

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of Wednesday, June 28, 2023

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel, Vice Chairman Kevin Farry Andrew Andrews
Denise Lenihan Lisa DeFeciani Michael McCrory
Tara Heidger (alternate member)

MEMBER ABSENT: None

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

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

Continued Item from the February 8, 2023 Meeting:

East Coast BLR Site Plan	PB #23-07
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 11 Kings Highway, Orangeburg 74.11/2/4; LIO zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Continued Items from the April 26, 2023 Meeting:

One Washington Avenue Plans	PB #23-12
Critical Environmental Area Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 1 Washington Avenue, South Nyack 66.70/2/6; R-12 zoning district	Continued: Need SEQRA Coordination with NYSDEC

One Ramland Road Site Plan	PB #23-14
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 1 Ramland Road, Orangeburg 73.20/1/24; LIO zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Continued Item from May 24, 2023

Hamilton BIOS - Pfizer Site Plan	PB #23-25
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 401 N. Middletown Road, Pearl River 68.08/1/5; LI zoning district	Final Site Plan Approval Subject to Conditions Neg. Dec.

New Items:

Project Vitality Site Plan	PB #23-33
Pfizer Campus Prepreliminary/Preliminary Site Plan and SEQRA Review 401 North Middletown Road, Pearl River 68.08/1/5; LI zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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662 Route 303 Site Plan

Prepreliminary/Preliminary Site Plan
and SEQRA Review
622 Route 303, Blauvelt
65.14/1/11.2 & 11.3; LI zoning district

PB #23-34

**Continued: Board Requested
hiring a Planner for
additional studies**

The decisions of the June 14, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Denise Lenihan carried as follows: Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, abstain; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; Tara Heidger, (alternate member), aye; and Lisa DeFeciani, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael McCrory 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 July 14, 2023.

Dated: June 28, 2023

Cheryl Coopersmith, Town of Orangetown Planning Board



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PB #23-07: East Coast BLR Site Plan Permit #BLDC-2053-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

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TO: Bart Rodi, 234 South Grant Ave., Congers, New York 10920
FROM: Orangetown Planning Board

RE: East Coast BLR Site Plan: The application of Thota Nagaraja, applicant, for East Coast BLR, LLC, owner, for review of a site plan to be known as “**East Coast BLR 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 11 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 4 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 8 and June 28, 2023** at which time the Board made the following determinations:

February 8, 2023

Bart Rodi appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated January 25, 2023.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated January 27, 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 6, 2023.
4. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated January 24, 2023, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated February 8, 2023.
6. Site Plan prepared by Bart Rodi, PE, last revision date of December 27, 2022.
7. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated January 26, 2023 and from Jake Palant, dated January 6, 2023.
8. Letter and Notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated January 11, 2023.
9. Notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated January 12, 2023.
10. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, dated January 20, 2023.
11. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chairman, dated January 4, 2023.

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12. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated January 3, 2023.
13. Short Environmental Assessment Form, unsigned and dated.

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

A motion was made to open the Public Hearing portion of the meeting by Denise Lenihan and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; 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, 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 applicant requested a **CONTINUATION**.

June 28, 2023

Bart Rodi appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated June 14, 2023.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated June 21, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, PE., dated June 23, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 26, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 21, 2023.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated June 5, 2023.
7. Letter from Rockland County Sewer District No. 1, signed by Rory Tinston, Engineer I, dated June 22, 2023.
8. Letter from Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated June 12, 2023.
9. Plans prepared by Bart Rodi, PE, dated May 2, 2023.

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10. Copy of Hydraflow for East Coast, prepared by Bart Rodi, dated March 14, 2023.
 11. Short Environmental Assessment Form dated June 23, 2023, signed by Bart Rodi, PE.
 12. Letter signed by Bart Rodi, PE, dated May 12, 2023.
- The Board reviewed the submitted information. The hearing was open to the Public.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), not voting; and Andrew Andrews, aye.

Public Comments:

Agatha Lorenzo, 130 East Carrol Street, Pearl River, raised concerns regarding the loss of trees.

There being no one else to be heard from the Public, a motion was made by Michael Mandel, Vice Chairman and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice-Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), not voting; and Andrew Andrews, aye.

SEQRA

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

On motion by Michael Mandel-Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tarra Heidger (alternate member), not voting, 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.

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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 Health, Rockland County Department of Highways, Rockland County Planning Department, 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 the 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 Michael Mandel-Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tarra Heidger (alternate member), not voting, 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. 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. The property lines and the required setback lines should be more clearly delineated with thicker line weights.
5. Per Chapter 43, Table 3.11, column 4, Conditional Uses by Planning Board, number 4, "Light Manufacturing uses, subject to performance standards procedure, 4.12." IUC review and approval is required.
 - a. Table 3.11, LIO District, Column 7, Additional Use Regulations; #2, same as LO, Column 7, #2 "all accessory off-street loading berths shall be within completely enclosed buildings, and in addition:"
 - b. Table 3.12, LIO district, Column 9, side yard required is 100' with 30.25' proposed
 - c. Table 3.12, LIO district, Column 10, total side yard required is 200' with 57.4' proposed.

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6. Per Chapter 43, table 3.11, LIO District, Column 7, #3, "No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be given at the time of site review..." Parking is proposed in the south required side yard.
7. Applicant must advise as to the hours of operation and trucking. Per column 7, additional use regulations; #2 (c) "no shipping or received of goods shall be carried on between 11 pm and 6 am..." and R-80 Column 7, #10, "No trucking movement of any kind shall be permitted in any district between the hours of 11 pm and 6 am, prevailing time, unless permission has been granted by the Zoning Board of Appeals.
8. Per Chapter 43, Article VI, Section 6.34, Size of spaces and aisle width. "Aisle width shall not be less than 22' for 90 Degree parking with 20' proposed. Plans must be revised to meet code.
9. Calculations must be provided for the required number of loading docks.
10. The application shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR.) A Full Landscape plan must be submitted, noting which trees are to be removed with an "X" and all new plantings.
11. The Short Environmental Assessment Form (SEAF) must be revised as follows:
 - Number 12b shall be YES
 - Number 13a shall be YES
 - Number 20 shall be YES and list C344078, V00579 AND V00343.
12. 1. A full SWPPP, with drainage calculations, with zero net increase in runoff up to the 100 yr. storm, prepared and sealed by a NYS Licensed professional Engineer, in compliance with the *NYS Stormwater Management Design Manual (NYS - SMDM)*, the NYS SPDES General Permit for Stormwater Discharges from Construction Activities (SPDES GP-0-20-001), the *NYS Standards and Specifications for Erosion and Sediment Control* ("Blue Book") and Town of Orangetown Town Code (Chapters 30C & 30D), shall be submitted to DEME for review and approval. Because this site is a re-development site, not only must the stormwater improvements be design to meet the Green Infrastructure/ Water Quality/ Water Quantity standards spelled out in Chapter 5 of the manual, but also the re-development requirements outlined in Chapter 9. All approved (as per the design manual) practices proposed for the site must be clearly identified and described (i.e. how do the practices meet the required goals – Green Infrastructure/ Water Quality/ Water Quantity/ Re-Development) in both the narrative portion of the SWPPP, but also designed and sized in the drainage calculations section of the SWPPP.

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13. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed subsurface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to DEME.

14. The plans depict a rectangular above ground stormwater management facility, with multiple contributing drainage pipes entering the basin at varying location. The shape and structural layout of the proposed basin does not meet the design standards set forth in the NYS-SMDM. The basin sized and designed in accordance with the required design calculations and the NYS-SMDM

15. A “blow-up” of the proposed stormwater basin shall be provided on the drawings. Cross-sections, storage volume for given design storms and elevations, 25-foot pond buffer, 12-foot-wide stabilized maintenance path (that reach the forebay/ main pool/outlet structure/ emergency spillway, flared end inlets, etc.), outlet structure, pond drain valve, permanent sediment depth marker with detail, plantings (if utilized for water quality control), emergency overflow spillway with elevations, etc.

16. The existing Town drainage system (catch basins and piping) along Kings Highway, in front of the site access driveway, and that the existing drainage ditch ties into, shall be shown and labeled on the plans. Top and invert elevations for all existing catch basins and storm drainage manholes (if any) shall be given on the plans.

17. The SWPPP/ drainage calculations shall include an analysis of the existing drainage ditch and Town drainage system that the proposed stormwater basin is tying into. The analysis shall include storms up to the 100-yr. storm.

18. In connection with comment #5 above, the existing drainage ditch that the existing and proposed site drainage flows to is labeled as overgrown. The SWPPP and drainage calculations shall determine what cleaning, improvements and or stream bank stabilization needs to take place in order for the ditch to safely accommodate the proposed increase in stormwater flow. This shall clearly be described in the SWPPP and shown on the drawings.

19. The SWPPP and the drawings shall list (in table form – in the SWPPP) and clearly show (on the drawings) all of the existing and proposed pervious and impervious surfaces (roof, pavement, grass, etc.) and their corresponding areas.

