

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, February 22, 2023

MEMBERS PRESENT:

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

MEMBER ABSENT: Thomas Warren, Chairman, Denise Lenihan 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:

Bergson Subdivision Performance Bond		PB #23-09
Recommendation to the Town Board to Release the Performance Bond	Recommended to Town Board	
56 Woods Road, Palisades		
78.18/1/3.1-2; R-80 zoning district		

Pfizer Site Plan Consultation		PB #23-10
Consultation	Consultation	
401 North Middletown Road, Pearl River		
68.08/1/5; LI zoning district		

Continued Items:

125 South Greenbush Road Site Plan		PB #19-17
Prepreliminary/Preliminary Site Plan and SEQRA Review	Postponed	
125 South Greenbush Road, Orangeburg		
74.07/1/15.1; LI zoning district		

155 South Greenbush Road Properties Site Plan		PB #19-18
Prepreliminary/Preliminary Site Plan and SEQRA Review	Postponed	
155 South Greenbush Road, Orangeburg		
74.07/1/15.2; LI zoning district		

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Other Business:

1. The Reserve of Pearl River requested the dropping of trees due before the bat migration period begins, similar to the request for Phase 2. Donald Brenner and Diego Villareale appeared. An email was received from Peter Milman, dated February 8, 2023 and a memo from Bruce Peters, Town of Orangetown DEME, dated February 17, 2023. The Board approved the dropping of trees only at this time.

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

The Board made a motion to only Dropping of the Trees at the Reserve at Pearl River site. The motion was made by Andrew Andrews and second by Kevin Farry and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, absent; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

2. Compliance with Condition #25 of PB#22-55, placement of Construction Trailer – Databank Site Plan. Ben Diskin, Brian Quinn, Paul LeBland and Dana Smith appeared. The Board received an email from Ben Diskin dated February 22, 2023. The applicant also requested the placement of a chain link fence with green slotting. The Applicant noted that no trees would come down for the location of the construction trailer.

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

The Board made a motion to approve the location of the construction trailer and chain link fence in order to establish the boundary of construction. The motion was made by Andrew Andrews and second by Kevin Farry, and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, absent; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

The decisions of the February 8, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Lisa DeFeciani 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.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Farry and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for March 8, 2023.

Dated: February 22, 2023

Cheryl Coopersmith, Town of Orangetown Planning Board

Cheryl Coopersmith
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PB#23-09: Bergson Subdivision Plan – Recommendation to the Town Board to Release the Performance Bond

Town of Orangetown Planning Board Recommendation

February 22, 2023

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TO: Simon Bergson, 56 Woods Road, Palisades, New York
FROM: Town of Orangetown Planning Board

RE: Bergson Subdivision Plan – Performance Bond: The application of Simon Bergson, owner, for a Recommendation to the Town Board to Release the Performance Bond at a site known as “**Bergson Subdivision – Performance Bond**”, 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 56 Woods Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lot 3.1 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, February 23, 2023**, at which time the Board made the following determinations:

Brianne Bergson Gluckstaran appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated December 28, 2022.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated January 9, 2023, and from the Highway Department, signed by James Dean, Superintendent of Highways, dated January 20, 2023.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 3, 2020.

The Hearing was open to the public.

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

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**Town of Orangetown Planning Board Recommendation
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RECOMMENDATION: In view of the foregoing, the Planning Board Recommended to the Town of Orangetown Town Board to Release the Performance Bond.

The foregoing Resolution was made and moved by Andrew Andrews and seconded by Lisa DeFeciani and carried as follows:
Thomas Warren – Chairman, absent; Denise Lenihan, absent; 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 of the Board is hereby authorized, directed and empowered to sign this **RECOMMENDATION** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

**Dated: February 22, 2023
Cheryl Coopersmith**



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**PB #23-10: Pfizer Pearl River Project Vitality
Consultation
Town of Orangetown Planning Board Decision**

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**TO: Kristen Solloway, Fuss and O'Neill, 146 Hartford Road,
Manchester, CT 06040**
FROM: Orangetown Planning Board

RE: PB# 23-10: Pfizer – Project Vitality Site Plan Consultation: The application of Fuss & O'Neill, applicant for Pfizer, Inc., owner, for a Consultation review of a site plan to be known as "**Pfizer – Project Vitality 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 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 22, 2023**, the Board made the following determinations:

Kristen Solloway, Lino Sciaretta, Brian Quinn, David Halpern, Dave Sliter and Lia Lowry appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 8, 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 February 10, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 17, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated
5. Letter from Kristen Solloway, PE, Vice President, Fuss & O'Neill Consulting Engineers, dated January 6, 2023.
6. Plans prepared by Fuss & O'Neill, Flad Architecture & Engineering, Reuther & Brown Structural Engineers, dated January 6, 2023.

