 Day Extension to File the Plan	<b>Granted</b>	
8 Olympic Drive, Orangeburg		
73.15/1/16; LIO zoning district		

**Continued Items:**

<b>80 Old Mountain Road South Site Plan</b>		<b>PB #19-77</b>
Critical Environmental Area	<b>Final Site Plan Approval</b>	
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	<b>Subject to Conditions</b>	
80 Old Mountain Road South, Upper Grandview	<b>Reaffirmation of SEQRA</b>	
71.05/1/30; R-22 zoning district		

<b>Databank Orangeburg Site Plan</b>		<b>PB #22-58</b>
Final Site Plan Review and Conditional Use Permit	<b>Final Site Plan Approval</b>	
2000 Corporate Drive, Orangeburg	<b>Subject to Conditions</b>	
73.15/1/19; LIO zoning district	<b>Reaffirmation of SEQRA</b>	

**New Item:**

<b>South Corner Site Plan</b>		<b>PB #23-01</b>
Final Site Plan Review	<b>Final Site Plan Approval</b>	
2 Route 340, Orangeburg	<b>Subject to Conditions</b>	
74.11/2/47; CC zoning district	<b>Reaffirmation of SEQRA</b>	

<b>Gatto Lane Planned Adult Community Site Plan Consultation</b>		<b>PB #23-03</b>
Consultation Review - Gatto Lane, Pearl River	<b>Consultation</b>	
68.07/2/1; R-15, PAC zoning district		

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### Other Business:

1. Drainage Consultant Fees
  - Brooker Engineering
  - Colliers Engineering & Design

The Board reviewed Drainage Consultant proposals from Brooker Engineering, and Collier Engineering and determined both consultant proposals to be acceptable.

A motion to accept the proposed Brooker Engineering 2023 Fee Schedule by was made by Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

A motion to accept the proposed Collier Engineering 2023 Fee Schedule by was made by Denise Lenihan and seconded by Andrew Andrews 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. The Board reviewed a Referral from the Village of Chestnut Ridge regarding the development of site on the border of the Town of Orangetown, to be known as All Seasons Chestnut Ridge, Section 68.13, Block 1, Lot 3. The Board recommended that the project be left to local determination.

3. Tappan Fire House – Western Highway Site, 74.18-2-35, Ryan Nasher appeared on behalf of the Fire District. Mr. Nasher requested the erection of a temporary tent while interior renovation of the structure. The tent would be needed for approximately 6 to 9 months.

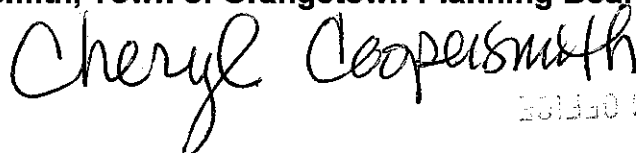
The Board had no objection to the tent and time span needed by the Fire District.

The decisions of the December 14, 2022 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 Andrew Andrews and seconded by Kevin Farry 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 8, 2023.

Dated: January 11, 2023

Cheryl Coopersmith, Town of Orangetown Planning Board



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**PB #23-02: SQ Properties: Granted One 90-day Extension to File the Site Plan**

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**TO: Jay Greenwell, 34 Wayne Ave., Floor 2, Suffern New York**  
**FROM: Town of Orangetown Planning Board**

**RE: SQ Properties Site Plan:** The application of SQ Properties, owner for a 90 Day Extension to File the Plan at a site to be known as “**SQ Properties 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 8 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 16 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 11, 2023**, at which time the Board made the following determinations:

Jay Greenwell 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 21, 2022.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 9, 2023.

A motion was made to open the Public Hearing portion of the meeting 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; Lisa DeFeciani, aye Tara Heidger, (alternate member), absent; and Andrew Andrews, aye.

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

**Reaffirmation of SEQRA**

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

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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 Department of Planning, Rockland County Health Department, Rockland County Sewer District #1 and having reviewed the drawings presented by the applicant's professional consultant; Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Kevin Farry 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; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent; and Andrew Andrews, aye, the Board reaffirmed the Negative Declaration.

**DECISION:** In view of the foregoing, the Board **GRANTED One 90-Day Extension to File the Site Plan.**

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The foregoing Resolution was made and moved by Kevin Farry and seconded 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.

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: January 11, 2023  
Cheryl Coopersmith  
Town of Orangetown Planning Board**



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**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
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Neg. Dec.**

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**TO: Brian Greaney, 80 Old Mountain Road, South, Nyack, New York  
10960  
FROM: Orangetown Planning Board**

**RE: 80 Old Mountain Road South - Critical Environmental Area:** The application of Brian Greaney, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**80 Old Mountain Road South 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 80 Old Mountain Road South, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 30; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **December 11, 2019 and January 11, 2023** at which time the Board made the following determinations:

**December 11, 2019**

Brian Greaney and Manuel Alduade appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated December 4, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated December 9, 2019.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated December 5, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 6, 2019.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated November 12, 2019 and Michael Kezner, dated October 29, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated December 3, 2019.
7. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated October 11 & 23, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated December 3, 2019.
9. Notice from Rockland County Environmental Resource signed by Allan Beers, dated October 29, 2019.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated November 6, 2019.

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11. A Short Environmental Assessment Form signed by Brian Greaney, dated September 24, 2019.
12. Deck Application and Specifications dated June 17, 2019, prepared by JSM Home Improvements
13. Site Plan prepared by Kenneth Irving Architect. P.E., signed and sealed by, Manuel Antonio Andrade of R.A., dated July 29, 2019.
14. Building Permit Referral to the Planning Board dated July 30, 2019 prepared by Rick Oliver, Building Inspector.
15. A Project Narrative prepared by the applicant, dated September 25, 2019.

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

The applicant requested a **CONTINUATION**.

**January 11, 2023**

Robert Silarski appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated January 3, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated December 21, 2022.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 11, 2023.
4. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated December 22, 2022.
5. Site Plan prepared by S & Co, last dated July 22, 2022..
6. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated December 15, 2022 and Jake Palant, dated November 20, 2022.
7. Notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated November 23, 2022.
8. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated November 28, 2022.
9. Revised EAF dated December 20, 2022.
10. Site Plan prepared by Anthony Celentano, PLS, dated May 22, 2019 last revised April 1, 2020.
11. Architectural Plan prepared by S&C0 Architecture & Design, dated June 7, 2022, last revised October 22, 2022.

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

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A motion was made to open the Public Hearing portion of the meeting 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; Lisa DeFeciani, aye Tara Heidger, (alternate member), absent; and Andrew Andrews, aye.

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

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

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having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant 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 Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, 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 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 by Andrew Andrews 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; Tara Heidger, (alternate member) absent; and Andrew Andrews, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. 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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. This application is for the legalization of an existing deck constructed without a permit.
5. Full construction plans and details, including all framing connections, lateral load connections and railing details must be provided for building inspector review before a permit can be issued.
6. Per Chapter 43, table 3.12, R-22 district, Column 8, minimum required front yard is 40 feet with 15.7' proposed to deck.

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7. Architect must provide letter certifying that the construction meets the NYS building code and is structurally sound.

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

9. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and held that the previous comments/ recommendations have been addressed/ satisfied.

**10. Drainage Review Recommendation – Brooker Engineering**

The Drainage Consultant to the Planning Board, Brooker Engineering has reviewed the submitted information and found the proposed action maintains the existing drainage patterns and will not create potential significant adverse impact with respect to drainage that require mitigation and therefore recommends that 80 Old Mountain Road Site Plan **be approved for drainage subject to no Project Comments.**

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

- An updated review of the October 22, 2022 site plan must be completed by the Rockland County Highway Department. In addition, the applicant must address any outstanding comments made by the Highway Department in their letter of October 23, 2019.
- The subject property is approximately 140 feet east of Blauvelt State park, which is operated by the Palisades Interstate Park Commission and one of the reasons for our department's review of this application. A review must be completed by the Park Commission and any comments or concerns addressed.
- An updated review of the October 22, 2022 site plan must be completed by the Rockland County Department of Health 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 Control.
- Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed site plan as required by New York State General Municipal Law Section 239-m (3)(a)(v).

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**Continuation of Condition #11**

- Several questions on the SEAF are answered incorrectly. The EAF Mapper Application, provided by the NYSDEC, indicates that questions 12b, 15 and 20 should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the EAF as it populates the answers to certain questions using the NYS database information.
- The Designated Street Line (DSL) must be indicated on the site plan. 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 Planning Department, as required by NYS GML, Section 239-m(3)(a)(v).
- All county interests within 500 feet of the site, and all corresponding Referral Agencies, must be indicated on page 2 of the application form.

**12.** The Rockland County Department of Health reviewed the information 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 the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

**13.** Rockland County Highway Department reviewed the submitted plans and offered the following comment:

A road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction work in the property.

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

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

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

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

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

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

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

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

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

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

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

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

**24.** If the applicant, during the course of construction 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).

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

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
January 11, 2023  
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**26.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

The foregoing Resolution was made and moved by Michael McCrory and seconded Lisa DeFeciani 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; Tara Heidger, (alternate member), absent; 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: January 11, 2023**  
Cheryl Coopersmith  
Town of Orangetown Planning Board  
Attachment



TOWN CLERK'S OFFICE  
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TOWN OF ORANGETOWN

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

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
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Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
January 11, 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: 80 Old Mountain Road South - Critical Environmental Area - Final Site Plan Approval Subject to Conditions/Neg. Dec.**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 80 Old Mountain Road South, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 30; 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 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

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**PB#22-58: Databank Site Plan  
Town of Orangetown Planning Board Decision  
Final Site Plan Approval Subject to Conditions**

**Permit #BLDG-1236-22**

**January 11, 2023  
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**TO: Brian Quinn, One Blue Hill Plaza, 3<sup>rd</sup> Floor, Pearl River, New York**  
**FROM: Orangetown Planning Board**

**RE: Databank Site Plan:** The application of Tory Gotti, applicant for 2000 Corporate Drive, LLC, owner, for Final Site Plan Review at a site to be known as “**Databank Orangeburg 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 2000 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **November 9, 2022 and January 11, 2023** at which time the Board made the following determinations:

**November 9, 2022**

Thomas Warren, Chairman, recused himself from this hearing.

Brian Quinn, Lino Sciarretta, Gene Rowaldini, Ben Diskin, Tony Qurri and Daniel Lofesco appeared and testified.