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- 20.** The total area of disturbance (a.o.d.) shall be clearly depicted on the drawings and described, in written/ table form in the SWPPP. The applicant's engineer is reminded that the a.o.d. shall include ALL proposed work/ disturbances including all building construction, installation of new pavement, installation of grass-Crete, installation of post construction stormwater management system(s), all utility piping, relocation of transformer pad, etc.
- 21.** It appears that none of the new paved areas are draining into the proposed stormwater basin. The drawings shall be revised to show stormwater runoff from these areas entering the basin.
- 22.** The proposed stormwater basin shall be shown on all drawings, e.g. lighting/ landscape plan.
- 23.** The existing and proposed drainage plans shall clearly identify the drainage areas for both plans.
- 24.** It appears that an existing 15-inch RCP pipe is being removed to accommodate the proposed building addition. This piping shall be labeled to be removed.
- 25.** The outlet piping from the proposed stormwater basin is depicted as crossing/ running under/ over an existing drainage line. The outlet piping/ yard drainage piping shall be redesigned so that there is only one exhaust into the existing drainage ditch.
- 26.** The size, slope length and material for all existing and proposed stormwater drainage piping shall be added to the plans.
- 27.** Profiles for all existing and proposed stormwater piping shall be added to the plans.
- 28.** All existing and proposed drainage structures shall be labeled with unique ID numbers/ names.
- 29.** The plan shall CLEARLY show, and distinguish between, the existing and proposed stormwater drainage piping.
- 30.** Top and invert elevations for all existing and proposed stormwater facilities/ drainage structures (catch basins, outlet structure, headwalls/ piping exhaust, etc.) shall be given on the plans and profiles.
- 31.** Proposed grading shall be shown for the new pavement area south of the building addition.

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32. The plan shall CLEARLY show, and distinguish between, the existing and proposed grading.

33. 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.

34. A separate soil erosion and sediment control plan shall be added to the drawing set.

35. Soil erosion and sediment control features shall be shown around all existing and proposed catch basins.

36. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.

37. The existing Town owned sanitary sewer system that the existing (proposed if applicable) building ties into shall be shown on the plans and along Kings Highway.

38. The existing or proposed (if applicable) sanitary building connection shall be shown on the plan, to the existing Town owned system.

39. The top and invert elevation for of all existing and proposed sanitary cleanouts shall be given on the plan

40. The size, slope, length and material for all existing and proposed sanitary building connection shall be added to the drawings

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

42. It appears that the entrance to the site is through another property. IF an access easement exists for this site across Lot 74.11-2-1 (N/F Provident Savings Bank), it shall be show on the drawings, along with the filing information and the metes and bounds.

43. All existing and proposed ground cover surfaces shall be labeled on the plans, e.g. pavement, grass, etc.

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44. All drawing legends shall have unique corresponding symbols for all features shown on the plans. Also, some features shown are not defined in the legends, e.g. existing drainage piping, proposed grading, existing curbing, existing edge of pavement, etc.

45. Typical details shall be included with the drawings (i.e. catch basin, manhole, manhole frame cover with cover details (including Town name and date), etc.

46. Iron pins shall be drawn and labeled at every property corner. If no iron pin exists, a new pin shall be shown to be installed.

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

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

- Show Fire Lane Striping and signage,
- Show the distance from the closest hydrant to furthers portion of the building measuring along the Fire Apparatus Access Route. Greater than 600' may require an on-site fire hydrant. IFC 507.5.1 (plans cannot be scaled)

Construction plans shall include the following information:

- A key lock box if required
- Installation of a fire alarm system as per NFPA 72
- Installation of a sprinkler system as per NFPA 13
- Emergency Lighting where required

49. Drainage Review Recommendation – Brooker Engineering

The application has demonstrated that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Boards Drainage Consultant therefore recommends that the East Coast BLR 1993 LLC Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project, the last review was dated February 7, 2023. The proposed action consists of the addition of a construction of a 245'x185' building addition to an existing warehouse structure. Parking lot improvements are proposed southeast of the addition. Stormwater mitigation is being provided south of the addition in a new at grade stormwater management basin. The land slopes downhill to the northwest corner of the property. The project increases impervious area by 18,291 SF and proposes a stormwater management basin that can store approximately 3.5 inches of rainfall runoff from the new impervious areas.

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Continuation of Condition #49...

Project Comments

1. As per the February 7, 2023 report, provide dimensions of the addition on the Site Plan.
 2. As per the February 7, 2023 report, provide a drainage summary including existing and proposed conditions drainage maps with impervious areas, existing and proposed peak rates of discharge, hydrologic point of interest, and methodology.
 3. As per the February 7, 2023 report, provide first floor elevations of the addition.
 4. As per the February 7, 2023 report, show proposed grading at the loading dock.
 5. As per the February 7, 2023 report, provide proposed conditions grading including spot grades and contours. Show positive drainage away from the structure.
 6. As per the February 7, 2023 report, provide a section and plan view of the detention system.
 7. As per the February 7, 2023 report, note on the site plan if the proposed addition is slab on grade.
 8. Coordinate the line types using for the existing contours. Add a legend for the proposed grading plan distinguishing existing and proposed contours. It appears the detention basin is missing an additional elevation 84 contour on the north side of the basin.
 9. Provide proposed grading that shows the proposed storm drainage invert of 84.7 on the south side of the addition will not be above grade.
 10. Use different symbols to distinguish between existing and proposed storm drainage pipes and catch basins.
 11. Coordinate the orifice size on the Outlet Structure Detail. Show the Outlet Structure on the Drainage Plan.
 12. Clarify the difference between Drainage Area 1 and Drainage Area 2 on the Drainage Plans. The drainage areas should be determined by site topography and specific hydrologic features.
 13. Provide a narrative description of the subareas used in the hydrologic model.
 14. Review the plotting of the drawings; the maps appear to be printed slightly out of scale.
- 50. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:**
- A review shall be completed by the NYS Department of Transportation and any required permits obtained.
 - A review shall be completed by the County of Rockland Department of Highways and any required permits obtained from them.
 - The subject property is approximately 480 feet northeast of the Sparkill Creek, which is one of the reasons for the project's referral to DEMA. A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.

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Continuation of Condition #50...

- The Sparkill Creek is listed in the FINAL NYS 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. Development applications within the Sparkill Creek watershed must consider the adverse impacts of potential pollutant loadings to the Creek.
- A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- The applicant must comply with the comments of Town of Orangetown Fire inspector in the letter of January 24, 2023. In addition, the County of Rockland Office of Fire and Emergency Services or the Orangeburg Fire District shall have the opportunity to review this proposal to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for this steep 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.
- Water is a scarce resource in Rockland County, thus proper planning and phasing of this project are critical to supplying the current and future residents of Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed PE and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the RCDOH.
- The parking analysis table indicates that the southern addition will be used for light manufacturing. This is listed as a Conditional Use, subject to approval by the Planning Board under Section 3.11, Column 4, item 4. A conditional use application must be submitted to the Planning Board. The Planning Board must be satisfied that the proposal meets the performance standards in Section 4.12 of the Orangetown Zoning Code.

TOWN CLERKS OFFICE

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Town of Orangetown Planning Board Decision
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Continuation of Condition #50...

- The proposed macadam travel aisle along the south side of the property is 20 feet wide and will be used for access for thirteen 90-degree parking spaces. According to Article VI, Section 6.34 of the Orangetown Zoning regulations, the aisle width shall not be less than 22 feet for 90-degree parking. The width of the proposed travel aisle be increased to 22 feet or the angle of the parking spaces reduced to 60 degrees or less to allow sufficient maneuverability room for vehicles.
- The parking areas and travel aisles must include directional arrows to indicate traffic flow.
- Loading berth calculations must be provided to ensure that the minimum required number of loading berths are accommodated in accordance with Article VI, Section 6.41 of the Orangetown zoning regulations.
- Additionally, a truck maneuverability plan must be provided demonstration the ability of the largest potential vehicle to access the proposed loading berths.
- The site plan depicts a driveway connection between the northern fire lane and Lot 74.07-1-16. This driveway was not illustrated on the previously submitted iteration of this site plan, dated November 3, 2022. It must be verified if there is an access easement either existing or proposed between the two lots, and if so, the easement must be labeled. This connection between the driveway and parking area on Lot 74.04-1-6 must be illustrated.
- 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 site plan indicates a snow removal area on Lot 74.11-2-5. An agreement to store snow on the adjacent property must be furnished by the applicant, otherwise all snow removal areas must be located on the subject site. Additionally, the proposed snow storage within the macadam area to the west of the building must be located where it will not obstruct traffic circulation on the site.
- To help reduce the impact of this development, a reduction of impervious surfaces should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

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Continuation of Condition #50...

- All proposed signage shall be indicated on the site plan and must conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The EAF Mapper Application, provided by the NYS DEC indicates that questions 12b, 13a and 20 on the EAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using the NYS Database information.
- The Designated Street Line (DSL) must be indicated on the site plan. Any lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to DEME for review, NYS General Municipal Law Section 239-m(3)(a)(v).

51. The Rockland County Department of Health reviewed the information and offered the following comment;

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

52. The Rockland County Drainage Agency reviewed the information and offered the following comments;

The site is outside the jurisdiction of the RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for development within this site.

53. Rockland County Sewer District #1 reviewed the plans and found that the District does not object to the Plan as show. This project does not affect the District's manhole and 42-inch sewer main on the west shoulder of the 30-foot right of way to bell Lane. The District requests no future for this site.

