

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, July 12, 2023

MEMBERS PRESENT:

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

MEMBER ABSENT: Michael McCrory

ALSO, PRESENT: Rick Oliver, Building Inspector, 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:

South Corner Plaza Site Plan		PB #23-35
Request for Two 90 day Extensions to File the Site Plan 2 Route 340, Orangeburg 74.11/2/47; LIO zoning district	Granted Two 90 day Extensions	

Continued from the February 8, 2023 Meeting:

Fisher Site Plan		PB #23-04
Critical Environmental Area South Nyack Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 7 Berachah Avenue, South Nyack 66.61/1/19.2; RG-8H zoning district	Continued: Needs Drainage	

Continued from the May 10, 2023 Meeting:

Saint Thomas Aquinas Site Plan		PB#23-21
Final Site Plan Review 125 Route 340, Sparkill 74.16/1/1; R-40 zoning district	Final Site Plan Approval Subject to Conditions	

Postponed item from the October 12, 2022 Meeting:

1021 Route 9W Site Plan		PB #22-54
Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 1021 Route 9W, Upper Grandview 71.09/1/19; R-22 zoning district	Continued: Needs Drainage	

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Continued item from the May 24, 2023 Meeting:

500 Bradley Hill Road Site Plan
Prepreliminary/Preliminary/
Final Site Plan and SEQRA Review
500 Bradley Hill Road, Blauvelt
65.18/1/9; LI zoning district

**Continued to the
September 13, 2023
Meeting**

PB #23-24

Item was Postponed from the July 27, 2022 Meeting:

Temple Israel Memorial Site Plan Amendment
to Final Site Plan Approval
PB#12-32, August 1, 2012
Prepreliminary/Preliminary/
Final Site Plan and SEQRA Review
75 Van Wyck Road, Blauvelt
69.20/2/28; LI zoning district

**Continued: Needs
Drainage**

PB #22-42

Other Business: Referral – Gatto Lane PAC Site Plan and Road Improvements/ 68.07-2-1; R-15 zoning

The Board reviewed the submitted information and made a motion to consent to the Village to be Lead Agency in the SEQRA review.

The motion was made 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, absent; Lisa DeFeciani, aye, Tara Heidger, (alternate member), aye; and Andrew Andrews, aye.

The Orangetown Planning Board offered the following recommendations:

- The Village of Chestnut Ridge should confer with the Town of Orangetown Highway Department regarding the width of the expanded roadway so that both sides coincide with one another.
- For safety reasons, no parking should be allowed on Gatto Lane at any time, to be enforced every day of the year.

The decisions of the June 28, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Kevin Farry carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; 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 adjour the meeting was made by Michael McCrory and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 10:40 p.m. The next Planning Board meeting is scheduled for July 26, 2023.

Dated: July 12, 2023

Cheryl Coopersmith, Town of Orangetown Planning Board

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**PB #23-35: South Corner Plaza Site Plan
Granted Two 90-day
Extensions to File the Site Plan**

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**TO: Ryan Nasher, 234 North Main Street, New City, New York
FROM: Town of Orangetown Planning Board**

RE: South Corner Plaza Site Plan: The application of Hassan Samini, owner, for Two 90 Day Extensions to file the Site Plan for a site to be known as “**South Corner Plaza Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 2 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 12, 2023**, at which time the Board made the following determinations:

Ryan Nasher and Danny Samimi appeared and testified for the applicant. The Board received the following communication:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated July 6, 2023.
2. Letter from Atzl, Nasher & Zigler dated June 22, 2023.

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

There being no one to be heard from the Public, a 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; Michael McCrory, absent; Lisa DeFeciani, aye Tara Heidger, (alternate member), aye; and Andrew Andrews, aye.

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

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

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

**Dated: July 12, 2023
Cheryl Coopersmith
Town of Orangetown Planning Board**

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**PB #23-21: Saint Thomas Aquinas
Classroom Site Plan**

Permit #BLDC-1955-22

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

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

FROM: Orangetown Planning Board

RE: Saint Thomas Aquinas Classroom Site Plan: The application of Arcari + Iovino Architects, Edward Arcari, applicants, for Saint Thomas Aquinas College, owner, for Final Site Plan Review, at a site to be known as "**Saint Thomas Aquinas Classroom Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 1; in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **May 10 and July 12, 2023** at which time the Board made the following determinations:

May 10, 2023

Joseph Donnini, Ed Arcari and Steven Collazuol appeared and testified.