The Board received the following communications:

1. Project Review Report dated October 26, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated October 28, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 7, 2022.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated October 5 & 25, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 24, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 26, 2022.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 4, 2022.
8. Letters and a notice from Rockland County Department of Health, dated October 7, 2022, signed by Elizabeth Mello, PE.
9. Email from Orange & Rockland Utilities dated September 28, 2022 from Alfred Gaddi, PE.

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10. A copy of a letter from the Department of Army, New York District, Corps of Engineers, to Max Ojserkis, Kimley-Horn, dated October 19, 2022.
11. A copy of a letter from New York State Department of Environmental Conservation to Ryan Merritt, Kimley-Horn, dated July 1, 2022.
12. A copy of an easement dated July 14, 1960 and a copy of a subdivision entitled "Salisbury Development Corp. Minor Subdivision, dated February 24, 1975.
13. Letter from O'Toole Scrivo, dated October 25, 2022, signed by Holly Schepisi
14. A copy of a letter from Lewis Goodfriend & Associates, dated September 27, 2022, signed by Matthew Murello, PE.
15. Letter from Donald Brenner, dated November 8, 2022, with attachments.
16. Copy of an Email from Brian Quinn dated November 9, 2022.
17. Email from Melody Fiore, dated November 8, 2022.
18. Email from Leslie Whatley, dated November 8, 2022.
19. Building Permit Referral to the Planning Board dated May 18, 2022 signed by Rick Oliver, Building Inspector.
20. Stormwater Pollution Prevention Plan prepared by Kimley-Horn, dated September, 2022.
21. Plans prepared by Kimley-Horn, last revision date of September 20, 2022:
  - C-0.0: Cover Sheet
  - C-0.1: Legend and General Notes
  - C-1.0: Zoning and abutters Plan
  - C-1.1: Existing Conditions
  - C-2.0: Building Demolition & Erosion Control Plan
  - C-2.1: Building Demolition & Erosion Control Details
  - C-3.0: Layout and Materials Plan
  - C-3.1: Vehicle Maneuvering (WB Truck)
  - C-3.2: Vehicle Maneuvering (Firetruck)
  - C-3.3: Site Plan – Phase I
  - C-4.0: Grading and Drainage Plan
  - C-5.0: Utility Plan
  - C-6.0: Erosion and Sediment Control Plan
  - C-6.1: Erosion and Sediment Control Details
  - C-6.2: Erosion and Sediment Control Details
  - C-7.0: Site Details
  - C-7.1: Site Details
  - C-7.2: Site Details
  - C-7.3: Site Details
  - LA-1.0: Landscaping Plan
  - LA-1.1: Landscaping Details
  - LT-1.0: Lighting Plan

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22. Architectural Plans prepared by Highland Associates, dated August 26, 2022, last revised September 21, 2022:
  - A002-1: Masterplans
  - A003-1: Building Perspectives & Renderings
  - A004-1: Building Perspectives & Renderings
  - A005-1: Building Perspectives & Renderings
  - A100-1: First Floor Subfloor and Interior Fit Out Composite Plans
  - A201-1: Composite Overall Exterior Building Elevations
23. Letter from Kimley-Horn dated September 22, 2022.
24. Site Sound Level Analysis, dated April 22, 2022, prepared by Acentech.
25. Copy of ZBA#22-56, dated September 21, 2022; Parking, Number of Loading Berths, Exterior Loading Berths and Buffer, Approved with Specific Conditions. Draft copy of ACABOR #22-.56, Approved as Presented, dated November 3, 2022 and PB#22-36, Preliminary Site Plan Approval Subject to Conditions, dated July 13, 2022.
26. Email from Planning Board Member Andrew Andrews, dated November 8, 2022.

The hearing was then opened to the Public.

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

**Public Comment:**

Dave Rosen, 10 Buckingham Place, Old Tappan; raised concerns regarding the size of the project, what kind of buffers would be used, and Phase II of the proposed development.

Melanie Fiorie, 99 Hunt Road, Orangeburg, raised concerns regarding the electrical stations being proposed on the property closest to her property.

Jaqueline Fiorie, 93 Hunt Road, Orangeburg, requested that the Board look out for the New York residents and place the power station at another location on the site.

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Qu Fen, 34 Corrigan Way, Old Tappan, expressed concerns regarding the noise that would be created by the site.

James Coffey, 139 Hunt Road, Orangeburg, requested the Board to consider another location for the power station.

Vannes Lapin, 169 Western Highway, Orangeburg, read from her email that was provided to the Board.

Lauer Gerazi, 2 Buckingham Place, noted that the New Jersey residents will have an attorney to represent them.

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

**The applicant requested a CONTINUATION until the January 11, 2023 Planning Board Meeting.**

**January 11, 2023**

Brian Quinn, Ben Diskin, Paul LeBlond, Lino Sciarretta, Tony Qurri, Dana Smith, Bob Munno, appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 4, 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 December 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 9, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 4, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 6, 2023.

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6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 3, 2023 and Jake Palant, dated December 12, 2022.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 4, 2022.
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 December 8, 2022, signed by Joseph LaFiandra, Engineer II.
10. A copy of a letter from the New York State Department of Environmental Conservation, dated July 11, 2022, signed by Ellen Hart, Environmental Analyst, Division of Environmental Permits.
11. Emails from the New York State Department of Environmental Conservation, signed by Lisa Masi dated December 5 & 7, 2022.
12. Bald Eagle Nest Monitoring Proposal, prepared by Kimley-Horn, dated November 30, 2022, with attachments.
13. Site Sound Level Analysis – Revised, prepared by Acentech, dated November 30, 2022
14. Copy of an Easement prepared by The Great American Title Agency, Inc., dated November 9, 2022.
15. A letter from McCall Abstract Corp. dated November 9, 2022, signed by Jason Sweet, President, McCall Abstract Corp.
16. A response letter prepared by Kimley-Horn Engineering and Landscape Architects, dated December 1, 2022.
17. A copy of a letter to Ben Diskin, Databank Orangeburg from Highland Associates, Estimated Water/ Sanitary Flow Calculations, dated November 27, 2022.
18. Letter and photograph from Melody Fiore, area resident, dated January 8, 2023.
19. Email from Leslie Whatley, area resident, dated January 9, 2023.
20. Sound Report prepared by Lewis S. Goodfriend & Associates, dated January 10, 2023, from Holly Schepisi, of O'Tool - Scrivo, attorney representing a neighbor dated January 10, 2023.
21. Databank Topography Survey – Revised, prepared by Insite Engineering, Surveying and Landscape Architecture, dated November 8, 2022.

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**22. Plans prepared by Kimley-Horn, last revision date of December 1, 2022:**

- C-0.0: Cover Sheet
- C-0.1: Legend and General Notes
- C-1.0: Zoning and abutters Plan
- C-1.1: Existing Conditions
- C-2.0: Building Demolition & Erosion Control Plan
- C-2.1: Building Demolition & Erosion Control Details
- C-3.0: Layout and Materials Plan
- C-3.1: Vehicle Maneuvering (WB Truck)
- C-3.2: Vehicle Maneuvering (Firetruck)
- C-3.3: Site Plan – Phase I
- C-4.0: Grading and Drainage Plan
- C-5.0: Utility Plan
- C-6.0: Erosion and Sediment Control Plan
- C-6.1: Erosion and Sediment Control Details
- C-6.2: Erosion and Sediment Control Details
- C-7.0: Site Details
- C-7.1: Site Details
- C-7.2: Site Details
- C-7.3: Site Details
- LA-1.0: Landscaping Plan
- LA-1.1: Landscaping Details
- LT-1.0: Lighting Plan

The hearing was then opened to the Public.

A motion was made to open the Public Hearing portion of the meeting 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.

**Public Comment:**

Melanie Fiorie, 99 Hunt Road, Orangeburg; raised concerns regarding the removal of trees along the property line and requested replacement trees be planted, at least 10 feet in height.

Leslie Whatley, 6 Buckingham Place, Old Tappan; reviewed the Sound Report and requested that the plans be changed in order to muffle the sounds coming from the site. Ms. Whatley presented a sound clip of the current sounds at the side.

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Jacqueline Florie, 93 Hund Road, Orangeburg; expressed concerns regarding contamination of the well water in the area.

Dave Rosen, 10 Buckingham Place, Old Tappan; raised concerns regarding the sound attenuation at the site, suggesting a solid wall and raised questions regarding the Geoblock.

Holly Schepisi, attorney representing a neighbor to the site; raised concerns regarding the impact to Bald Eagles in the area, sound attenuation, and the number of generators to be located at the site.

There being no one else from the Public a motion was made by Michael McCrory and second 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.

**REAFFIRMATION OF SEQRA**

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

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

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;

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- 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 McCrory 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, 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:**

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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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is seeking approval for Phase 1 at this time and must return to the Planning Board for approval of Phase 2.
4. IUC Performance standards review is required.
5. The Full EAF must be revised as follows;  
Page 7: (l) hours of operation must be provided.
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 generators will only be tested from 9:00 a.m. to 5:00 p.m. Monday through Friday. Only one generator will be tested at a time. The testing schedule shall be provided to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.
8. The Project Review Committee recommends that a note be placed on the Site Plan that Geoblock access road must be maintained for all four seasons.
9. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and offered the following comments/ recommendations:
  1. DEME is aware that the applicant has performed a more in-depth survey of the emergency access road area, specifically on the Town Sewer Department Hunt Road property – at its entrance onto Hunt Road. DEME required this due to the large number of existing utilities at the entrance and the applicant's intention of running a new utility duct bank in the existing easement, along the new fire access road. All of the plans and the SWPPP shall be updated to depict the actual locations for the existing utility lines as determined by the field investigation.

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**Continuation of Condition #9...**

2. Along with comment 1, a profile for the proposed new utility duct bank shall be provided with the plan set. This profile shall include all utility crossings utilizing the data (exact locations and elevations) collected by the applicant's surveyor from the field investigation performed.

3. The applicant still needs to comply with PB Decision #22-36, conditions:
- 33. Some proposed piping is missing from drawings C-4.0 & C6.0, e.g. 36-inch RCP from DMH-63A to existing settling basin. OCS-5 missing from profile on drawing C-4.3 structure. Profile Storm C-4 is mislabeled (most likely Storm C-2.) Some pipe lengths differ between plan and profile e.g. Storm C-4 lists 50 LF but drawing C-4.0 lists 35 LF, Storm A-1-B lists 73 LF and drawing C-4.0 lists 70 LF. All drainage information shall be coordinated between the plans and profiles. Lastly, all profiles shall show all utility crossings.
  - 34. 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 checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.
  - 37. A note shall be added to the plans stating that The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities. - Specifically, drawings C-0.1.