54. Orange and Rockland Utilities reviewed the submitted information and found that the proposed work may not being a direct conflict with the existing service but a load increase may be required. The developer must verify the location of the existing serve and contact O&R's new business department for all disconnects/ reconnects and load increases. All code 753 rules must be followed.

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

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

56. 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.

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

58. 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.

59. 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:

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Continuation of Condition #59...

- 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.

60. 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.

61. 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.

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

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

65. 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

66. 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 Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tarra Heidger (alternate member), not voting, 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: June 28, 2023
Cheryl Coopersmith
Town of Orangetown



TOWN CLERK'S OFFICE

2023 JUL 18 P 2:09

TOWN OF ORANGETOWN

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

**PB #23-07: East Coast BLR Site Plan Permit #BLDG -2053-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 28, 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: East Coast BLR Site Plan

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

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to Conditions

LOCATION: The site is located at 11 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 4 in the LIO 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

2023 JUN 28 11:18 AM
TOWN OF ORANGETOWN

PB #23-14: One Ramland Road Site Plan **Permit #BLDC-2558-22**
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
June 28, 2023
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TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board

RE: One Ramland Road Site Plan: The application of 1547 CSR – Orangeburg, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**One Ramland Road 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 1 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **March 8, April 26 and June 28, 2023** at which time the Board made the following determinations:

March 8, 2023

Patrick Hynes, Donald Brenner, Jay Greenwell, Brian Darcy and Diego Villareale appeared and testified.

The Board received the following communications:

1. Project Review Report dated February 22, 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 March 7, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management dated March 6, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 21, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 8, 2023.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 1, 2023 and Notice from Jake Palant.
7. Letter and Notice from Rockland County Department of Health, dated February 16, 2023.
8. Notice and Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 21, 2023.
9. Letter from Rockland County Sewer District No.1, dated February 17, 2023, signed by Joseph LaFiandra, Engineer II.

TOWN CLERK'S OFFICE

2023 JUL 18 P 2:09

TOWN OF ORANGETOWN

PB #23-14: One Ramland Road Site Plan Permit #BLDC-2558-22
Preliminary Site Plan Approval Subject to Conditions
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10. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated February 15, 2023.
11. Full Environmental Assessment Form, dated November 1, 2022, signed by Diego Villareale, PE, JMC.
12. Project Narrative prepared by the Applicant.
13. Plans prepared by BALA Engineers:
 - Elevations, dated October 18, 2023
 - Roof Plan, undated
14. Referral from the Building Department signed by Rick Oliver, dated December 20, 2022.
15. Copy of PB #13-32, Final Site Plan Approval Subject to Conditions, dated July 24, 2013.

The hearing was then opened to the Public.

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

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

SEQRA

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

On motion by Andrew Andrews 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; Lisa DeFeciani, aye; Tarra Heidger ((alternate member), absent, and Andrew Andrews, aye; the Board declared itself Lead Agency.

The applicant requested a **CONTINUATION** of the application to the April 26, 2023 Planning Board Meeting.

TOWN CLERK'S OFFICE
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PB #23-14: One Ramland Road Site Plan **Permit #BLDC-2558-22**
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April 26, 2023

Patrick Hynes, Donald Brenner, Diego Villereale, Donna Cuneo, Brian Darcy, Michael Maldari and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Report dated April 12, 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 April 19, 2023, with an attachment of the Industrial Use Permit information, dated March 1, 2023 memorandum from Jane Slavin, RA, to Eamon Reilly, Chairman, Industrial User Committee.
3. Interdepartmental memorandum from the Department of Environmental Management signed by Bruce Peters, PE dated April 24, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 11, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 24, 2023.
6. Brochure entitled "Fiberglass Underground Storage Tanks", prepared by ZCL Xerxes, dated 2017, with an attachment of Facility Underground Fuel-Oil Storage Tanks specifications for 1 Ramland Road., dated April 21, 2023.
7. Plans prepared by JMC, dated October 18, 2023, last revision date of March 31, 2023:
 - C-000: Cover Sheet
 - C-010: Existing Conditions
 - C-100: Layout Plan
 - C-110: fire Truck Access Plan
 - C-200: Grading Plan
 - C-300: Utilities Plan
 - C-401: Erosion and Sediment Control Plan
 - C-900: Construction Details
 - C-901: Construction Details
 - C-902: Construction Details
 - C-903: Construction Details
 - C-904: Construction Details
 - C-905: Construction Details
8. Sound Level Analysis and Review, dated April 2023, prepared by B. Laing Associates.

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

TOWN CLERK'S OFFICE
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PB #23-14: One Ramland Road Site Plan Permit #BLDC-2558-22
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A motion was made to open the Public Hearing portion of the meeting by Michael McCrory and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, absent; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Tara Heidger (alternate member), absent and Lisa DeFeciani, aye.

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

The applicant requested a CONTINUATION.

June 28, 2023

Patrick Hynes, Donald Brenner, Diego Villereale and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Report dated June 14, 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 June 21, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management dated June 23, 2023 signed by Bruce Peters, PE.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 9, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 21, 2023.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated June 20, 2023.
7. Letter from the Rockland County Highway Department, dated May 30, 2023, signed by Dyan Rajasingham, Engineer III.
8. Letter from Rockland County Sewer District No. 1, signed by Rory Tinston, Engineer I, dated June 22, 2023.
9. Email from Orange & Rockland Utilities, from Alfred Gaddi, P.E., dated June 27, 2023.
10. Notice from Veolia, dated May 3, 2023, from Bill Prehoda.

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11. Plans prepared by BALA Engineers:

Roof Plan, undated

Floor Plans, dated October 18, 2022, revised May 3, 2023

Electrical Substation Elevations, dated September 2, 2022

12. Plans prepared by JMC, dated October 18, 2023, last revision date of May 2, 2023:

- C-000: Cover Sheet
- C-010: Existing Conditions
- C-100: Layout Plan
- C-110: fire Truck Access Plan
- C-200: Grading Plan
- C-300: Utilities Plan
- C-401: Erosion and Sediment Control Plan
- C-900: Construction Details
- C-901: Construction Details
- C-902: Construction Details
- C-903: Construction Details
- C-904: Construction Details
- C-905: Construction Details

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

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

There being no one from the Public a motion was made by Andrew Andrews and second by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Tara Heidger (alternate member) not voting and Lisa DeFeciani, aye.

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.

TOWN CLERK'S OFFICE

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

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of the 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.

TOWN CLERK'S OFFICE

2023 JUL 18 P 2:09

TOWN OF ORANGETOWN

PB #23-14: One Ramland Road Site Plan Permit #BLDC-2558-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Applicant must return to the Town of Orangetown Zoning Board of Appeals (ZBA) for reapproval of the prior variances per Chapter 43, Table 3.12,
 - a) Column #4 - FAR required is 40% with 45% proposed
 - b) Column #8 - Front Yard setback required is 100' with 92.8' existing and proposed
 - c) Column #12 – Max Building height permitted is 23.2' with 37' existing and 60' proposed
4. Low level plantings shall be considered along Blaisdell Road to provide screening as the existing vegetation has depleted over the years.
5. Per Chapter 43, table 3.11, LIO District, Column 7, #3, "No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be given at the time of site review..." 46 new parking spaces are proposed in the front yard and 65 proposed in the side yard.

TOWN OF ORANGETOWN
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6. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review.

7. The Long Environmental Assessment Form (LEAF) appears to be in order.

8. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

9. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and offered the following comments/ recommendations:

1. The SWPPP supplied is under review. A formal review will be sent to the applicant's engineer directly.

2. Stormwater quality features must be added to the proposed surface stormwater pond, shown in the north west corner. It is necessary given the fact that the proposed electrical substation, generator and chiller areas drain area shown/ piped to this basin and they have the potential of creating water quality issues.

3. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed surface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP & drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to DEME.

4. The applicant's engineer is reminded that in accordance with the NYSDEC SMDM no more than 5 acres of disturbance (a.o.d.) can be undertaken at one time without special permission (waiver) 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. If a waiver is granted by the Town, the maximum a.o.d. allowed is 10 acres.

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5. DEME strongly recommends that the applicant's engineer revise the construction sequencing to limit the maximum a.o.d. to 5 acres. However, if this cannot be accomplished, the applicant/ applicant's engineer **MUST** formally request a waiver to disturb over 5 acres at one time. The waiver request shall be written and included in the SWPPP (preferably in a separate Appendix). The waiver request shall also be mentioned in the SWPPP introduction. The waiver request must be accompanied by the justifications/ reasons for said request – as per the NYSDEC, saving time is not a valid/ legitimate reason. The request shall also list all the additional soil erosion and sediment control (SESC) measures that will be employed while the disturbance is over 5 acres. This includes but is not limited to: (a.) a reduction of the exposed soil limit from 14 days to 7 days, (b) 2 - SWPPP inspections per week, separated by at least one day, by the qualified SWPPP inspector, (c) the qualified inspector **MUST** perform a field inspection within 24 hours of any rainfall event that produces in excess of 1.5 inches/hr., etc.
6. The total area of disturbance shall be listed in the SWPPP and on the plans. A table shall be added to the drawings and the SWPPP providing a breakdown of all the individual disturbed areas and their respective a.o.d., shall be included in the drawings. See comments #5 & 6 above.
7. The SWPPP/ drainage calculations shall provide a breakdown, in table form, of all of the existing and proposed pervious and impervious surfaces for this site plan, showing the type and size of the area with a grand total. How the sub totals were determined shall be part of the calculations section of the SWPPP.
8. The SWPPP and the drawings shall explain and identify, using the NYSDEC-SMDM identification names/letters/ numbers, what NYSDEC approved stormwater design feature(s) have been designed for this project.
9. The applicant's engineer is advised that the Town of Orangetown/ DEME considers gravel to be an impervious surface.
10. The SWPPP/ drainage calculations shall include an analysis of the existing drainage system (piping, exhaust, impact on existing wetlands area, etc.) the proposed stormwater pond is tying into. The analysis shall include all design year storms up to and including the 100-yr. storm.