The Board and Consult applicant reviewed the submitted information.

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 Michael McCrory and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, absent; 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:

Liz Dudley, 250 South Greenbush Road; raised concerns regarding wetlands by Gatto Lane and it's a good opportunity for a conservation easement. She raised concerns regarding 18-wheeler trucks around the site and also wanted the Board to consider the use of solar.

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There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, absent; 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.

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 Town of Orangetown Industrial Use Committee review and approval is required.
2. An existing site plan shall be provided with proposed demolition also clearly indicated.
3. A complete site development plan shall be submitted in conformance with Chapter 21A of the Town of Orangetown Town Code.
4. In accordance with the Town of Orangetown Zoning Code, Chapter 43, Section 6.4 (f) One berth for each 10,000 square feet of floor area... and one additional berth for each additional 20,000 square feet of floor area... is required. Plans indicate 3 loading berths with 13 required, a variance is required from the Town of Orangetown Zoning Board of Appeals.
5. The parking spaces shall be dimensioned and numbered on the site plan.
6. All easements shall be shown on the site plan.
7. An existing and proposed lighting plan must be provided.
8. A detailed landscaping plan must be provided showing existing and proposed plantings, spacings and species.
9. Existing and proposed dumpster locations shall be shown on the site plan.
10. The applicant has advised that the proposed parking garage structure will be five stories. The floor area must be provided and the floor area ratio revised to include this area.

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11. The applicant should consider a green roof on the parking garage versus underground systems.

12. There are notes indicating "future" buildings/expansion. Applicant must clarify if they are requesting approval of this project in phases for the "future" expansion, or if they plan on returning to the Board for approval in the future.

13. Review and approval of the plans is required from the Town of Orangetown Architecture and Community Appearance Board of Review.

14. The following are comments regarding the Short Environmental Assessment Form:

- Number 2 will be YES for the formal submission and all required agencies must be listed.
- Number 5, Urban should not be selected.
- Number 8a, indicates that the proposed action will result in a substantial increase in traffic above the present levels. Applicant must explain and a traffic study should be provided.
- Number 13a should be YES, Ponds are federal wetlands and adjacent to Muddy Creek and FEMA designated DFIRM.
- Number 20 should be YES and list #344003 (Lederle Lab).

15. The Town of Orangetown Department of Environmental Management and Engineering had the following comments/ recommendations:

1. A proper site plan (that conforms to Section 21 of the Town of Orangetown Code Book – Land Development regulations) shall be provided for review. The drawings submitted shall be signed and sealed by the applicant's engineer. Also, as discussed at the PRC meeting, the plans shall only show the actual proposed improvements. All references to "future" work shall be removed.

2. A full SWPPP (including drainage calculations) shall be prepared for this site plan and submitted to DEME for review and approval. The applicant's engineer is reminded that the SWPPP/ drainage calculations must address water quality and water quantity. Also, the SWPPP shall clearly describe how the proposed stormwater design meets the requirements for Green infrastructure (Chapter 5) and Redevelopment (Chapter 9) in accordance with the January 2015 (including any and all updates) version of the New York State Stormwater Management Design Manual (NYSDEC SMDM.) The applicant's engineer is also reminded that in accordance with the NYSDEC SMDM no more than 5 acres of disturbance can be undertaken at one time without special permission from the MS4 (Town of Orangetown.) Disturbances over 5 acres require additional design and inspection measures that need to be spelled out in the required SWPPP.

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Continuation of Condition #15...

3. The plans depict proposed stormwater management facilities to be placed underground. However, underground systems are specifically for sites where "above ground"/ at grade systems are not physically practical or possible. The applicant's engineer shall investigate and determine if there are any suitable "above ground" locations for the proposed stormwater mitigation systems.

4. In connection to comment #3 above, DEME recommends that the applicant/ applicant's engineer investigate the possibility of designing green roofs for all of the proposed buildings/ parking structure. This would not only eliminate the subsurface stormwater systems but it would also reduce the total area of disturbance, which in turn, would lessen the water quality and quantity requirements. Another ancillary benefit would be the reduction in energy costs to cool and heat the building(s.)