4. The revised SWPPP is under review. A formal review shall be sent to the applicant's engineer under separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP:

- a.) The explanation provided in Section 1.5 and Appendix 11 for the proposed Limit of Disturbance insufficient. The explanation and the letter in Appendix 11 do not explain why phase 1 of the project requires a disturbance of 10 acres and phase 2 requires 6.5 acres of disturbance. The reason for **only** 2 phases shall be more fully explained within the SWPPP, Appendix 11 and the Sequence of Construction.
- b.) The total area of disturbance (a.o.d.) shall be listed on drawings C-1.2, C-2.0, C-3.0, C-3.1, C-3.4, C-4.0 – C-5.0, C-6.0 & LA-1.0
- c.) Table 2.1 in the SWPPP introduction shall be expanded to be more detailed in delineating impervious surfaces; e.g. pavement, building / roofing, etc.
- d.) Drawing C-1.2 does not clearly indicate the existing drainage piping that is to be removed, nor does it show the extent of the 36-inch RCP drainage piping that is to remain. This shall be corrected.
- e.) The Construction Phasing Plan, the SWPPP and the drawings shall more clearly explain and show how stormwater runoff will be directed to the proposed temporary sediment basins and how and where stormwater flow exiting the basins will go. This shall include drainage area mapping showing the separate (if applicable) drainage basins.

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**Continuation of Condition #9...**

- f.) As previously requested, the Construction phasing plan within the SWPPP shall list the acreage disturbed for each task in each phase.
- g.) The limit of disturbance (L.O.D.) shown on the drawings does not show the proposed removal of the existing sanitary force main or the installation of the new sanitary force main offsite and up Corporate Drive. This shall be corrected and the L.O.D. adjusted.
- h.) In connection with item 4g above, drawing C-1.2 notes that the existing sanitary pumping station force main is to be removed, however, the drawings C-1.1 & C-1.2 do not show the force main at all. This shall be corrected.
- i.) As per the NYSDEC-SMDM, all upstream areas (from the proposed infiltration basins) shall be completely stabilized before flow is directed to the practice (e.g. infiltration basins. Also, the basins themselves shall be completely stabilized before any upstream flow is directed to them. This must be clearly defined on the drawings, in the SWPPP, in the phasing/ Sequence of Construction, etc. Also, the drawings and SWPPP shall show and define where all stormwater flow from the new drainage system will flow until the infiltration sans are ready to accept stormwater flow.
- j.) The SWPPP shall thoroughly explain the proposed demolition process, when it will occur, the soil erosion and sediment control features that are to be used, when they will be installed, when they will be removed, how the demolition fits into the over plan for the site, etc.
- k.) The demolition plan and sequencing shall be added to the project Construction phase section of the SWPPP.
- l.) Separate checklists for each and every proposed stormwater management facility (e.g. individual checklists for each porous pavement, infiltration basin forebay, infiltration basin, drainage manhole, catch basin, piping run, rip rap apron, etc.) as well as all of the proposed soil erosion and sediment control features shall be added to Appendix 7A.
- m.) Separate checklists for each and every proposed stormwater management facility (e.g. individual checklists for each porous pavement, infiltration basin forebay, infiltration basin, drainage manhole, catch basin, piping run, rip rap apron, etc.) as well as all of the proposed soil erosion and sediment control features shall be added to Appendix 7B.

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5. The test pit locations shown in Appendix 5A of the SWPPP do not coincide with the current post construction stormwater design (e.g. location of infiltration basin #2 not included.) Therefore, additional feasibility testing is required for this proposed basin location. As a reminder: as per the NYSDEC- SMDM (Appendix D) and NYSDEC – FAQs, the following testing regiment is required:

**Initial Feasibility Testing:**

1. One (1) field Perc test per 5000 SQFT of (infiltration) basin.
6. Because the project proposes to utilize infiltration basins, the applicant/ applicant's engineer is reminded that as per the NYSDEC- SMDM (Appendix D) and NYSDEC – FAQs, the following testing regiment is required for both infiltration basin locations:

**Concept Design Testing:**

2. A minimum of one (1) test pit/boring AND one (1) infiltration test for every 5000 SQFT of basin area, with no fewer than four (4) test pits/borings and four (4) infiltration tests per facility.
3. The Town will allow the use of the same hole for boring AND infiltration – ***“provided that the test is being done at the proper depth and the soil in the bottom of the test pit hasn't been disturbed where the infiltration test will be performed”***
7. In connection with comments 5 & 6 above, Soil analysis, perc tests and determination of groundwater elevations shall be performed at **all** of the of the proposed post construction stormwater facility 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 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.
8. Because 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.”* All testing data related to this requirement shall be highlighted in Section 3.3 of the SWPPP with reference to Appendix

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9. Because the project proposes to utilize infiltration basins, the applicant's engineer is reminded that as per the NYSDEC-SMDM, Section 6.3.7 the infiltration basins shall be designed to meet the Cold Climate Design Considerations.

10. The following standard design details for the proposed infiltration basins are missing and shall be added to the plans: underdrains with level control valves (*contrary to the applicant's engineer's letter of 12/1/22 – the under drains and valving are required for both maintenance and cold climate design compliance*), cleanouts along underdrain (with top and invert elevations), emergency spillways (which is separate from the outlet control structure), 1 foot of freeboard at emergency spillways, etc.

11. The 12-foot wide stabilized maintenance path for Infiltration Basin 32 is insufficient and unacceptable. The path that is shown only goes to the inlet piping. The stabilized maintenance path needs to provide access around the entire basin including access to all of the critical components of the basin, including the outlet structure, the berm between the forebay and the main pond, etc. Contrary to the applicant's engineer's letter of 12/1/22, no detail for the proposed stabilized maintenance path has been added to the drawings. A detail for same shall be added to the drawings.

12. Cross sections for the proposed emergency fire access road, at 25-foot intervals (every 25 feet) shall be provided with the drawings. The cross sections shall clearly show all proposed improvements (e.g. road, duct bank, curbing, signage, etc.) as well as property lines, existing and proposed grading, etc.

13. It is still unclear which existing drainage features (catch basins, piping, etc.) are to be removed and are to remain. All Drawings, especially C-1.2, C-2.0, C-4.0 to C-4.4, C-5.0, & C-6.0 shall clearly show and label the drainage features that are to remain and that are to be removed.

14. It is unclear on drawing C-4.0 exactly what the "Wall Outlet" is connection to and how that connection will be made. The applicant's engineer's letter of 12/1/22 makes reference to a detail on drawing C-8.2 however, no detail is on the drawing.

15. Each drainage structure unique ID name/ number shall be added to drawing C-4.1

16. All piping outlets shall show flared end sections or equivalents, e.g. exhaust piping from DI-3, Outlet 81, etc.

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17. The piping that carries rain from the roof leaders, to the proposed drainage system, increase in size however no detail is provided, nor are these connections identified on the plans or profiles, e.g. incoming roof leader piping to DMH-30A, incoming roof leader piping to DI-3, etc. Details and calls outs for these transitions, shall be given on the plans and profiles.

18. The outlet structures for the proposed infiltration basins are shown as just pipes ending on the profiles. The outlet structures shall be depicted as such on the profiles.

19. The *New York State Standards and Specifications for Erosion and Sediment Control* (November 2016 – AKA “Blue Book.”) allows for three types of sediment traps. The plans and SWPPP shall show which type(s) of sediment traps are being proposed and provide all specific detail for the specified traps. The sizing calculations for each of the proposed temporary sediment basins shall give their required cleanout height (as actual depth plus elevation), their maintenance, etc. This information shall be summarized in Section 4 of the SWPPP and the backup calculations shall be provided in a separate Appendix. A reference to the appendix where the calculations for each can be found, shall be added to the narrative as well. The cleanout heights for each of the sediment basins shall be added to the drawings.

20. The sizing of the temporary sediment basins shall be done utilizing the Temporary Sediment Basin Design Data Sheet, found on page 5.24 of the *New York State Standards and Specifications for Erosion and Sediment Control* (November 2016 – AKA “Blue Book.”)

21. The sediment marker details shall be revised to show a red mark or other clearly visible physical marking on each sediment depth marker reflecting the correct cleanout height.

22. The inlet protection details on drawing C-7.2 show 4 different methods of inlet protection but all 4 measures have the same symbol. This is not in compliance with the *New York State Standards and Specifications for Erosion and Sediment Control* (November 2016 – AKA “Blue Book.”) The proper and specific symbol for each of the inlet control measures shall be added to the details. Also, the specific proposed inlet control method shall be shown on all soil erosion and sediment control drawings.

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23. Sanitary calculations have been provided but have not been prepared by a New York State Licensed Professional Engineer. The calculations are unclear and incomplete. The calculations shall specify if any process/ "cooling" water is proposing to be discharged into the proposed sanitary system. The calculations do not provide a breakdown of how the average daily sanitary usage (gpd) was derived. Also, the calculations state that "no irrigation planned at this time". The applicant and the applicant's engineer are advised/ reminded that no irrigation water may enter the sanitary system. Revised calculations shall be submitted for review and approval.

24. Design calculations, prepared by a New York State Licensed Professional engineer, for the proposed private sanitary pumping station shall be provided for review and approval. The calculations shall demonstrate compliance with 10-State Standards as well.

25. The applicant's engineer is reminded that a permit from the Rockland County Health Department may be required for the proposed new sanitary pumping station and connection to the Town's system.

26. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, Veolia Water Company, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, Rockland County Health Department, etc., in connection with this site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.

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

**Site Plan Review:**

1. It appears that the Geoblock access road may be the primary Fire Department access based on its location. The Fire Code does not delineate between primary and secondary access. Fire Apparatus Access Roads are all seen as primary access. The Geoblock access road should be installed with curbing for road delineation and snow removal.
2. A map note shall be placed on the Site Plan that Geoblock access road must be maintained for all four seasons.