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11. A blow-up and cross-sections for the proposed stormwater ponds/ basin shall be provided on the drawings. These plans and details shall show storage volume vs. elevation vs design storm, 25 foot pond buffer, 12 foot wide stabilized maintenance paths (that reach the forebay/ main pool/outlet structure/ emergency spillway, flared end inlets, etc.), outlet structure & details (with elevations), underdrain details, pond drain valve – details - profiles with elevations, outlet pipe details, safety bench, aquatic bench, forebay, main pond, permanent sediment depth marker with detail, plantings (if utilized for water quality control), emergency overflow spillway with elevations, etc.

12. As per the NYS - SMDM, a permanent sign (minimum size of 18 inches by 24 inches) shall be posted in the immediate vicinity on the proposed stormwater basin. The sign shall contain the following information: Name of the NYS - SMDM practice, SPDES Construction Permit #, Must be maintained in accordance with filed Post Construction Stormwater Maintenance Agreement – Instrument #20XX-XXXXX. A detail for same shall be added to the drawings.

13. The applicant's engineer shall consider adding an appropriately sized oil/ water separator. or equal, to the drainage system into the proposed basin, in addition to the required, standard water quality features.

14. A detail for the existing drainage manhole that the proposed stormwater basin outlet pipe is tying into shall be added to the plans. The detail shall show plan and profile views, all existing connections as well as the proposed connections, all top & invert elevations, etc.

15. The finished surfaces along the back of the building (north side - proposed substation area, existing generator and chiller areas) shall be clearly labeled on all of the plans and added to the legends of all the drawings.

16. Rip rap protection shall be designed and shown at all existing and proposed drainage pipe exhaust points.

17. Profiles for **ALL of the existing storm sewer piping (that is to remain) and proposed storm sewer piping** shall be provided with the plans.

18. Details for the proposed 6-inch perforated piping around the substation shall be added to the plans including cleanout (with top and invert elevations) and connection detail to proposed 15-inch HDPE drainage piping.

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19. Cleanouts shall be indicated at all changes in direction along the proposed 6-inch perforated pipe running along the north east corner of the site. Details for this piping shall be added to the plans, including cleanouts (with top and invert elevations), exhaust point, etc.

20. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for all of the existing stormwater features (that are to remain) and all of 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. Once approved by the Town of Orangetown, said agreement shall be filed with the Rockland County Clerk's Office and proof provided to the Planning Board.

21. Sanitary calculations for the proposed building addition, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include and analysis, breakdown of the sanitary flows generated in the existing building. The calculations shall also include the total sanitary flow for each of the existing sanitary building connections.

22. The proposed sanitary building connection shall be relocated to tie into the existing main, not the existing manhole. Details for same shall be added to the drawings.

23. A project narrative/ letter shall be prepared stating what method is currently being used to cool the existing data/ server rooms and what cooling method is being proposed for the new data/ server rooms. If water cooling is currently being used for the existing data center and/ or the proposed data center, the narrative shall disclose the source of the cooling water and how and where the "spent" cooling water is to be discharged. **IF ANY** cooling water currently or is proposed to be discharged into the public sanitary sewer system, the required sanitary calculations shall include the volumes and flows that are and or will be generated.

24. In connection with comment #23 above, if any cooling water is being or is designed to be discharged into the existing public sanitary sewer system, the applicant/ applicant's engineer shall contact the Town of Orangetown Sewer Department's pre-treatment coordinator to see if this project is subject to the Town's pre-treatment program.

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25. A cleanout shall be added to the proposed sanitary building connection, immediately outside of the new building.

26. The drawings show that a lengthy retaining wall is to be built along the north side of the project. However, a note to the wall says "designed by others." The design of this wall MUST be included with the drawing set.

27. 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.

28. All symbols shown on the drawings shall be identified on all the drawings legends.

29. The proposed plantings around the stormwater basin shall be relocated to be along the western property line, Blaisdell Road Right of Way.

10. The Town of Orangetown Bureau of Fire Prevention offered the following comments, place these items on the Site Plan as a Note:

Construction plans shall include the following information:

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

11. Drainage Review Recommendation- Brooker Engineering

The application has demonstrated that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the 1 Ramland Road Site Plan be approved for drainage subject to the following Project Comments.

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Project Description

This is the third drainage review report for this project; the last review was dated April 24, 2023. The proposed action consists of a 230,000 SF building addition on the east side of the existing building and generators, chillers, and an electric substation in the rear of the building. The site has a north/south ridge in the center of the property; stormwater runoff flows to the east and west from this ridge to wetlands along the east and west property lines. The building addition is located over an existing parking area; drainage patterns and volumes will be maintained in this area. Stormwater runoff from the utility improvements in the rear will be discharged to a new stormwater management detention basin. It appears the basin can store approximately 3.5 inches of rainfall runoff from the area of the utility improvements in the rear.

Project Comments

1. As per the April 24, 2023 and March 8, 2023 drainage review letters, show the 100-year water surface elevation in the stormwater management basin.
2. As per the April 24, 2023 and March 8, 2023 drainage review letters, provide calculations to support the size of the 30-inch drainage pipe at the building expansion.
3. As per the April 24, 2023 and March 8, 2023 drainage review letters, show the capacity of the stream on the east side of the site to demonstrate the building addition will not be inundated.
4. As per the April 24, 2023 drainage review letter, show the hydrologic design points of interest on the watershed mapping. It appears for existing conditions there are points of interest at both the west and east swales and a single point of interest for proposed conditions.
5. As per the April 24, 2023 drainage review letter, the model should show no increases in peak runoff rates for the west and east design points of interest. Add Tables for each Point of Interest in Section V of the SWPPP.
6. As per the April 24, 2023 drainage review letter, coordinate the drainage areas for the existing condition subareas on the "Existing Drainage Area Map" with the text and model.
7. As per the April 24, 2023 drainage review letter, review the watershed delineation along the south side of the property at Ramland Road and verify off site runoff from Ramland Road will not enter the system and on-site runoff will not enter Ramland Road and bypass the proposed detention.
8. As per the April 24, 2023 drainage review letter, show the outlet and invert of the porous pavement underdrain. Show inverts of all pavement, stone, and material sections on the Porous Pavement Detail. Demonstrate that the voids in the porous pavement will not be inundated by the adjacent swale.

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9. As per the April 24, 2023 drainage review letter, provide supporting calculations for the stage versus storage in the porous pavement. Show a control structure to ensure the full storage will be achieved and the stormwater runoff will not pass through the stone in the system and exit without achieving the routing.
10. As per the April 24, 2023 drainage review letter, use the permanent pool elevation of 80.1 as the starting condition for the routing of subarea PDA-1C.
11. As per the April 24, 2023 drainage review letter, verify the limits of proposed porous pavement and grasspave on the Site Plan.
12. As per the April 24, 2023 drainage review letter, provide a detail for the stormwater planters.
13. As per the April 24, 2023 drainage review letter, show the location of the 20 feet wide swale in the hydrologic model on the Site Plan. Drainage Review Recommendation The application has demonstrated that potential significant impacts with respect to drainage can be mitigated. We therefore recommend that the 1 Ramland Road Site Plan be approved for drainage subject to the above Project Comments.

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

- (2) The addition of the 230,000 square foot, three story structure will roughly double the size of the existing data center. A building of this height and scale can potentially create a negative visual impact on the adjoining residential area and nearby parks. DEMA recommends that the Town of Orangetown request a visual analysis be conducted for the proposal to ensure that the building does not affect the community character of the nearby neighborhood.
- (3) A review must be completed by the Rockland County Highway Department and all required permits obtained.
- (4) The site plan indicates Federal wetlands are present on the site. A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- (5) The New York Natural Heritage Program's (NHP) database, as reflected on the Hudson valley Natural Resource Mapper, indicates that a significant portion of the site is within a riparian buffer of the Federal wetlands. 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 habitats, and often serve as wildlife travel corridors. The Board must consider the impact of additional structures in the riparian buffer and the potential degradation of water quality and intensification of localized flooding.

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(6) The applicant must address the comments provided by the Orangetown Chief of Fire Inspector in the letter of April 11, 2023. In addition, County of Rockland Office of Fire and Emergency Services, or the local Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.

(7) A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

(8) 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.

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

(10) The Town shall be satisfied that the final SWPPP conforms to the current regulations including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.

(11) Water is a scarce resource in Rockland County, thus proper planning and phasing of this project are critical to supplying the current and future residents of Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed PE and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the RCDOH.

(12) Data centers often need to consume large amounts of water to cool equipment. A review must be completed by Veolia North America to ensure that there is adequate water supply for the proposed use. The Planning Board shall be satisfied that it has a clear understanding of the water and wastewater demand for this project and the potential impacts of considerable water usage.