5. 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 calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to DEME.

6. If the project proposed to utilize infiltration basins, the applicant/ applicant's engineer is advised/ reminded that 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 basin.

Concept Design Testing:

2. A minimum of **one (1) test pit/boring AND one (1) infiltration test** for every **5000 SQFT** of basin area, **with no fewer than 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"**

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7. If the project proposes to utilize infiltration basins, the applicant's engineer is reminded that as per the NYSDEC-SMDM – *"The bottom of infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high-water table or bedrock layer, as documented by on-site soil testing."*

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

9. If 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. If the project proposes to utilize infiltration basins, adherence to NYSDEC – SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snowpack treatment, Rain - on-snow events, etc.

11. The total area of disturbance shall be listed within the SWPPP and on the plans.

12. "Blow-up" and cross-sections shall be provided for all proposed stormwater systems.

13. The plans shall show all existing and proposed stormwater and sanitary piping (including building connections.)

14. Profiles for all proposed stormwater and sanitary piping shall be added to the drawings.

15. All existing and proposed grading shall be added to the drawings.

16. Soil erosion and sediment control plans and details shall be added to the drawings.

17. The applicant is reminded that some types of business may require a pretreatment permit form the Town of Orangetown Sewer Department. The applicant shall contact the Town of Orangetown's Pretreatment Coordinator to determine if any of the proposed facilities will require a permit. If required, the design of such facilities must be reviewed and approved by the Pretreatment coordinator/ Sewer Department prior to the site plan being signed.

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Continuation of Condition #15...

18. The applicant is advised that the Pretreatment Coordinator may require a sampling manhole be proposed and constructed. If required, this manhole shall be clearly noted on the drawings and a detail provided.

19. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to this DEME for review and approval. The calculations shall include an analysis of the existing sanitary mains which the proposed buildings shall tie into.

20. Sanitary building connection details shall be added to the drawings

21. All existing cross-easements, between the Pfizer property and the IRG property, in the area of the proposed improvements, shall be shown on the plan, including the metes and bounds, ownership and instrument number.

22. In addition to comment #20 above, all stormwater and/ or sanitary flow generated by the proposed improvements, that flow through existing stormwater and/ or sanitary mains, into the neighboring IRG property, shall show said mains within the IRG property, and include the easements for the piping, as well as the metes and bounds, ownership and instrument number.

23. 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.

24. 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 cell phone number, yearly report to be submitted to DEME, etc.

25. 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.

26. The page and liber or instrument number, metes and bounds, purpose, width and ownership for all existing and proposed easements/ dedications shall be given on the plan.

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Continuation of Condition #15...

27. The datum for the contours shall be given on the plans. Also, A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)

28. Typical details shall be included with the drawings (i.e. catch basin, manhole, manhole frame cover with cover details, pavement curbing, etc.

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

1. Ariel Fire Apparatus access is required for buildings over 30'. Access road minimum width is 26' and shall be no closer than 15' or further than 30' to the building and shall be positioned parallel to one entire side of the building.
IFC D105
2. Show Fire Lane striping and signage.
3. Show height of parking bridge, fire access road requires minimum 13'6" clearance
4. Fire Access road must extend to 150' to all portions of the building. NYS IFC 503.1.1
5. Dead end Fire Apparatus Access Roads greater than 150' in length require an approved turnaround. NYS IFC 503.2.5
6. Show 2 Fire Apparatus Access Roads for the building.
7. Show building height. (high rise if greater than 75')
8. Show FDC location for building and parking garage. Must be within 100' of a hydrant. NYS IFC 507.5.1.1
9. Will parking garage be open or enclosed?
10. Fire Hydrant locations shall be approved by the Pearl River Fire Department.

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
- Fire Command Center if required
- Stairway access to roof

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17. The Board reviewed the application and consultant letters and added the following comments:

1. Add additional parking garage instead of the proposed parking.
2. Add a conservation easement at the back of the property.
3. Add site lines from Middletown Road and Crooked Hill Road.
4. Board wanted to know the type of Generators that would be used, including type of fuel, tank design and containment area below tanks in case of a spill.
5. Show wetlands, underground tanks, add a vicinity map, landscaping on site.
6. Show the height of all ridge connections on the site plan.
7. Show the profile for the new building including the penthouse.
8. Sound attenuation measures to reduce generator and rooftop HVAC units.

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: February 22, 2023
Cheryl Coopersmith
Planning Board**



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