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

- Installation of a NFPA 13 compliant sprinkler system
- Installation of a fire alarm system to the NFPA 72 standard
- Installation of a key lock box
- Emergency Responder Radio Coverage within the building 2020 NYS IFC 510.1

11. The emergency roadway will be Geoblock with 6-inch curbing on the sides, dipping in towards the site.

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**12. Drainage Review – Brooker Engineering**

The application has demonstrated mitigation of potential significant adverse impacts with respect to stormwater runoff. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends the Databank Orangeburg Site Plan be approved for drainage subject to the following:

**Project Description**

This is the third drainage review report for this project; the last review was dated October 24, 2022. The proposed project consists of redevelopment of a largely developed office building facility on a 33.93-acre parcel on Corporate Drive. The property abuts the corporate limits with New Jersey along the southern property line of the site. The Phase 2 construction previously proposed has been removed for the current application. The application now proposes a net reduction of 1.1 acres of impervious areas from 10.4 acres to 9.3 acres (impervious plus gravel ground cover) while keeping the proposed infiltration stormwater management basins. Stormwater runoff flows southeast toward a swale at the southeast corner of the site. The SWPPP provides hydrologic modeling and drainage calculations that demonstrate a reduction in peak stormwater discharge rates. The hydrologic models show a reduction in 100- year peak discharges at the southeast corner from 87.75 cfs to 32.87 cfs and a reduction in 10-year peak runoff rates from 27.87 cfs to 1.7 cfs. Two new stormwater infiltration basins are provided to attenuate peak runoff rates to below existing conditions levels. The hydrologic modeling correctly selects the hydrologic point of interest as the swale to the south and accurately delineates the drainage subareas in the model and includes areas of off-site runoff that travel through the site. Soil testing has been provided that supports the initial assumed percolation rate of one inch in 30 minutes.

**Project Comments**

1. As per the October 24, 2022 and July 13, 2022 drainage review reports, the applicant shall show to whom the existing 40 feet wide drainage easement is in favor of along the discharge point from the stormwater management systems.
2. As per the July 13, 2022 drainage review report, the application shall verify if there are any existing drainage easements off site to the south. Show the drainage pattern off site and the ultimate discharge point of this drainage system to Lake Tappan. Clarify the drainage pattern at the southeast corner of the property, abutting the off-site property of "Now or formerly Jian-Qiang & Qi Fan".

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3. Show the invert elevations for the inlet and outlet pipes of the existing stormwater management basin to remain located south of the new building.
4. Show the existing pipes in the area of the settling basin on the Grading and Drainage Plan (Drawing C-4.0).
5. Update the Grading and Drainage Plan (Drawing C-4.0) in the SWPPP with the current version that does not include the Phase 2 Data Center Expansion.
6. Show the existing off-site storm drainage system on Corporate Drive that creates the drainage divide at the southeast corner of subarea PR-1.
7. Verify the outlet of the Existing Pond 2 in the hydrologic model; the model shows a weir only as the outlet and the plans show an outlet pipe in addition to the weir.
8. Verify the outlet configuration of the 3' x 3' grate outlet for OCS-5 and OCS-60 in the hydrologic model. The model shows the outlet as a broad crested weir; verify the grate inlet of this structure has the capacity similar to a broad crested weir.

**13.** Along the emergency access road, the applicant shall plant alternating green giant arborvitae and spruce trees near the property line shared with 99 Hunt Road, Orangeburg (Section 73.15, Block 1, Lot 5), planted in a staggered fashion, 5 feet on center, minimum height at planting of 7' to 8', for approximately 200 feet to 250 feet along the property line. The Board estimated the number of trees should be at a minimum of 15 to 20 trees.

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

- The land banked parking spaces will be located where a second phase of the databank center was proposed in previous iterations of the site plan. The applicant must understand that with the proposed land banked parking spaces, Phase II, as formerly illustrated, cannot be constructed.
- According to the Hudson River Natural Resources Mapper, the land banked parking is proposed on Federal Wetlands. A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- According to the letter from Kimley-Horn, dated December 1, 2022, a review has been completed by the Town of Orangetown Fire Inspector and fire access and maneuvering plan has been approved. **A review shall also be completed by the Rockland County of Rockland Office of Fire and Emergency Services, or the Pearl River Fire Department** to ensure that the site is designed in a safe manner and that there is sufficient access to, and maneuverability on, the site for emergency vehicles. This review should consider whether the site can accommodate fire equipment and whether there is adequate water (volume/fire flow) for firefighting purposes.

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- The applicant must comply with the conditions of the Rockland County Health Department's letter dated November 29, 2022.
- The applicant must comply with the conditions of the New York State Department of Environmental Conservation's letter dated July 11, 2022.
- 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, as indicated in their letter of October 7, 2022.
- 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Planning Board shall be satisfied that the implementation of the Stormwater Pollution Prevention Plan (SWPPP) ensures that construction will not induce a negative impact on the lake Tappan Reservoir from dust particle and debris.
- The Planning Board shall be satisfied that the SWPPP and stormwater discharges comply with the state and local Municipal Separate Storm Sewer System stormwater management program including post-construction runoff control and pollution prevention/ food housekeeping.
- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the NY State Sanitary Code.
- According to the DEC Info Located <https://gisservices.dec.ny.gov/gas/dil/> Lake Tappan is on the NYSDEC Water body inventory Priority Waterbodies list. The DEC fact sheet on Lake Tappan states "Water supply uses of Lake Tappan are thought to be threatened due to the considerable amount of urban, residential, and commercial development in the watershed, resulting (from) nonpoint source runoff and possible other discharges." Since data centers use large amounts of water for cooling, technologies that minimize water use should be considered and used. The health of Lake Tappan and the health of the watershed should be carefully taken into consideration in the approval and construction of this facility.

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- A Databank operating 24 hours a day 7 days a week uses a significant amount of energy. The March 11, 2022 architectural drawings indicate that in each phase (5) 4 MW data halls will be constructed, yet the FEAF dated April 20, 2022, D.2. (k) does not provide an estimate of annual electricity demand for operating the proposed action. The Planning Board shall be satisfied that it has a clear understanding of the energy demand for this project and what that may mean for the local utility grid. Additionally, measures should be taken to reduce the overall carbon footprint of the operation including the use of energy efficient equipment and servers.
- The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed Generators.
- The applicant must provide as-built drawings and other documentation to the New York State Department of Environmental Conservation, Region 3, that illustrates the design and installation, as per code, of the petroleum bulk storage tanks for the proposed generators. These tanks must also be registered with them.
- By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials (batteries). In addition, under the Superfund Amendments and Reauthorization Act (SARA) – Title 3, the applicant must register with the Rockland County Fire Training Center.
- The Planning Board shall be satisfied with the site sound level analysis, dated April 22, 2022, prepared by Acentech, adequately addresses noise concerns associated with the facility and will not result in a negative impact to the site neighbors nor to the environment and wildlife, such as nearby nesting bald eagles. The site must comply with the provisions of the local noise ordinance in Chapter 22 of the Orangetown code. The planning board shall be satisfied that it has a clear understanding of any potential vibration impacts that may result from the construction and operation of this facility.

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- The Planning Board shall be satisfied with the proposed Deicing Management Plan and that the use of the calcium magnesium acetate (CMA) is an acceptable, environmentally safe deicing alternative to salt.
- Consistent with the Rockland County Solid Waste Management Plan, DEME urges the re-use and recycling of construction and demolition waste to the greatest extent possible during demolition of existing buildings.
- 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.
- According to the Hudson Valley Natural Resources Mapper, the subject site is part of a "Known Important Areas for Rare Terrestrial Animals." The NY Natural Heritage program identifies these specific locations where rare animals have been observed, as well as additional habitat needed to support animal populations. This includes areas which may be used by rare animals for breeding, nesting, feeding, roosting, or over-wintering; and areas that support the ecological processes critical to maintaining the habitats of these rare animal populations. Proactive planning that avoids or minimizes impact to the habitat quality of important areas and maintains habitat connections for wildlife movement will contribute to the long-term survival of rare animal species and their associates.
- All proposed signage shall conform to the sign ordinance in Chapter 31 of the Orangetown Code.
- Retaining walls shall be designed by a NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by a NYS P.E.
- This project presents an opportunity to advance the goals of the NY's Climate Leadership and Community Protection Act (CLCPA), through the inclusion on onsite renewable energy. The CLCPA or Climate Act which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will be resulting an increase demand for energy and proposed to pull that energy from the grid. It appears based on the graphic provided of the proposed building that there are flat roof areas that may be conducive to the installation and use of solar panels. It is recommended that the potential use of onsite renewable energy be evaluated and strongly considered based on Article XVII of the Orangetown Town Code. Likewise, the buildings should be designed and constructed to maximize energy efficiency.
- The orientation of the building facades on Sheet A202-1 must be labeled.

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15. The Rockland County Department Health (RCDOH) has received plans for review and at this time grant approval solely for compliance with Article 19 of the Rockland County Sanitary Code (Mosquito Control), other agency approvals are needed:

- Application is to be made to RCDOH for sanitary sewer extension approval. Sewer capacity analysis is to be included.
- Application is to be made to RCDOH for water main extension approval.

16. 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.

17. Orange and Rockland reviewed the submitted information and found that at the request of the owner, O&R will be retiring the main and services feeding the property.

18. The New York State Department of Environmental conservation (DEC or Department) received the initial pre-application materials on March 30, 2022 and April 15, 2022. According to those materials and subsequent submissions and discussions with the Department, the proposal involves the demolition of an existing office park and, in later phases, the construction of an approximately 222,500 square foot office building and data center at 2000 Corporate Park Drive in Orangeburg, New York, Based on DEC review of the submitted materials, the following determinations were offered.

**Article 11 Incidental Take**

The project area is within screening distance of known occurrences of bald eagles, a State-listed threatened species. It has been determined that an Article 11 Endangered and Threatened Species Incidental Take Permit is not required for the proposed demolition and Phase 1 work. This determination of no jurisdiction is contingent on the following:

1. Conformance with the plans and narrative contained in the April 15, 2022 submission to DEC for this Project.
2. All Phase 1 work would take place 330 feet or more away from the bald eagle nest location.
3. **DEC approval will be required to continue Phase 1 work past January 1, 2023. A monitoring plan must be submitted to Lisa Masi of the DEC Bureau of Wildlife via email ([lisa.masi@dec.ny.gov](mailto:lisa.masi@dec.ny.gov)) by November 1, 2022 for review if Phase 1 work would continue past 1, 2023. No work beyond this date is authorized without written approval from DEC Wildlife state.**

If modifications are proposed to the above reference scope of work, please contact DEC for additional review.