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(13) Given anticipated significant energy usage, the applicant must continue to coordinate with O&R Utilities and address any of their concerns.

(14) The applicant must obtain any necessary permits from the NYS Department of Environmental Conservation's District of Air Resources for the proposed generators.

(15) The applicant must provide as-built drawings and other documentation to the NYS DEC, Region 3, that illustrate 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.

(16) The Town shall be satisfied with the findings of the Sound Level Analysis and Review by B. Laing Associates, dated April 2023.

(17) As noted on the FEAF, due to the presence of the bald eagle habitat a wildlife survey is necessary. A DEC Part 182 Incidental Taking Permit may be needed. **Prior to approval the Planning Board shall be satisfied** that it has a clear understanding of the potential impacts that Phase 2 of this project may have on nearby nesting bald eagles.

(18) The northwestern parking area on Drawing No. C-100 illustrates faded parking with a note saying "proposed restriping as necessary." The outlines of several of these spaces are overlain with impervious surfaces and the storage tanks, making them difficult to decipher. The parking space striping must be clearly marked on the site plan and in the field. The underground storage tanks and texture used for the pervious pavers should either be illustrated at a lower opacity or removed from the drawing to demonstrate that the parking spaces are unimpeded.

(19) 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.

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(20) This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. The development will result in an increased demand for energy and will pull that energy from the grid. While the drawings indicate that a large portion of the proposed expansion's open area that may be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered based on Article XVII Solar Energy permitting of the Orangetown Code. Likewise, the building should be designed and constructed to maximize energy efficiency.

12. The Rockland County Department of Health reviewed the plans and offered the following comment:

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

13. The Rockland County Highway Department has received plans for review and offered the following comments:

- The applicant shall demonstrate that the existing/proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- The applicant must secure a road work permit from the RCDH if the proposed action is approved by the Town.

14. 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.

15. Orange and Rockland reviewed the submitted information offered the following comment: Based on its maps, there may be a conflict with the existing gas service where the "previously approved generators" locations are being placed. Please contact O&R's new business department for all disconnects/reconnects and load increases. All code 753 rules must be followed. will be retiring the main and services feeding the property.

15. 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.

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

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17. 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.

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

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

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

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

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- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

20. 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.

21. 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.

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

23. If the applicant, during the 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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24. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

25. 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

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

Override

The Board made motions to override Condition 1 of the June 20, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“1. In addition to it being unclear how this proposed use is categorized under Use Group CC, the building also does not meet the group’s bulk standards. The applicant is proposing a data center that exceeds the maximum allowed floor area ratio by 13%. A minor variance is required for the front yard along Ramland Road. Additionally, the height of the proposed building exceeds the maximum allowed height of 25 feet by 140%. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate oversized commercial structures is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be over-burdened. The Planning Board must consider the cumulative and regional impacts of permitting such development. The building must be significantly reduced in scale so that it complies with the requirements of the LIO zoning district.”

The Board held that this application presents a reduction in the previously approved equipment for this site and that there will be a reduction in employees accessing the site.

A motion to override the condition was made and moved by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), not voting and Michael McCrory, nay.

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**PB #23-14: One Ramland Road Site Plan
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDC-2558-22

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The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman, seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Andrew Andrews, aye; Michael Mandel - Vice Chairman, aye; Denise Lenihan, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), not voting and Michael McCrory, nay.

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

Dated: June 28, 2023

Cheryl Coopersmith

Town of Orangetown Planning Board



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**PB #23-25: Pfizer Site Plan
Hamilton BIOS Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDC-2828-23

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

RE: Pfizer Site Plan: The application of Fuss & O'Neill, applicant for Pfizer, Inc. owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**Hamilton BIOS - Pfizer 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 401 N. 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 meetings held **Wednesday, May 24 and June 28, 2023**, the Board made the following determinations:

May 24, 2023

Kristen Solloway, Rafik Diman, Herbert Bocard and Lauren Mello appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 10, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated May 17, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 22, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 28, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated May 22, 2023.
6. Letter and notices from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 2, 2023 and Jake Palant, dated April 11, 2023.
7. Letter and notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated May 2, 2023.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated April 24, 2023.
9. Town of Orangetown Zoning Board of Appeals, dated April 4, 2022, signed by Dan Sullivan, Chairman.
10. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra Engineer II, dated May 5, 2022.
11. Email from Orange & Rockland Utilities, from Alfred Gaddi, PE, dated April 4, 2023.

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TOWN OF ORANGETOWN

**PB #23-25: Pfizer Site Plan
Hamilton BIOS Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

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12. Letter from the Town of Clarkstown Planning Board, signed by Gilbert Heim, Chairman, dated May 19, 2023.
13. Infiltration Testing Program letter from Haley Aldrich, dated May 4, 2023.
14. Copy of a letter from Fuss & O'Neill, signed by Kristen Solloway, PE, Vice President, to Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated January 22, 2023.
15. Copy of the Building Permit Referral, dated February 24, 2023, from Rick Oliver, Building Inspector.
16. A Short Environmental Assessment Form, dated February 6, 2023, signed by Kristen Solloway, Vice President.
17. Stormwater Pollution Prevention Plan – Hamilton Bios #2 Addition, prepared by Fuss & O'Neill, dated march 27, 2023.
18. Copy of PB #23-10, Consultation, dated February 22, 2023.
19. Plans prepared by Stantec and Fuss & O'Neill, dated February 22, 2023.

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

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

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

SEQRA

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

On motion by Michael Mandel and seconded by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; 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, absent; the Board declared itself Lead Agency.

The applicant requested a **CONTINUATION**.

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Kristen Solloway, Rafik Diman, Herbert Boccard and Dave Senter appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 14, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated June 21, 2023.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 9, 2023.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 26, 2023.
5. Notice from the Rockland County Department of Planning, signed by Jake Palant, dated May 22, 2023.
6. Revised Short Environmental Assessment Form signed by Kristen Solloway, Vice Present, dated May 25, 2023.
7. Plans prepared by Stantec and Fuss & O'Neill, dated February 22, 2023, last revision date of June 7, 2023.

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

A motion was made to open the public portion of the meeting by Michael Mandel, Vice Chairman and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tarra Heidger (alternate member), not voting and Andrew Andrews, aye

Public Comment:

Vanessa Lapin, 659 Western Highway, Blauvelt; requested that the applicant use green roofs and solar panels in its construction of the building.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Andrew Andrews, aye and Tara Heidger (alternate member), not voting.

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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, the applicant's professional representatives and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Health Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Planning, Town of Orangetown of Clarkstown, and Rockland County Sewer District No. 1, and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of the 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 Michael Mandel – Vice Chairman and seconded by Andrew Andrews carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye and Tarra Heidger (alternate member), not voting; the Board made a Negative Declaration pursuant to SEQRA.

Waive ACABOR: The applicant requested a waiver to appear at the Architecture and Community Appearance Board of Review (ACABOR). A motion was made to waive ACABOR Appearance, the motion was made by Michael Mandel, Vice Chairman, and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Tarra Heidger (alternate member), not voting and Andrew Andrews, aye.

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. 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 reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
4. The proposed project consists of a new addition for 4,100 square foot BIOS refrigerated storage and an 1,100 square foot loading area.
5. Drawings must indicate the designated street line to Route 304, not East Crooked Hill Road.
6. One new loading Berth is proposed, with the permission of the Planning Board at this review dated June 28, 2023.
7. Review and approval of the project is required from the Town of Orangetown the Industrial Use Committee.

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8. The Short Environmental Assessment Form appears to be in order.
9. The applicant's engineer stated at the PRC meeting that 2 of the 4 required stormwater design infiltration testing locations produced results that were below the required minimum infiltration rate allowed for a stormwater infiltration system. Subsequent to the meeting, DEME received the infiltration testing report (dated 5/04/23) which indicated the same. Therefore, because 2 of the infiltration tests failed to meet the minimum required infiltration rate, the applicant's engineer will have to design an alternative stormwater system than what is currently shown on the drawings submitted. DEME understands that the design engineer has requested an interpretation of said design standard from the NYSDEC.
10. Given the fact that infiltration tests already performed failed, the applicant's engineer may need to run new/ additional soil analysis, perc tests and determination of groundwater elevations for any new location for the revised stormwater systems designed. 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 & drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to DEME.
11. The infiltration testing report shall be revised to state, in the opening narrative, that 2 of the testing locations failed to meet the required minimum infiltration rate. The name/ number and location of these observation/ boring sites, shall be included in this description and reference the report.
12. Full size drawings shall be submitted for all future submissions.
13. The SWPPP supplied 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 N.O.I. shall be included in the SWPPP.
 - b.) The total area of disturbance (a.o.d.) shall be listed on drawings CP 101, CS 101 & CU 101. The word approximate and the symbol \pm shall be removed from all references to the total a.o.d.
 - c.) The SWPPP Introduction shall explain and identify, using the NYSDEC Stormwater Management Design Manual (NYSDEC-SMDM) identification names/letters/numbers, what NYSDEC approved stormwater water quality and water quantity design features are to be utilized for stormwater purposes for this project.

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Continuation of Condition #13...