The Board received the following communications:

1. Project Review Report dated April 26, 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 May 5, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2023, with an attachment from Bruce Peters to Tina Ladas, dated February 16, 2023.
4. A letter from Collazuol Engineering and Surveying Associates, dated January 31, 2023, signed by Steven Collazuol, LS & PE.
5. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated November 23, 2022.
6. Letter from Brooker Engineering signed by Kenneth DeGennaro, PE, dated May 2, 2023.
7. Letter and Notice from Rockland County Department of Planning signed by Douglas Schuetz, Acting Commissioner dated April 28, 2023 and Jake Palant, dated April 10, 2023.
8. Letter and Notice from the Rockland County Department of Health, from Elizabeth Mello, PE, dated November 16, 2022.
9. Notice from the Rockland County Department of Highways, signed by Dylan Rajasingham, dated April 24, 2023.
10. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated April 18, 2023.

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11. Submitted at the meeting, a copy of the Stormwater Pollution Prevention Plan (SWPPP), prepared by Collazuol Engineering & Surveying Associates, dated March 20, 2023.

12. Drainage Calculations prepared by Steven Collazuol, dated November 11, 2022, last revision date of March 16, 2023.

13. Plans prepared by arcari & lovino and Steven Collazuol, last revision date of March 28, 2023, unless noted:

- G.001: Location Map, Symbols, Key Plan, Door Maneuvering Clearances, Abbreviations, Drawing List
- G.002: Code Review, Egress Plan & General Notes
- G.003: Vicinity Map, Aerial Context Photo & Site Diagram
- G.004: Zoning Map & Table
- S.1: Grading & Utilities Plan
- S.2: Landscape & Lighting Plan
- S.3: Soil Erosion and Sediment Control Plan
- S.4: Details
- S.5: Details
- A.100: Foundation Plan, Construction Plan, Reflected Ceiling Plan, Wall Types and details
- A.101: Roof Plan, Details and Dome Plans
- A.102: Dome Plans and Stair Details
- A.103: Building Sections and Wall Section
- A.104: Exterior Elevations
- A.105: Door, Storefront & Window Schedule and Details
- A.106: Finish Plan, Specifications and Enlarged Plan

14. Copy of the Building Permit Referral signed by Rick Oliver, Building Inspector, dated September 1, 2022.

15. Copy of a letter from Collazuol Engineering & Surveying Associates to Bruce Peters, Town of Orangetown DEME, dated January 31, 2023.

16. A letter from arcari & lovino Architects, dated march 31, 2023.

17. Revised Short Environmental Assessment Form, dated March 31, 2023, signed by Edward Arcari.

18. Copies of the following Board Decisions: PB#22-64, Preliminary Site Plan Approval Subject to Conditions, dated December 14, 2022; ZBA #23-10, Floor Area Ratio Variance Approved and Parking Variance Acknowledged, dated February 15, 2023 and ACABOR #23-08, Approved as Presented, dated March 2, 2023.

The Board reviewed the submitted information.

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The applicant requested a **CONTINUATION**.

July 12, 2023

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

The Board received the following communications:

1. Project Review Report dated June 28, 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 July 6, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 7, 2023.
4. Letter from Brooker Engineering signed by Kenneth DeGennaro, PE, dated July 11, 2023.
5. Interdepartmental memorandum for the Bureau of Fire Prevention, signed by Dave Majewski, dated June 21, 2023.
6. A letter from Collazuol Engineering and Surveying Associates, dated May 23, 2023, with an attachment of Soil Report and percolation test results dated May 12, 2023 from Johnson Soils company, signed by Lisa V. Mahle-Greco, PE, Engineering Manager.
7. Stormwater Pollution Prevention Plan (SWPPP), prepared by Collazuol Engineering & Surveying Associates, dated March 20, 2023, last revised May 31, 2023.
8. Letter from Collazuol Engineering and Surveying Associates, entitled "Narrative Responses and Addition to Plans Based on Comments", dated June 14, 2023.
9. Letter from arcari & Iovino Architects, dated June 16, 2023.
10. Plans prepared by arcari & Iovino and Steven Collazuol, last revision date of June 16, 2023, unless noted:
 - G.001: Location Map, Symbols, Key Plan, Door Maneuvering Clearances, Abbreviations, Drawing List
 - G.002: Code Review, Egress Plan & General Notes
 - G.003: Vicinity Map, Aerial Context Photo & Site Diagram
 - G.004: Zoning Map & Table
 - S.1: Grading & Utilities Plan, last revised May 2, 2023
 - S.2: Landscape & Lighting Plan, last revised May 2, 2023
 - S.3: Soil Erosion and Sediment Control Plan, last revised May 2, 2023
 - S.4: Details, last revised May 2, 2023

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- A.100: Foundation Plan, Construction Plan, Reflected Ceiling Plan, Wall Types and details
- A.101: Roof Plan, Details and Dome Plans
- A.102: Dome Plans and Stair Details
- A.103: Building Sections and Wall Section
- A.104: Exterior Elevations
- A.105: Door, Storefront & Window Schedule and Details
- A.106: Finish Plan, Specifications and Enlarged Plan

The Board reviewed the submitted information.