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Note that this determination of no jurisdiction is limited to Phase 1 work. Work for Phase 2 (some of which falls within 330 feet of the bald eagle nest tree) will require approval from DEC Wildlife staff. Please submit a monitoring plan relative to the Phase 2 work to Lisa Masi of DEC Bureau of Wildlife via email ([lisa.masi@dec.ny.gov](mailto:lisa.masi@dec.ny.gov)) for review. A separate determination is required for whether Phase 2 work requires an Article 11 Incidental Take permit.

**Article 15, Title 5-Protection of Waters**

An unnamed tributary to Hackensack Creek (Class A, Water Index # NJ-1e) runs through the southern portion of the property. Class "A" streams fall into the category of protected streams and a Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified as protected. According to materials submitted and discussions during a pre-application meeting with the Department on May 4, 2022, no disturbance is proposed to the bed or banks of this water course.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollution associated with the project. In addition, if any changes are made to the design plans that may result in disturbance to the bed or banks of this watercourse, please contact the Department to determine if a permit will be required.

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for discharge to fill in Waters of the U.S., then a 401 Water Quality Certification (WQC) will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.

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**SPDES General Permit (GP-0-15-002) for Stormwater Discharge from Construction Activities**

As project activities will disturb, either temporarily or permanently, over 1 acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002) for Stormwater Discharge from construction Activities, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. For information on stormwater and the general permits, see the DEC website. Authorization for coverage under the SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

**General**

DEC determination does not relieve you of any requirements under any other applicable laws which may exist. You are advised to contact all appropriate Federal, State, and/or local agencies for any approvals that may be required. Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. More information about DEC permits may be found at [www.dec.ny.gov](http://www.dec.ny.gov), under "Regulatory" then "Permits and Licenses."

19. The New York State Department of Environmental Conservation offered the following comments:

After conferring with the appropriate DEC Staff, DEC can confirm that the monitoring plan should remain in place as discussed, even in light of the recent observations of the nest falling out of the tree. The Conservation Plan for Bald Eagles in New York as well as the National Bald Eagle Management Guidelines, call for protecting the area around the nest for 5 years post last activity or three full breeding seasons after a nest has fallen out of a tree.

The language in the State Conservation plan reads as follows:

*Consistent with federal guidelines, unoccupied or alternate nest sites also need to be protected from long-term disturbance with buffers, and should be considered part of the breeding territory (Table 5, (Page 37). Alternate nests are frequently used in subsequent years. Intact nests will be considered active for a period of five years after the last use. When nests are destroyed by natural events, the area will continue to be protected for up to three complete breeding seasons. (Page 32).*

The Federal plan also includes the five-breeding-season protection for alternate nests and the recommendation to continue to protect a site even if a nest falls. The nest could be rebuilt during the nesting season.

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For this territory, which was first documented in 2013, the nest was active through the 2020 breeding season. Since 2020, the nest was inactive in 2021, and inactive again in 2022. The recent observation of the nest falling out of the tree starts a three-breeding season window for protection. If no new activity is observed over the next three breeding seasons, restrictions and protections can be relaxed, in line with the State Conservation Plan and the National Bald Eagle Management Plan recommendations. Barring new activity, that would mean the site continues to be protected through the 2025 breeding season.

The question the monitoring seeks to answer is if the nest/ territory will be active this breeding season, and this question still needs to be answered to allow work to start before the end of the breeding season. This monitoring would also add to the record regarding inactivity over complete breeding seasons.

With the new absence of a focal point (the nest), the monitoring area should be the general area around the old nest tree. Buffers would remain the same as currently indicated (based on the nest tree). Photographs can be of the general area being monitored to show any changes, or lack of changes.

**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.
- 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 #22...**

- 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.

**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).

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**B#22-58: Databank Site Plan  
Town of Orangetown Planning Board Decision  
Final Site Plan Approval Subject to Conditions**

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**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 Conditions #1, #19 and #22 of the January 3, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:**

**" #1. As requested by the Zoning Board of Appeals, the applicant is proposing 671 land banked parking spaces in addition to the 69 standard parking spaces, which is illustrated on Sheet LB-1.0 of the site plan drawings. While these land banked parking spaces are intended to satisfy the minimum parking requirement, they will also increase the total number of parking spaces on the site 972%, thus significantly increasing the amount of pavement used on the lot. Part of our department's initial recommendation was to reduce the size of the building so that fewer parking spaces would be required, rather than just adding the required parking. Since the size of the building was not decreased, we strongly recommend that the land banked spaces be constructed in phases based upon the need for additional parking, thus avoiding an unnecessary amount of impervious surface area. It is furthermore recommended that the land banked parking area use permeable pavers."**

**The Board held that the site cannot be further developed without returning to the Planning Board for review and approval of the site plan.**

**A motion to override the condition was made and moved by Andrew Andrews and seconded by Denise Lenihan 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.**

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TOWN CLERK'S OFFICE

**PB#22-58: Databank Site Plan  
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**Overrides Continue....**

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

The Board held that the site plan shall be revised to note a third area for snow banking,

A motion to override the condition was made and moved by Andrew Andrews and seconded by Denise Lenihan 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.

"#22. The landscaping plan on Sheet LA-1.0 of the site plan drawings only illustrates the northern portion of the site where initial development is to be constructed but does not take into consideration the land banked parking spaces. We recommend that the landscaping be revised to indicate that in the event that the land banked parking is developed, it shall be supplemented with tall evergreen landscaping to mitigate its visual and auditory impacts on the residential properties to the south of the site."

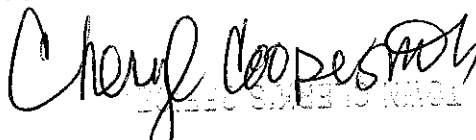
The Board held that the site cannot be further developed without returning to the Planning Board for review and approval of the site plan.

A motion to override the condition was made and moved by Andrew Andrews and seconded by Denise Lenihan 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 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: January 11, 2023**



CHERYL COOPER  
TOWN CLERK  
TOWN OF ORANGETOWN

**PB #23-01: South Corner Plaza Site Plan  
Final Site Plan Approval Subject  
to Conditions**

**Permit #66619**

**Town of Orangetown Planning Board Decision  
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**TO: Ryan Nasher, 232 North Main Street, New City, New York 10956  
FROM: Orangetown Planning Board**

**RE: South Corner Plaza Site Plan:** The application of Hassan Samini, owner, for Final Site Plan Review for a site to be known as "**South Corner Plaza 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 on the East side of Route 303, at the intersection of Route 340, at 2 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 11, 2023** which time the Board made the following determinations:

Donald Brenner, Ryan Nasser, Ronald Rieman, Daniel Samini and Christine Coyne appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated January 4, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director dated December 21, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 11, 2023.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated December 22, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 3, 2023.
6. Letter and notice from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 9, 2023, and Jake Palant, dated December 9, 2022.
7. Letter and notice from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated January 11, 2023.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated December 15, 2022.
9. Email from Orange and Rockland Utilities, from Alfred Gaddi, dated December 6, 2022.

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10. Letter from the Rockland County Sewer District No. 1, dated December 14, 2022.
11. A letter from the New York State Department of Environmental Conservation, signed by Daniel Mackay, Deputy Commissioner for Historic Preservation, Division of Historic Preservation, dated January 21, 2022.
12. Copy of a NYS DEC Permit, for South Corner Plaza, effective November 14, 2022, Expiration date of December 31, 2027.
13. Copy of a letter from NYSDEC to Ramanathan of Atzl, Nasher & Zigler, dated January 3, 2022.
14. Narrative Summaries prepared by Atzl, Nasher & Zigler, dated December 1, 2022.
15. Revised Full Environmental Assessment Form, dated April 13, 2022, revised December 1, 2022, signed by Daniel Samimi.
16. Response Letter from Atzl, Nasher & Zigler, dated December 1, 2022.
17. Sanitary Sewer Calculations, prepared by Atzl, Nasher & Zigler, dated December 1, 2022.
18. Site Plans prepared by Atzl, Nasher & Zigler Engineers, dated August 5, 2021, last revised December 1, 2022:
  - Sheet 1: Site Plan
  - Sheet 2: Existing Condition
  - Sheet 3: Grading Plan
  - Sheet 4: Sparkill Creek Plan & Profile
  - Sheet 5: Erosion and Sediment Control Plan
  - Sheet 6: Details
  - Sheet 7: Lighting Plan
19. Copies of the following Board Decisions: ZBA #22-63, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 13.10 B (1) and B (10) Variances Approved, dated September 21, 2022, ACABOR #22-55, Approved with Conditions, dated October 6, 2022; and PB #17-37, Preliminary Site Plan Approval Subject to Conditions, dated July 13, 2022.

The Board reviewed the plan. The Board opened the item for Public Comment.

A motion was made to open the Public Hearing by Andrews Andrew and second by Denise Lenihan 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.

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 McCrory and seconded by Kevin Farry 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.

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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, 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 Planning, and having reviewed the drawings presented by the applicant's professional consultant; 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;

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- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan: 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. A Floodplain development permit must be submitted along with a letter from the engineer of record certifying that all construction and site development is in compliance with The Town of Orangetown floodplain regulations and FEMA regulations.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Planning Board and the construction plans are reviewed and approved by the Building Inspector.

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5. The applicant still needs to comply with PB Decision # 17-37, condition 15b (#14) (ownership of all easements and dedications – existing and proposed clearly labeled on the plans.)
6. The revised Drainage report is currently under review by DEME.
7. The drainage report shall demonstrate interior access to the proposed green roof for maintenance, inspection and demonstration purposes.
8. It appears from the landscaping plan, drawing 13, that disturbance for landscaping is happening outside of the Limit of Disturbance (L.O.D.) shown on drawing 7. All disturbances must be encompassed by the L.O.D. and include in the total area of disturbance.
9. The applicant's engineer is advised that there is an additional 8 inch sanitary main the crosses under Route 303 and ties into the town manhole, immediately north of CB #1. This sanitary main shall be shown on the plans. Also, the applicant's engineer shall check the cover (elevations) over this main so that the outflow from CB #1 does not expose or undermine said sanitary main.
10. The Flood Emergency Operations Plan is under review. However, no names or telephone numbers have been listed in the Emergency Notification Flowchart (page 4 of 10.) It is recommended that the plan not be signed until this flowchart has been completely filled out. DEME understands that the Building Dept./ Floodplain Administrator has final jurisdiction over the plan.
11. One or two additional flood zone-parking signs shall be added along the north west parking area.
12. The post construction stormwater maintenance agreement, supplied with the revised drainage report, is under review by DEME.
13. The sanitary calculations for the proposed site are under review. However, the calculations shall state which public sewer system the building is tying into. Also, the pipe slope listed in the calculations differs from the slope listed on the sanitary building connection profile.