- d.) The Introduction to the SWPPP shall clearly explain **how** Chapters 5 -Green Infrastructure and 9 – Redevelopment of the *New York State Stormwater Management Design Manual* are satisfied by the stormwater management design proposed.
- e.) The SWPPP Introduction shall have separate sections that discuss the water quality and quantity parameters, requirements, design, facilities, calculations etc. for the proposed project. The specific drainage calculation pages/ appendices that correspond to values listed in these sections shall be added as well.
- f.) The SWPPP shall thoroughly explain the proposed demolition (of existing utilities, tanks, drywells, etc.) and relocation (above ground tanks, etc.) 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.
- g.) A well designed/ spelled out construction phasing plan shall be added to the SWPPP. Section 2.4 does not qualify as a Construction phasing plan.
- h.) The pre and post drainage calculations shall be separated into 2 separate/ labeled appendices.
- i.) The beginning of the SWPPP shall include a table showing elevation vs. area vs volume numbers for the proposed stormwater pond system & WQ practices.
- j.) The drainage calculations shall contain year storm vs volume vs elevation tables for all of the proposed stormwater systems and WQ features.
- k.) The Infiltration Testing Report shall be referenced in the SWPPP introduction and the report itself, added to a separate appendix.
- l.) A separate appendix shall be added to the SWPPP for the all of the proposed SESC features, in accordance with the NYS Standards and Specification for Erosion and Sediment Control (Nov. 2016)
- m.) A separate appendix shall be added to the SWPPP for “During Construction” SESC inspection checklists, in accordance with Appendix F of the NYSDEC-SMDM.
- n.) A separate appendix shall be added to the SWPPP for “Post Construction” SESC checklists, in accordance with Appendix G of the NYSDEC- SMDM.
- o.) A separate appendix shall be added to the SWPPP for the required Post Construction Stormwater Maintenance Agreement.

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- 14.** The SWPPP, drawings and calculations shall clearly describe, show and demonstrate how stormwater runoff from the original BIOS building will be directed to the new post construction stormwater system and that the system has been designed to account for the existing stormwater flow.
- 15.** The SWPPP/ drainage calculations shall provide a breakdown, in table form, of all of the existing and proposed pervious and impervious surfaces for this site plan, showing the type and size of the area with a grand total. How the sub totals were determined shall be part of the calculations section of the SWPPP.
- 16.** The drawings shall explain and identify, using the NYSDEC-SMDM identification names/letters/ numbers, what NYSDEC approved stormwater design feature(s) have been designed for this project.
- 17.** A blow-up and cross-sections for the proposed stormwater pond/ basin shall be provided on the drawings. These plans and details shall show storage volume vs. elevation vs design storm, outlet pipe details, etc.
- 18.** As per the NYS - SMDM, a permanent sign (minimum size of 18 inches by 24 inches) shall be posted in the immediate vicinity on the proposed stormwater basin. The sign shall contain the following information: Name of the NYS - SMDM practice, SPDES Construction Permit #, Must be maintained in accordance with filed Post Construction Stormwater Maintenance Agreement – Instrument #20XX-XXXXX. A detail for same shall be added to the drawings.
- 19.** Profiles for all of the proposed storm sewer piping shall be provided with the plans.
- 20.** The Soil erosion and sediment control symbols shall conform to NYSDEC standards.
- 21.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for all of 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.
- 22.** 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.

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23. The applicant's engineer shall describe how the sanitary flow from the new building addition shall be handled. This may include new sanitary mains, which would need to be shown and profiled on the drawings.

24. DEME and the Planning Board shall be copied in on 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 site plan

25. All existing and proposed easements and dedications shall be shown on the plans, including metes & bounds, ownership, purpose, and page and liber (instrument #).

26. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the reference benchmark for the referenced datum (including the BM elevation.)

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

Construction Plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system is required.
- Installation of a fire alarm system to the NFA 72 standard.
- Emergency responder radio coverage if required.

28. Drainage Review Recommendation – Brooker Engineering

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the Pfizer - Hamilton BIOS #2 Site Plan be approved for drainage at this time subject to the following items.

Project Description

This is the second drainage review report for this project; the last review was dated May 22, 2023. The proposed action consists of the construction of a 4,100 SF building addition for a BIOS facility, with new sidewalks and ramps. Stormwater runoff flows south at this portion of the site. The application is proposing 2,200 cubic feet of stormwater detention volume, which is the equivalent of approximately 5.2 inches of rainfall runoff over the developed portion of this application. Overflows from the detention system will outlet to an existing storm drain system and the overall drainage pattern will remain the same.

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Continuation of Condition #28...

Project Comments

1. Include a drainage subarea map in Appendix G of the SWPPP for existing conditions; correlate the subareas in the hydrologic model with the mapping and include the description of each subarea in the narrative methodology of Section 3.4 of the SWPPP.
2. Include a description of the calculation for stage versus storage and for infiltration rates under existing conditions in the methodology.
3. Show the connection of the existing roof drainage to the drywells to be removed on the site plan.
4. Show the existing trench drain that outlets to the drywells that is to be removed on the site plan.
5. Show the hydrologic point of interest on the existing and proposed drainage subarea maps.
6. Closed bottom storage is proposed for the stormtrap units due to low infiltration rates. We recommend open bottom units be utilized to take advantage of dewatering and some infiltration that may occur, especially since the depth to groundwater table is significant and the system is not likely to be surcharged from groundwater elevations.
7. Include the drainage subareas from the hydrologic model in the Proposed Catchment Area Plan in Appendix I of the SWPPP. Include the proposed coverage calculations on this plan. Include a narrative description of each subarea in the proposed conditions methodology of Section 3.4 of the SWPPP.

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

- A review shall be completed by the New York State Department of Transportation, and all required permits obtained from them.
- A review shall be completed by the Rockland County Department of Highways, and all required permits obtained from them.
- A review shall be completed by the Rockland County Department of Health, to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- The applicant must comply with the most recent comments provided by the Orangetown Bureau of Fire Prevention. In addition, a review must be completed by the 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 there is sufficient maneuverability on the site for emergency vehicles.

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Continuation of Condition #29...

- 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 site plan has been reduced in size and is difficult to decipher. It is not clear what the two storage tanks contain. If hazardous chemicals are to be used, then the tanks must be registered with the Rockland County office of Fire and Emergency Services, as required by Title 3 of the Superfund Amendments and Reauthorization Act (SARA). If petroleum products are stored, the applicant must provide as-built drawings and other documentation to the NYS Department of Environmental Conservation, Region 3, that illustrate the design and installation of the petroleum bulk storage tanks for the proposed generators, as per code. These tanks must also be registered with them.
- A leak detection system and other protective measures must be implemented to mitigate any potential leaks at the site.
- Existing backup generator capacity must be assessed so that in the vent of power outages due to storm related incidents, the samples in the proposed BIOs facility will remain preserved.
- Retaining walls shall be designed by a licensed NYS Professional Engineer and be in compliance with the NYS fire Prevention and Building code. Design plans shall be signed and sealed by the licensed NYS PE.
- All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- If any additional outdoor lighting is proposed, a lighting plan shall be provided that show fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- The Designated Street Line (DLS) must be indicated on the Site Plan. Any lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to DEME for review, as required by NYS General Municipal Law, Section 239-m (3)(a)(v).

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Continuation of Condition #29...

- Page 1 of the Planning Board application and the district summary table on CS-101 of the site plan indicate that the water district is United Water. The application and site plan must be corrected to Veolia North America.
- The land use board and application type must be indicated on Page 1 of the application form.
- The dimension of the yard depths from the proposed addition must be delineated on the site plan drawing.
- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The 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 result in an increased demand for energy and will pull that energy from the grid. It appears based on the drawings and graphics provided that the proposed building has a large flat roof that must be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered based on Article XV11 Solar Energy Permitting of the Orangetown Code. Likewise, the building should be designed and constructed to maximize energy efficiency.
- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of publicly available electric vehicle (EV) charging stations. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal is the electrification of the transportation system through the expanded installation of EV charging infrastructure. With U.S. auto makers predicting that approximately one-half of new vehicles sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for the site and its residents. DEME urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed development.

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30. Based on the information provided the Rockland County Health Department (RCDOH) offered the following comment.

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

31. 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.

32. Orange and Rockland Utilities reviewed the submitted information and found that based on its maps, O&R does not have any gas facilities in that location. All code 753 rules must be followed.

33. The Town of Clarkstown reviewed the submitted information and held that the item was deemed for local determination.

34. 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 Health
- Rockland County Sewer District No. 1
- Rockland County Department of Planning
- Rockland County Department of Highway
- Town of Clarkstown

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

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

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

- 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.

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Continuation of Condition #37...

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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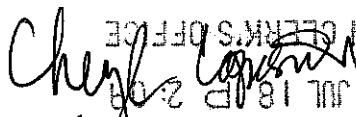
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40. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
41. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
42. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
43. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
44. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
45. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Tara Heidger (alternate member), not voting; 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: June 28, 2023
Cheryl Coopersmith, Town of Orangetown**


TOWN OF ORANGETOWN
CLERK'S OFFICE
JUL 18 2023

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

**PB #23-25: Pfizer Site Plan
Hamilton BIOS Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDC-2828-23

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

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

**NAME OF ACTION: Pfizer Site Plan-Hamilton BIOS
Pfizer Site Plan**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

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

LOCATION: The site is located at 401 N. 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.