The hearing was then opened to the Public.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by 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; Michael McCrory, absent; Andrew Andrews, aye; Tara Heidger, (alternate member), aye 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.

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

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Department of Health, Rockland County Department of Planning and 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 recourses;
- Will not have an impairment of the character or quality of important aesthetic recourses;
- 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 recourses;
- 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 recourses.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. 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.
5. The SWPPP provided is under review. A formal review shall be sent to the applicant's engineer under separate cover.
6. The total area of disturbance (a.o.d.) shall be listed on drawing S-1. Also, the limit of disturbance symbol shall be added to the drawing legend of drawing S-3.

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7. The applicant still needs to comply with PB #22-64 Conditions:
- 18. Profiles for all proposed stormwater facilities, in the project area, shall be shown on the plans.

 - 20. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include facility specific Operation and maintenance manuals, management schedules, inspection checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.
8. An additional cleanout shall be shown along the proposed sanitary building connection, right outside of the building. Also, the symbol for the sanitary cleanouts shall be increased in size for easier identification.
9. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no further comments at this time.

10. Drainage Review Recommendation – Brooker Engineering

The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant, therefore recommends that the Saint Thomas Aquinas Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the fourth drainage review report for this project; the last review was dated May 8, 2023. The project consists of a new 1,191 SF classroom observatory building and sidewalk; no parking expansion is required. Stormwater runoff from this area flows south in an overland manner to an existing parking lot. The footprint is located on a grassy area with a gentle slope. A rain garden and cultec system is proposed to provide stormwater mitigation.

Project Comments

1. As per the May 8, 2023, May 2, 2023 and December 14, 2022 drainage reviews, the drainage calculations shall account for an increase in rainfall intensity from existing to proposed conditions due to the shorter hydraulic travel time. The narrative response to comments referencing the Orangetown DEME comment that the use of 9.0 inches per hour for rainfall intensity is acceptable pertains to proposed conditions; a shorter time of concentration and lower rainfall intensity should be used for existing conditions.
2. Add more detail to demonstrate how stormwater runoff from the new sidewalk will enter the new field inlet and be directed to the rain garden.

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

- The site is located directly along the north side of NYS Route 340. The minutes from the March 2, 2023 ZBA meeting indicate that a referral was already sent to the NYSDOT on January 5, 2023, however, the NYSDOT did not respond by the ZBA meeting date. Any comments or concerns provided by NYSDOT must be addressed and all required permits obtained.
- The applicant must comply with the conditions of the Rockland County Department of Health's letter of November 16, 2022, and an application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Article XIX Mosquito Code.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Sparkill Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Water is a scarce resource in Rockland county; thus, proper planning and phasing of this project are critical to supplying the current and future residents of Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed PE and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- The Rockland County Department of Planning recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.

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Continuation of Condition #11...

- The GLM referral form and bulk table on Sheet G.004 of the Site Plan indicate that the development site comprises only Tax Lot 74.16-1-1. However, the Vicinity Map on Sheet G.003 highlights both lots 1 and 29. Additionally, the Bulk Table and Question 3 of the SEAF indicate that the area of the site is 27.5 acres, which is the combined acreage of lots 1 and 29. It must be clarified if lot 29 is part of the development site. All application materials must contain consistent information, and if any incorrect information exists on the public hearing notice, then it must be revised and reissued.

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

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

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

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

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

- RCDA has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA. Please have the applicant submit an application to the RCDA directly. The RCDA will provide project specific comments upon receipt and review if the permit application submission. Copies of the permit application package and Chapter 846 are being mailed to the property owner.
- All future development proposals for this site will require and a written determination from the RCDA as to whether a permit is required.

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

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

16. 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.

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

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18. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB#22-64, Preliminary Site Plan Approval Subject to Conditions, dated December 14, 2022; ZBA #23-10, Floor Area Ratio Variance Approved and Parking Variance Acknowledged, dated February 15, 2023 and ACABOR #23-08, Approved as Presented, dated March 2, 2023.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

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

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

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

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

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

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

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

24. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or Site Plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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

26. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

TOWN CLERK'S OFFICE

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

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

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

Dated: July 12, 2023
Town of Orangetown



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TOWN CLERK'S OFFICE