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**14. The Town of Orangetown Fire Prevention Bureau had the following comments:**

**Construction plans shall include the following information. Please this information as notes on the Site Plan**

- Installation of a NFPA 13 compliant Fire Sprinkler system,
- Installation of a Fire Alarm System to the NFPA standard,
- Installation of Key Lock Box, and
- Fire resistant rated exterior walls are required for buildings less than 5' from the lot line. Resistance rating is based on proposed occupancy.

**15. Drainage Review Recommendation**

The application has demonstrated that significant impacts with respect to increased in stormwater runoff can be mitigated. Potential impacts with respect to drainage can be mitigated, therefore the Drainage Consultant, Brooker Engineering, recommends approval for drainage subject to the following Project Comments:

This is the fifth drainage review report for this project; the last review was dated July 13, 2022. The site is located at the southeast corner of the intersection of Route 303 and Route 340. The Sparkill Creek flows south through the site, and the site is completely encumbered by the 100-year floodplain of the Sparkill Creek. Portions of the site contain the Sparkill Creek floodway. The application consists of the removal of two existing residential structures and construction of a new 10,390 SF building with a 52-space parking lot. A new entrance will be provided along Route 303 by adding a culvert over the Sparkill Creek. For the July 2022 submission, the first-floor elevation was lowered to elevation from elevation 75.0 NAVD to elevation 73.5 NAVD, which is at or below the floodplain elevation at the northern portion of the site, just downstream of Route 340. Brooker Engineering notes the Flood Insurance Study shows Route 340 overtopping which is also supported by historical observation. The application notes the building is to be dry floodproofed to elevation 76.35 and provides a detail for dry floodproofing of the doors only.

**Project Comments**

1. Provide graphic scales on all drawings. Provide the grading plan at a scale of 1" =20' to improve clarity.
2. As per the July 13, 2022 drainage review report, the Local Floodplain Administrator shall comment if the lowered first floor elevation of the structure for this submission and proposed dry floodproofing methods meet local and federal code requirements.

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**Continuation of Condition #15...**

3. As per the July 13, 2022 drainage review report, provide a design for the building foundation that shows the building foundation can resist hydrostatic pressures if the building is dry floodproofed, i.e., the building is designed to be dry inside the structure and subject to hydrostatic forces against the foundation. Provide the structural calculations that the 12-inch thick foundation wall can resist the hydrostatic pressure of the water.
4. A Flood Operation Report dated 12/01/2022 has been provided on December 23, 2022 and is under review. The selected floodproofing method does not operate automatically and requires manual installation prior to a storm event, which is outlined in the Flood Operation Report. Reference the Flood Operation Report as a map note on the Site Plan. The Flood Operation Report shall be reviewed by the Local Floodplain Administrator.
5. Show the door location for the hotbox room at the northeast corner of the proposed building; show the finished floor elevation at this location as the adjacent grade is one foot higher than the listed finish floor of the building.
6. As per the July 13, 2022 drainage review report, the application shows a small rise in 100-year flood elevations on the site, which extends off the site onto flooding depths on Route 303. This is subject to approval by the Local Floodplain Administrator, Rockland County Drainage Agency, and NYSDOT.
7. As per the December 7, 2021, September 29, 2021, and July 13, 2022 review letters, provide a cross section of the proposed stream crossing over the Sparkill Creek. Show the existing 100-year floodplain elevation on the cross section.
8. As per the December 7, 2021 and July 13, 2022 review letters, verify that the proposed bridge abutments are outside of the floodway limits.
9. As per the July 13, 2022 review letter, show the stream stationing on the Sparkill Creek Plan and Profile consistent with the stream stationing from the FEMA flood profile. Add water surface elevation contours within the proposed floodplain delineation.
10. As per the July 13, 2022, December 7, 2021, and September 29, 2021 review letters, provide an elevation certificate for the proposed construction.
11. As per the July 13, 2022 review letter, show positive grading away from the building along the north side of the building.
12. The hydrologic model shall combine the routed outflow hydrograph for the green roof detention subarea with the hydrograph for the subarea that bypasses the detention system. This represents the total peak discharge at the hydrologic point of interest that should be at or below existing conditions peak runoff rates.
13. Show the footing drain for the new building.
14. Show top and bottom of curb elevations for the new curb along the west side of Route 340 in front of the proposed building. Show the tie in locations for the proposed elevation 74 contour.
15. Provide a separate detail with the dimensions of the green portions of the roof.

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**Continuation of Condition #15...**

16. Provide a detailed roof drainage plan that shows how the area of roof that is not directed to the green system will drain.
  17. Clarify how the roof drain on the "Typical Green Roof Detail" on Drawing 8 will function; it is not clear if the drain will be backfilled with clean crushed stone or how the crushed stone layer will be supported vertically.
  18. Provide calculations for the sizing of the ten-inch roof leader pipe. Provide a secondary emergency overflow system for the roof drainage.
  19. Clarify the discrepancy of the results of the hydrocad hydrologic model with respect to available storage. The calculations show 3,523 CF of storage and the hydrocad model utilizes a stage versus storage curve with peak storage of 4,360 CF. This may affect the results as the routed outflow hydrograph shows a peak discharge of 0.0 cfs due to the additional storage.
  20. Use a curve number of 100 and 100% impervious for the green roof area in the hydrologic model.
  21. Provide a breakdown of impervious areas for existing and proposed conditions on the watershed maps in the hydrologic report.
  22. The invert of the roof drain in the hydrologic model is listed at elevation 20. This is above the top of the available storage in the green roof and is inconsistent with the Green Roof Detail.
  23. Provide the hydraulic calculations for existing and proposed conditions for the Sparkill Creek.
- 16. The New York State Department of Environmental Conservation (NYSDEC) has received the application, Protection of Waters Stream Disturbance permit. The application is incomplete. Please submit the following documentation and/or address the following comments for a complete application.**
1. Provide a justification for the retaining walls placement on the banks of the Sparkill Cree. Article 15 jurisdiction include the bed and banks, if the retaining walls were shifted beyond the top of the bank, an Article 15 would likely not be required.
  2. The Water Quality Certification form provided is blank. Please fill in the entire form.
  3. No indication of SEQRA review has been provided. Please complete and submit Part 1 of the SEAF. Alternatively, if SEQRA coordination and review has already been conducted by another agency, you are welcome to provide that documentation instead.
  4. Please provide an electronic copy of the engineered plans.

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

- As previously indicated, the west side of the property encroaches into the Sparkill Creek and almost the entire site is within the 100-year floodplain of the creek. An updated review of the December 1, 2022 site plan must be completed by the Rockland County Drainage Agency, any concerns addressed, and all required permits obtained. In addition, the applicant must comply with the comments made in its letter of July 8, 2022.
- The engineer of record shall certify to the Floodplain Administrator for the Town of Orangetown that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- An updated review of the December 1, 2022 site plan must be completed by the New York State Department of Transportation (NYSDOT). In addition, the applicant must comply with the comments made by NYSDOT in their email dated August 27, 2021. A traffic impact study of the area must be reviewed by them to ensure that the design of the site will not impede the flow and safety of traffic on the two State highways.
- Since the proposed parking area encroaches into Federal wetlands, a review must be completed by the US Army Corps of Engineers and all required permits obtained.
- The applicant must comply with the conditions of the Rockland County Sewer District no.1's letter of December 14, 2022.
- An updated review of the August 1, 2022 site plan must be made by Rockland County Department of Health. In addition, the applicant must comply with the conditions of the Department's letter of September 19, 2022, and an application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site all design points.
- 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.

ROCKLAND COUNTY DEPARTMENT OF PLANNING  
TOWN OF ORANGETOWN

**Continuation of Condition #17...**

- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. 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 Professional Engineer 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.
- 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.
- The snow storage locations between the parking spaces and the driveway entrance to Route 340 is unsafe. A driver parked in the spaces closest to the driveway may not see a vehicle entering the property from Route 340 due to snow piled in these areas. This will increase the likelihood of vehicular collision and must not be permitted. Snow storage must be in locations where it will not obscure a driver's vision. Additionally, each of the snow storage areas overlaps with the proposed landscaping. These locations are unacceptable for snow storage, as the trees will be damaged by the weight of snow and salt intrusion. The snow storage areas must be reconfigured. Due to the location of the Sparkill Creek, de-icing alternatives should be explored, and the use of salt should be minimized.
- Retaining walls shall be designed by a licensed New York State 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.
- All proposed signage shall conform to the sign ordinance in Chapter 31C of the Town of Orangetown Code.
- The letter from Atzl, Nasher & Zigler dated December 1, 2022 includes responses to previous comments made by our department. The engineer's letter does not reference the date that our comments were issued, and these comments are not from our most recent GML review dated September 19, 2022. We respectfully request that the engineer responds to the comments sent out in the most recent GML review by our department to ensure that our latest concerns are addressed.
- A north arrow must be included on the Vicinity Map.

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

- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

**19.** The Rockland County Sewer District No. 1 (District) reviewed the submitted information and provided the following information:

(1). The District owns and maintains a 42-inch sewer main in an easement on the property.

- a. No permanent structures may be built within the Sewer District easement.
- b. Drawing No. 3 (Grading Plan) shows a 10-inch HDPE roof drain that will cross the District's easement. The 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.
- c. When the 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 two (2) working days in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
- d. 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.

(2). All permits, fees and inspections associated with raising manhole frames on the 42-inch sanitary sewer main are the responsibility of the District. According to the Grading Plan, at least one manhole frame will have to be raised. A permit must be obtained from the District prior to starting the work. This will require approval of the details for raising the manhole frames, submittal of the County Planning Information Certification, and all necessary insurance, bonds, indemnification, and permit fees.

(3). The engineer will have to verify that the District's 42-inch sewer main in the easement and 54-inch sewer main along the property line are not within the zone of influence of the foundation of the proposed structure. If they are, necessary design precautions must be done to protect the sewer.