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

RE: Project Vitality Site Plan - Pfizer Campus: The application of Fuss & O'Neill, applicant for Pfizer, Inc. owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**Project Vitality Site Plan - Pfizer Campus**", 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 401 N. 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, June 28, 2023**, the Board made the following determinations:

Kristen Solloway, Brian Quinn, Liam Lowry and David Halpern appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 14, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated June 21, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 23, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated June 9, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 27, 2023.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 21, 2023.
7. Letter from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated May 30, 2023.
8. Letter from the Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated June 1, 2023.
9. Letter from Rockland County Sewer District No.1, signed by Rory Tinston, Engineer I, dated June 22, 2022.

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10. Letter from the Town of Clarkstown Planning Board, signed by Gilbert Heim, Chairman, dated June 14, 2023.
11. Copy of a letter from Fuss & O'Neill, signed by Kristen Solloway, PE, Vice President, to Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated January 22, 2023.
12. A Short Environmental Assessment Form, dated February 6, 2023, signed by Kristen Solloway, Vice President.
13. Stormwater Pollution Prevention Plan – Hamilton Bios #2 Addition, prepared by Fuss & O'Neill, dated march 27, 2023.
14. Copy of PB #23-10, Consultation, dated February 22, 2023.
15. Plans prepared by Stantec and Fuss & O'Neill, dated April 21, 2023.
16. Copy of the Building Permit Referral, dated February 24, 2023, from Rick Oliver, Building Inspector.
17. Infiltration Testing Program letter from Haley Aldrich, dated May 4, 2023.
18. Geotechnical Engineering Evaluation Report prepared by Haley & Aldrich of New York, dated December 19, 2022.
19. Stormwater Pollution Prevention Plan prepared by Fuss & O'Neill, dated April 21, 2023.

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

A motion was made to open the public portion of the meeting by Michael Mandel and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Tara Heidger (alternate member), not voting; Andrew Andrews, aye.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Tara Heidger (alternate member), not voting; 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.

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On motion by Michael Mandel and seconded by Kevin Farry and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Tara Heidger (alternate member), not voting; Andrew Andrews, aye; the Board declared itself Lead Agency.

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, the applicant's professional representatives and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Health Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Town of Orangetown of Clarkstown, Rockland County Drainage Agency and Rockland County Sewer District No. 1, and having reviewed proposed Site Plan a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of the 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.

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On motion by Lisa DeFeciani and seconded by Denise Lenihan carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, nay; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, nay; Tara Heidger (alternate member), not voting; 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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 reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
4. For the next submission, the applicant shall provide a plan noting the view from Route 304 towards the site at a human scale.
5. All revised and updated Full Environmental Assessment Forms shall be provided to the Board at the time it is received in the Planning Board Office.
6. The Overall Site Layout Plan, CS-100 must indicate the following:
 - Designated Street Line
 - Setback dimensions from the property line to the new structures
 - Setback dimensions from the designated Street Line to the new structures
 - Zoning district lines

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7. The water company name shall be changed to "Veolia."
8. The Town of Orangetown Industrial Use Committee (IUC) shall review and approval the project submission.
9. In accordance with the Town of Orangetown Zoning Code Chapter 43, Section 6.4 (b), 6 loading berths are required while 3 are proposed. The applicant shall seek a zoning variance from the Town of Orangetown Zoning Board of Appeals.
10. In accordance with the Town of Orangetown Zoning Code Chapter 43, Table 3.11, LI zoning district, column 7, number 2 "same as CS, #4, 5 and 6", CS column #7, item #6, "No outdoor loading berths are permitted except by permission of the Zoning Board of Appeals or Planning Board. This permission may be given at the time of site review..." Three new outdoor loading berths are proposed.
11. Per Chapter 43 of the Town of Orangetown Zoning Code, Table 3.12, column 4 the maximum Floor Area Ratio (FAR) permitted is .50% with .53% existing and 1.3% proposed; a variance is required from the Town of Orangetown Zoning Board of Appeal.
12. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR.)
13. The Full Environmental Assessment Form (FEAF) must be revised as follows:
C.2b – shall be YES and identified as remediation site 344013
E.1h & i. iii, shall be YES, Environmental Site Remediation database, DEC ID #344013
E.2h ii shall be YES and v shall be NO
14. Although a SWPPP has been provided, DEME is aware that that the applicant will be revising the SWPPP based on comments received for the Pfizer-Hamilton BIOS Project.
15. Sheet GI-001 shows a total area of disturbance (a.o.d.) of \pm 9.87 acres. However, the indicates that the total a.o.d. is approximately 13.7 acres. The actual/ total a.o.d. shall be correctly stated throughout the SWPPP and shown on all the drawings. Also, the symbol \pm and the word approximate shall be removed from all references to the total a.o.d.

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16. The total a.o.d. shall be listed on drawings CP-101 thru CG-105, CU-100 thru CU-201, L-100 thru L-304.

17. The limit of disturbance shall be clearly shown and labeled on drawings CP-101 thru CG-105, CU-100 thru CU-201, L-100 thru L-304, with the symbol added to the drawing legend.

18. The applicant's engineer is reminded that the total a.o.d. must include all proposed work, e.g. building construction, re-routing of existing sanitary and drainage piping, installation of new sanitary gravity and force main piping, new stormwater facilities (basins, rain gardens, water quality structures, piping, etc.) pavement, curbing, sidewalks, concrete utility pads, other utility lines, landscaping, etc.

19. The SWPPP indicates that the project proposes to create over 5 acres of disturbance. DEME strongly recommends that the applicant's engineer revise the phasing to keep all phases of the project under 5 acres. However, if this cannot be accomplished, the applicant/ applicant's engineer **MUST** formally request a waiver to disturb over 5 acres at one time. The waiver request shall be written and included in the SWPPP (in a separate Appendix). The waiver request must include phasing of the project. The description of the waiver request in the Introduction and the waiver request letter (in the separate appendix) must list the maximum a.o.d. being requested, as well the proposed phasing and corresponding acreage for each phase proposed. The applicant/ applicant's engineer is advised that if the Town grants the waiver, the maximum a.o.d. allowed is 10 acres. However, the engineer is strongly encouraged to minimize the total a.o.d. proposed at any one time. The waiver request must be accompanied by the justifications/ reasons for said request – as per the NYSDEC, saving time is not a valid/ legitimate reason. The request shall also list all the additional soil erosion and sediment control (SESC) measures that will be employed while the disturbance is over 5 acres. This includes but is not limited to a reduction of exposed soil time from 14 days to 7 days, 2 SWPPP inspections per week, separated by at least one day, by the qualified SWPPP inspector, SWPPP inspections required after every major rainfall (≥ 1.5 in/hr.),

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20. 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. IF the required/ NYS- Stormwater Management Design Manual (NYS-SMDM) compliant testing has already been done, a copy of the report shall be added as a separate appendix in the SWPPP. The results of all testing locations and any failures and subsequent retesting shall be summarized in the SWPPP Introduction and reference the corresponding SWPPP appendix where the full report can be found.

21. The SWPPP introduction and the drawings shall explain and identify, **using the (NYS-SMDM) identification names/ letters/ numbers**, what NYSDEC approved stormwater water quality and water quantity design features are to be utilized for stormwater purposes for this project.

22. The Site Grading and Drainage plans shall be revised so the any/all proposed stormwater facility is fully shown on one drawing, not spread across two separate drawings.

23. "Blow-ups" of **ALL** of the proposed stormwater basins shall be provided on the drawings. Separate cross-sections, storage volume for given design storms and elevations, 25-foot pond buffers, stilling basins, 12-foot-wide stabilized maintenance paths (that reach the forebay/ main pool/outlet structure/ emergency spillway, flared end inlets, etc.), pond drain valves, permanent sediment depth markers with detail, plantings (if utilized for water quality control), emergency overflow spillways with elevations, etc.

24. The applicant/ applicant's engineer shall try and reduce the amount of proposed impervious surfaces wherever possible. This includes but is not limited to reduction in building size, reduction of proposed parking, reduction drive isles, etc.

25. As per the NYS - SMDM, a permanent sign (minimum size of 18 inches by 24 inches) shall be posted in the immediate vicinity on the proposed stormwater basin. The sign shall contain the following information: Name of the NYS - SMDM practice, SPDES Construction Permit #, Must be maintained in accordance with filed Post Construction Stormwater Maintenance Agreement – Instrument #20XX-XXXXX. A detail for same shall be added to the drawings.

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26. The Site Grading & Drainage Plans show proposed grading happening beyond the existing chain link fencing (along the Route 304/ NYS R.O.W.) and even up to the Route 304 R.O.W. However, there are no map notes on how this will be accomplished without encroaching on the State R.O.W. The SWPPP and drawings shall clearly explain and show how the regrading work will be accomplished without adversely affecting or encroaching on the NYS Route 304 R.O.W. The applicant may need to obtain a permit from the NYSDOT to work within that close a proximity to State R.O.W.

27. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for all of 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.

28. The "Site Preparation Plans" shall add the words Demolition plans to the title block.

29. All of the proposed easement plans shall show and label all proposed utility lines that the proposed easements are encompassing.

30. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.

31. 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.

32. 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.

33. 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.

34. A note shall be added to all of the utility 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.

35. DEME and the Planning Board shall be copied in on 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 site plan.

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36. Legends shall be added to ALL plans.