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**Continuation of Condition #19...**

- a. The engineer's correspondence to the Planning Board dated December 1, 2022, in response to the District's comment about the zone of influence states, "The test note shows the elevation of the ground water is  $\pm 62.0$ . The bottom of the foundation is at  $\pm 64.5$ , which is above the ground water level. No zone of influence expected during the foundation excavation."
- (4). The Grading Plan shows that the sanitary sewer connection from the proposed building will tie into the District's 42-inch PCCP sewer main, which is mislabeled as 24-inch RCP to the right of the location of the proposed connection. **The engineer must make the connection to the 24-inch RCP Orangetown sewer main that runs through the property.**
- (5). If the existing house connections are hooked up to the District's sewer, they must be plugged within the sewer easement with a permanent watertight plug or cap encased in concrete.
- 20.** Orange and Rockland Utilities (O&R) reviewed the submitted information and offered the following comment:
- The proposed work may be in conflict with the existing gas facilities along Route 304. All code 753 rules must be followed.
- 21.** The New York State Division of Historic Preservation, NYS Office of Parks, Recreation and Historic Preservation (OPRHP), offered the following comment: Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.
- 22.** The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, NYSDEC offered the following comments:
- **Protection of Waters:** The following stream/pond/waterbody is located within or near the site indicated: Sparkill Creek, Class C(T), DEC Water Index Number: H-13, Status: Protected. A Protection of Water permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." An application for Stream Disturbance permit was originally submitted in 2010, DEC Permit ID# 3-3924-00426/00001, South Corner Plaza, was withdrawn in 2014 for incompleteness. Therefore, the project sponsor must submit a new joint application form and project plans for the proposed driveway and stormwater outfalls on the bank. By copy of this letter, the project sponsor is made aware of this requirement. If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

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**Continuation of Condition #22...**

- **Freshwater Wetlands:** The project site is not within a New York State protected Freshwater Wetlands. However, please contact the US. Army Corps of Engineers in New York city for any permitting they might require. If a permit pursuant to Section 404 of the Clean Water Act is required by the Army Corp of Engineers, the project sponsor will also require a Water Quality Certification pursuant to Section 401 of the Clean Water Act issuance of these certifications in NYS has been delegated to the DEC.
- **Water Quality Certification:** If the US Army Corps of Engineers requires a permit, for work completed in or impacting a federal wetland or waters of the U.S., you will need a Section 401 Water Quality Certification from the Department.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, the files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. DEC cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools).
- **State Pollutant Discharge Elimination System (SPDES):** If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002) for Stormwater Discharge from Construction Activity, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As this site is within a Municipal Separate Storm Sewer System (MS4) community, the Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the municipality and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

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**Continuation of Condition #22...**

- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

**23.** All landscaping shown on the 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.

**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).

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**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, and signs and refuse control.

**30.** The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Site Plans, prior to signing the final plans.

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

**32.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #22-63, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 13.10 B (1) and B (10) Variances Approved, dated September 21, 2022, ACABOR #22-55, Approved with Conditions, dated October 6, 2022; and PB #17-37, Preliminary Site Plan Approval Subject to Conditions, dated July 13, 2022.

**Overrides**

The Board made motions to override the first paragraph of the letter, and Conditions #1, #2, #3, #4, #5 and #16 of the January 9, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“ #1. Our department has reviewed this site several times for the proposed construction of a shopping center. We have expressed serious concerns about previous iteration of this project, and many of these concerns still apply. The site is almost completely located within the 100-year floodplain of the Sparkill Creek. The applicant is proposing construction over almost the entire parcel, between the impervious parking area and the 10,390 square foot building. As noted in the September 29, 2021 letter from Brooker

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**Overrides Continue....**

Engineering, the building is at significant risk of flooding. In our initial review, we strongly recommended that the applicant reduce the size of the structure so that a more environmentally oriented development could be provided. On July 13, 2022, the Orangetown Planning Board made the determination that the proposed Unlisted action would not have a significant impact on the environment and a Draft Environmental Impact Statement would not be necessary. Between our department's reviews on June 30, 2017 and October 6, 2021, the building has only been reduced by approximately 1,339 square feet and seven parking spaces have been eliminated. On September 19, 2022, our department reviewed variances for the rear yard, building height, number of loading berths and the requirement for screening along the Route 303 corridor, landscape buffer required within the Route 303 Corridor, and maximum parking in the front yard. Several of these variances had been previously granted and required re-approval. The site plan provided, dated August 16, 2022, included a building that had been reduced to 10,165 square feet, a parking area reduced to 63 parking spaces, and the addition of a green roof of 5,198 square feet. We recommended modifications to the proposal, once again stating our concerns with the site being located within the flood zone and indicating that several of the variances defeated the purpose of the Route 303 Overlay District. The Town of Orangetown Zoning Board of Appeals approved each of the requested variances at their October 6, 2022 meeting and indicated that the green roof would be a substantial improvement to drainage. The currently submitted site plan, dated December 1, 2022, includes some minor changes from the August 16, 2022 site plan. The building has been increased in area from 10,165 to 10,390 SF, and the green roof has been increased to 6,124 SF. Additionally, one parking space has been removed. While our department finds the green roof to be an improvement to the project, it will not solve the issues with stormwater runoff at the ground level. Despite the various revisions made to the site plan, the property is still being overdeveloped and the environmental concerns have been unsatisfactorily addressed. The proposal must be further scaled back to accommodate the constraints of the site."

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable.

A motion to override the condition was made and moved by Lisa DeFeciani and seconded by Kevin Farry 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.

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**Overrides Continue....**

**"#1. The proposed project is an overdevelopment of the site and the application should not be approved based on the site's environmental constraints. As pointed out, these constraints have not been adequately addressed. The site is almost fully within the 100-year floodplain, contains the regulated floodway, is fully within the riparian buffer of the Sparkill Creek, and contains federally regulated wetlands. The site plan must be denied and the proposal reduced in size to lessen the environmental impact."**

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable.

A motion to override the condition was made and moved by Lisa DeFeciani and seconded by Kevin Farry 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.

**#2. The west side of the property encroaches into the Sparkill Creek and is one of the reasons for our review of the proposal. The Sparkill Creek is listed in the FINAL New York State 2018 Section 303(d) List of Impaired/TMDL Waters (June 2020) as a waterbody with impairments that do not support best uses and requires development of a Total Maximum Daily Load (TMDL). The pollutants identified are fecal coliform and oxygen demand. The suspected source of pollution is urban/stormwater runoff. The significant increase of impervious surfaces in close proximity to the Sparkill Creek will exacerbate downstream flooding and adversely impact the area's ability to handle increase frequency of intense storms. The site plan must be denied and the proposal must be decreased in scale."**

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable.

A motion to override the condition was made and moved by Lisa DeFeciani and seconded by Kevin Farry 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.

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- **"#3.** In addition, New York Natural Heritage Program's (NHP) database, as reflected on the Hudson Valley Natural Resources Mapper indicates that the entire site is within the riparian buffer of the Sparkill Creek. The 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 habitat, and often serve as wildlife travel corridors. The Planning Board must consider the impact of additional structures and impervious surfaces in the riparian buffer and the potential degradation of water quality and intensification of localized flooding before approving site plans. The application must be denied and the size of the development reduced."

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable.

A motion to override the condition was made and moved by Lisa DeFeciani and seconded by Kevin Farry 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.

- **"#4.** The Town of Orangetown did extensive research over a tow-year period to create the route 303 Overlay Zoning District, working with county, State and Federal agencies, as well as the public, to ensure that the resulting zoning requirements would provide strategies to improve the roadway's operation, aesthetics, and safety aspects. Safety aspects are of utmost importance, as this was one of the underling reasons for the study. In addition, several other goals of the Route 303 Overly Zone are to protect, preserve and improve neighborhood commercial areas, discourage unattractive retail strip development, and promote parking in the rear yard. These goals are achieved by implementing many standards, including a 25-foot vegetated buffer along the property line adjacent to the Route 303 right of way, connections between abutting parking lots, shared driveways and internal circulations to minimize turning movements onto Route 303, and providing a traffic impact study and access management plan. Requirements for new nonresidential development in the Route 303 Overlay District are established in Article XIII, Section 13.10B of the Orangetown Town code. The applicant has received variance approval for Provisions 1, 2 and 10 of Section 13.10B. The application must be denied and the applicant must achieve the requirements of the route 303 Overlay District."

**Overrides Continue....**

**#4.**

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable.

A motion to override the condition was made and moved by Lisa DeFeciani and seconded by Kevin Farry 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.

- **#5.** "The ZBA recently approved a variance for the required 25-foot vegetated buffer, as required by Section 13.10(B) of the Orangetown zoning code. The Board stated in their findings of Facts and Conclusions that "the property sits so far below Route 303, that implementing a 25' buffer would be almost impossible and not visible from Route 303." Our department disagrees with part of this statement, as the property is approximately only four feet lower than the abutting section of Route 303 (per the topography delineated on the site plan) and is partially visible from the roadway based on Google Street View imagery. While it will be difficult to achieve the 25-foot vegetative buffer due to the presence of the Sparkill Creek, further reducing the size of the building will allow for improved compliance with the Route 303 Overlay Zone requirements and decrease the overall lot coverage. The site plan must be disapproved, and the applicant must make a legitimate effort to satisfy the requirements of the Route 303 Overlay Zone."

The Board held that the applicant was granted variances from the Town of Orangetown Zoning Board of Appeals, this comment is not applicable.

A motion to override the condition was made and moved by Lisa DeFeciani and seconded by Kevin Farry 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.

- **#16.** "To help reduce the impact of this development, a reduction of impervious surfaces must be considered. In addition to the proposed Green roof, 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. Other green infrastructure techniques should also 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."

**PB #23-01: South Corner Plaza Site Plan  
Final Site Plan Approval Subject  
to Conditions**

**Permit #66619**

**Town of Orangetown Planning Board Decision  
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**Overrides Continue....**

The Board held that porous pavers are not acceptable and that the applicant is constructing a green roof, and that there is no other room on the site for other similar improvements.

A motion to override the condition was made and moved by Andrew Andrews and seconded by Denise Lenihan 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, nay, Tara Heidger, (alternate member), absent and Michael McCrory, aye.

The foregoing Resolution was made and moved by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, nay; Kevin Farry, aye; Lisa DeFeciani, nay; Michael McCrory, aye; and Andrew Andrews, aye, Tara Heidger, (alternate member) 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: January 11, 2023**  
Town of Orangetown Planning Board



TOWN CLERK'S OFFICE

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**PB #23-03: Gatto Lane Planned Adult community Site Plan  
Consultation  
Town of Orangetown Planning Board Decision**

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**TO: Lino Sciarretta, Bleakley Platt & Schmidt, One Blue Hill Plaza,  
3<sup>rd</sup> Floor, Pearl River, New York 10965**  
**FROM: Orangetown Planning Board**

**RE: Gatto Lane Planned Adult Community Site Plan Consultation:**  
The application of Toll Brothers, applicant, for Gatto Lane, Gatto Lane, LLC, owner, for CONSULTATION Site Plan Review at a site to be known as “**Gatto Lane Planned Adult Community Site Plan Consultation**”, 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 Gatto Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.07, Block 2, Lot 1 in the R-15, PAC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 11, 2023**, the Board made the following determinations:

Brian Quinn, Lino Sciarretta, Kevin Moses, Robert Dawd and Kenneth DeGennaro appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 4, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated December 28, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 11, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 22, 2022.
5. An interdepartmental memorandum from the Office of Recreation & Parks, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance, dated January 11, 2023.
6. Email from Joseph LaFiandra, Rockland County Sewer District #1, dated January 5, 2023.
7. Copy of Planning board Referral to the town board regarding Gatto Lane Zone Change and Traffic Study, dated September 22, 2021.
8. Civil Plans prepared by Brooker Engineering, dated November 10, 2022.
9. Landscape Plan prepared by CMG Engineering, Surveying and Landscape Architecture, dated November 23, 2022.
10. Letter from Bleakley Platt, dated December 2, 2022, signed by Lino Sciarretta.

The Board and Consult applicant reviewed the submitted information.

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**PB #23-03: Gatto Lane Planned Adult community Site Plan  
Consultation  
Town of Orangetown Planning Board Decision**

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The Board reviewed the plan. The Board opened the item for Public Comment.

A motion was made to open the Public Hearing by Andrews Andrew and second by Denise Lenihan 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.

**Public Comment:**

Robert Artun, 163 Gatto Lane, liked the buffer idea. He noted that the road is narrow and hard to get in and out of and raised concerns regarding parking and safety. Mr. Artun held that this project does not belong in the area

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael McCrory and seconded by Kevin Farry 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 hearing was then opened to the Public.

**CONSULTATION:** In view of the foregoing and the testimony before the Board, the Board recommended that the applicant proceed with a formal application for Site Plan Review, subject to the following comments:

1. The Planning Board suggested the following items; screening for the eastside neighbors of Gatto Lane, moving the location of the Pickleball Court and reducing the amount of widening of the roadway on each side. The Board also showed interest in seeing a plan noting the trees to be removed for the road widening. The Board asked the applicant to submit specification sheets on the "paver like" blocks for the access road.

2. On September 13, 2022, the Town Board granted a zone change from the R-40 Zoning District to the R-15 Zoning District and R-15 to PAC Zoning and established the following criteria;

- a) Maximum number of town home style units permitted is 36.
- b) The sum \$72,000.00 is to be paid following the granting of final site development plan approval by the Town Planning Board for the PAC development and before the signing of the site plan.
- c) The Petitioner, prior to the issuance of any building permits, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Owners and occupants, restricting the sale, re-sale, rental and occupancy of the units within the PAC development as set forth in this resolution.

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**PB #23-03: Gatto Lane Planned Adult community Site Plan  
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**Continuation of Comment #2...**

- d) Upon formal application to the Planning Board for approval, the plan must return to the Town Board before the Planning Board grants any preliminary site plan approval, to ensure the site plan substantially conforms to the concept plan that is being approved as part of the zone change.
3. Applicant must advise how refuse removal and snow removal will be handled. Will there be proposed dumpster locations and designated snow piling locations?
4. The applicant is reminded that no work can begin, including site work, until all approvals and permits are obtained.
5. The proposed private road does not comply with Town standards and is unacceptable. The road must be a through street or provide a turn-around, designed to Town Specifications.
6. Drawing 11 shows major roadway improvements and widening of Gatto lane (labeled as a private road) within the Village of Chestnut Ridge, from the subject property/ Town of Orangetown border, west to Highland Avenue. Because these improvements are **CRITICAL** to the ensuring that the proposed site plan/ Gatto Lane improvements, can meet Town of Orangetown roadway standards for layout and alignment, DEME strongly recommends that this project **NOT RECEIVE PRELIMINARY APPROVAL** until all of the work proposed in the Village of Chestnut Ridge has been reviewed and approved officially (on Town/ Village letterhead – not email) by the appropriate authorities (Planning Boards, Village/ Town Boards, private property owners) of the Village of Chestnut Ridge and or Town of Ramapo. Copies of all correspondence, submittals, etc. with the Village of Chestnut Ridge/ Town of Ramapo and or private property owners, shall be submitted to the Planning Board and DEME.
7. With respect to the proposed road widening/ improvements on Gatto Lane, in the Village of Chestnut Ridge, the drawings show that the existing proposed widening starts and stops at all driveway openings. This is unacceptable. There is no way to know how the driveway openings were constructed or if they were even designed to hold a specific load rating. Therefore, existing driveways, that are in the area of the proposed road widening, must be removed and repaved to the street pavement section, found on drawing 13. Lastly, 5-foot radii return shall be drawn and labeled at all new driveway exits onto Gatto Lane, within the portion of Gatto Lane in the Village of Chestnut Ridge.

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**PB #23-03: Gatto Lane Planned Adult community Site Plan  
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8. Drawing 11 and other drawings show proposed road improvements to Gatto Lane that encroach on the neighboring Wyeth property (tax lot 68.07:2:39.) This is not acceptable. All roadway improvements must be kept within the subject property, long the southern border.
9. New curbing shall be installed along both sides of Gatto lane from the eastern end of the project site to Highland Avenue.
10. Sidewalks shall be installed along Gatto lane from the eastern end of the project site to Highland Avenue.
11. The drawings indicate some regrading for the proposed stormwater basin (on the west side of the proposed private road) will occur in the Town R.O.E. for Gatto Lane. This is unacceptable. All grading and improvements for must be contained within the subject property.
12. A full SWPPP, including drainage calculations shall be prepared by a NYS Licensed Professional engineer and submitted to DEME for review and approval.
13. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed post construction stormwater facility 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 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.
14. The drawings depict the proposed detention basin that is divided by the proposed private roadway. This does not meet the design standards as set forth in the New York State DEC – Stormwater Management Design Manual (NYSDEC-SMDM.) The stormwater basin shall be design in accordance with NYSDEC- SMDM including but not limited to pond drains/ valves, 12-foot-wide maintenance access path around entire pond, safety bench, aquatic bench, anti-seep collar, minimum flow path of 2:1, etc.
15. The emergency overflow spillway path for the proposed basin is unacceptable. As currently shown, any overflow from the basin will exit the emergency overflow spillway and head east. Where is the flow supposed to go? Onto the neighboring properties? Make a 90 degree/ right hand turn at the proposed berm and be directed into Gatto Lane? What will prevent scour to the grassed area passed the riprap spillway? The overflow spillway/ overflow path must be redesigned.

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16. The applicant's engineer is reminded that as per the NYSDEC-SMDM, Section 6.2.6 the basin shall be designed to meet the Cold Climate Design Considerations.
17. A planting plan for the proposed W-3 stormwater basin shall be added to the plans. Also, as per NYSDEC-SMDM, Section 6.2.4 "A wetland plant buffer must extend 25 feet outward from the maximum water surface elevation, with an addition 15-foot setback to structures." The drawings appear to show only a 25-foot setback to structures, not the 40-foot required. This shall be corrected/ revised to comply with the manual.
18. 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.
19. Given the size and scale of the project and the fact that the *Traffic Access and Impact Study* did not thoroughly address Traffic/ Gatto lane improvements in the Village of Chestnut Ridge, the Planning Board may require an updated traffic study for the project.
20. The Town of Orangetown Town code has no provisions for any road/ driveway/ emergency access path entering onto an existing road in the middle of the curve, as the current emergency access road is currently shown entering onto Grotke Road. This must be reviewed and approved by the Superintendent of Highways as well as the Town Attorney's office.
21. 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.
22. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and DEME, prior to signing the map.
23. The Town of Orangetown Bureau of Fire Prevention reviewed the Plans and offered the following comments:
  1. An aerial Access road is required for buildings over 30' in height measured to the eave on a pitched roof, the minimum road width is 26' - 24' is proposed. 2020 IFC D105

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2. The proposed Grass Pave emergency access road must be capable of supporting a fire apparatus weighting up to 75,000 pounds and have a minimum width of 20'-18' is proposed. A macadam road is recommended.
3. Show the dimensions of the gate and emergency operation.
4. Provide an additional hydrant near the entrance of the project in the area of Gatto Lane. All portions of the buildings shall be less than 600' from a hydrant for an R-3 or sprinklered building, 400' if not sprinklered. 2020 IFC 507.5.1
5. Show fire access road signs and striping.
6. Show width of Gatto Lane.

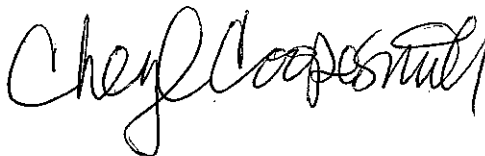
**24.** The Town of Orangetown Office of Recreation & Parks reviewed the submitted information and offered the following comments:

In review of PB#23-03, the Town of Orangetown Parks and Recreation Department recommends pursuant to Orangetown Zoning Code Section 21-20E and Town Board Resolution #396 dated May 8, 2006, which sets the amount of \$6,300.00 per lot for single family homes, that the Planning Board waive the requirement for reservation of parkland and condition approval on payment of \$226,800.00 in lieu of parkland.

**25.** The Rockland County Sewer District #1 offered the following comments: Any proposed development of this 10.2-acre parcel would involve the District because they have a 14-inch force main on Gatto Lane along the south property line. Also, this project would involve the Town of Ramapo DPW if the sewer connection were to tie into the sewer main on Grotke Road, which would constitute an out-of-District connection with myriad procedural requirements and fees.

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

**Dated: January 11, 2023  
Cheryl Coopersmith  
Planning Board**



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