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

Site Plan Review:

- Dead end Fire Apparatus Access Roads greater than 150' in length require an approved turnaround. NYS IFC 503.2.5, show all dimensions of turnaround including radius.
- Is there an occupied floor located more than 75' above the lowest level of fire department vehicle access? (High Rise)
- Fire Apparatus Access road must be capable of supporting 75,000 lbs. (Turnaround area)
- **Fire Hydrant locations shall be approved by the Pearl River Fire Department.** Note: Hydrants shall be located not less than 40' from the buildings or structures to be protected. NFPA 24, Section 7.2.3

Construction Plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system is required.
- Installation of a fire alarm system to the NFA 72 standard.
- Installation of a key lock box
- Emergency responder radio coverage if required.
- Stairway access to roof

38. Drainage Review Recommendation - Brooker Engineering

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Pfizer Pearl River Project Vitality Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for this project. The proposed action consists of the construction of a new 69,600 SF new research and development building and a 68,000 SF parking garage building at the southeast corner of the Pfizer Campus. The work is proposed over existing developed areas with most new construction located at the existing parking lot and other impervious areas.

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Continuation of Condition #38...

Employee parking will be more efficient with respect to land coverage and stormwater runoff by replacing the at-grade parking lot with a parking garage structure. Stormwater runoff flows south through the site, and discharges to the Crooked Hill stormwater management basin. This flood control structure is located off-site and was constructed approximately 20 years ago to provide reductions of peak stormwater runoff rates and flood control benefits. The new stormwater management basins are proposed on-site to provide water quality and reduction in stormwater discharges. The redevelopment of this area of the site allows for additional opportunities for further reduction in stormwater runoff rates.

Project Comments

1. Provide narrative descriptions of the hydrologic design points ("DP-10" and "DP-20") in the methodology and label them on the watershed maps.
2. Provide narrative descriptions of the drainage subareas and corresponding design variables in the methodology.
3. Provide the watershed maps as a full-scale drawing with topography extending throughout the entire delineated watersheds.
4. Verify the delineation of watersheds 10 ES, 11ES, and 20ES for offsite runoff from North Middletown Road for runoff that may entire the site.
5. Coordinate the proposed work for the Hamilton BIOS building located southwest of the new building; there appears to be a conflict with the proposed stormwater management system for BIOS project with the proposed grading for the proposed stormwater management basin.
6. Provide a legend for various proposed ground covers on Drawing CG-101
7. Include contour labels for existing condition contours on all drawings where applicable.
8. Clarify the transition from new to existing curbs at the driveway at the Route 304 underpass.
9. Confirm the 30-inch storm drain line and 26" RCP pipe at the Route 304 underpass. It appears portions of the stormwater runoff flow to the 26" inch pipe via the headwall; the drainage pattern may be altered by adding curbs in this area and diverting more stormwater runoff to the 30-inch pipe. The 30-inch pipe is not shown on the topographic and boundary survey (Drawing 6 of 10 by Pereira Engineering) but is shown on Site Plans. Show the connection of these two pipes to the off-site detention basin.
10. Show the capacity of the proposed 36-inch pipe system. This new 36-inch pipe discharges to an existing 30-inch pipe; this should be revised.
11. Show finished floor elevations for the new building on the Site Grading & Drainage Plan.
12. Rain Garden Area 5 shall be relocated away from the new building.

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

- A review shall be completed by the New York State Department of Transportation, and all required permits obtained from them.
-
- A review shall be completed by the Rockland County Department of Highways, and all required permits obtained from them.
- A review shall be completed by the Rockland County Department of Health, to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- An updated review of the April 21, 2023 Fire Access Plan (Drawing L-000) must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Prevention Bureau or the Pearl River Fire Department to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- Fire lanes must be delineated on the site plan and appropriate striped, with access unimpeded.
- 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.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and **approved by the Rockland County Department of Health prior to construction.**

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Continuation of Condition # 39...

- Water is a scarce resource in Rockland County, thus proper planning and phasing of this project are critical to supplying the current and future residents of Villages, Towns, and County with an adequate supply of water. 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 New York State Sanitary Code.
- Several questions on the FEAF are either not or answered incorrectly. The EAF Mapper application, provided by NYSDEC indicates that questions C.2.b, E.1.h (i and iii), E.2.h (ii and iii) on the FEAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answered to certain questions using NYS database. Additionally, the applicant must quantify the air emissions and hazardous waste to be generated rather than answering "TBD." Furthermore, the amount of solid and liquid waste to be produced must be verified and the contamination history provided.
- 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.
- Based on the Site Preparation Plan drawings, it appears that the majority of the site will be repaved. The proposed development will occupy the entire area of the site. To help reduce the impact of this development, a reduction of impervious surfaces should be considered. It is recommended that porous pavers or porous concrete be considered 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 of stormwater. For long term effectiveness of permeable pavers and other green infrastructure techniques, it is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

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Continuation of Condition # 39...

- Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees. In addition, designating specific areas will help to protect the landscaping from damage due to the weight of the snow and salt intrusion.
- A leak detection system and other protective measures must be implemented to mitigate any potential leaks at the site.
- The applicant must obtain any necessary permits from the NYS DEC's Division of Air Resources for the proposed generators.
- All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The 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 result in an increased demand for energy and will pull that energy from the grid. It appears based on the drawings and graphics provided that the proposed building has a large flat roof that must be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered based on Article XV11 Solar Energy Permitting of the Orangetown Code. Likewise, the building should be designed and constructed to maximize energy efficiency.
- The Designated Street Line must be indicated on the site plan. Any lot area deductions must be submitted to this department for review as required by NYS General Municipal Law, Section 239-m(3)(a)(v).
- The Orangetown Application Review Form indicates the water district is united water. The application must be corrected to Veolia North America.
- All County agencies must be listed on Page 2 of the FEAF.

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- 40.** The Rockland County Department of Health (RCDOH) reviewed the submitted information and offered the following comments:
- Application is to be made RCDOH for sanitary sewer extension approval. Sewer capacity analysis is to be included.
 - Application is to be made to the RCDOH for water main extension approval.
 - A permit for the kitchen will need to be obtained from the RCDOH, and
 - Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.
- 41.** The Rockland County Drainage Agency (RCDA) reviewed the submitted information and offered the following comments:
- The project is outside the jurisdiction of the RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for development within this site. Also, RCDA has not further comments regarding the proposal, pursuant to the SEQRA.
 - The RCDA recommends that the municipal land use boards and/or departments review all development proposals for this site and ensure that developments with increase in impervious areas and/ or land disturbances will not result any increases in stormwater runoff from the site and will have adequate measures to prevent soil erosion and control sediment from leaving the site.
- 42.** 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.
- 43.** The Town of Clarkstown reviewed the submitted information and held that the item was deemed for local determination.
- 44.** 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 Health
 - Rockland County Sewer District No. 1
 - Rockland County Department of Planning
 - Rockland County Department of Highway
 - Rockland County Drainage Agency

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45. 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.

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

47. 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.

48. 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.

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49. 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.

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

51. 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).

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

53. 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

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

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

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**PB #23-33: Project Vitality Site Plan
Pfizer Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit #BLDC-3088-23

**Town of Orangetown Planning Board Decision
June 28, 2023
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Override

The Board made motions to override Conditions #1 and #2 of the June 21, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#1. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the over utilization of individual sites. The proposed structures will exceed the maximum allowed floor area ratio by 160%. The ability of the existing infrastructure to accommodate increased density for oversized medical facilities is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Planning Board must consider the cumulative and regional impacts of permitting such development.”

The Board held that the proposed construction is not a medical facility and sewer system is not a public water system will have a private sewer system.

A motion to override the condition was made and moved by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Kevin Farry, aye; Denise Lenihan, aye; Michael Mandel, abstain; Andrew Andrews, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), not voting and Michael McCrory, abstain.

#2. The project narrative indicates that traffic is not anticipated in increase with the addition of the proposed building. It further states that Pfizer colleagues to be using the space are on campus today and are being relocated to the new building from other locations. This statement must be clarified. Additionally, the proposal includes the construction of a six-story parking garage, increasing the total parking on the site by 450 parking spaces. It is recommended that the planning Board request a traffic impact study, especially since the site has direct access near the intersection of a State and County highway.

The Board held that new parking garage will be placed on an existing parking area. Also, there will be no additional traffic to the site since there will be no new employees.

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**PB #23-33: Project Vitality Site Plan
Pfizer Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit #BLDC-3088-23

**Town of Orangetown Planning Board Decision
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A motion to override the condition was made and moved by Andrew Andrews and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, aye; Kevin Farry, aye; Denise Lenihan, aye; Michael Mandel, abstain; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), not voting and Michael McCrory, abstain.

The foregoing Resolution was made and moved by Andrew Andrews and seconded by Lisa DeFeciani and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, nay; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), not voting and Michael McCrory, nay.

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

**Dated: June 28, 2023
Cheryl Coopersmith
Town of Orangetown
Planning Board**



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

**PB #23-33: Project Vitality Site Plan
Pfizer Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit #BLDC-3088-23

**Town of Orangetown Planning Board Decision
June 28, 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: Project Vitality Site Plan
Pfizer Site Plan; Preliminary Site Plan Approval Subject to Conditions
June 28, 2023**

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

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

LOCATION: The site is located at 401 N. 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.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE

JUN 28 2023 10:10 AM
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