

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, September 13, 2023

MEMBERS PRESENT:

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

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:

New Items:

SQ Properties Site Plan Request for a Second 90 Day Extension to File the Site Plan 73.15/1/16; LIO zoning district	Granted	PB #23-37
Subaru Sign Location Plan Final Site Plan and SEQRA Review 582 Route 303, Blauvelt 70.14/4/12; CC zoning district	Final Subject to Conditions	PB#23-38
Rockland Country Club Site Plan Golf Cart Wash Station Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 597 Route 340, Sparkill 78.09/1/24; R-80 zoning district	Continued:	PB #23-39
Aluf Plastics Site Plan Chiller Site Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 2 Glenshaw Street, Orangeburg 70.18/2/15; LI zoning district	Continued:	PB #23-40
Orangetown Shopping Center Dunkin Donut Site Plan Amendment to Final Site Plan Approval PB #22-27 dated April 27, 2022 Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review Orangeburg Road and Dutch Hill Road, Orangeburg 74.10/1/67; CS zoning district	Final Approval Subject to Conditions	PB#23-41

TOWN CLERK'S OFFICE
2023 OCT - 2 PM 11
TOWN OF ORANGETOWN

Planning Board Meetings of September 13, 2023

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 8:50 p.m. The next Planning Board meeting is scheduled for September 27, 2023.

Dated: September 13, 2023;

Cheryl Coopersmith, Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2023 OCT - 2 PM 4:11
TOWN CLERK'S OFFICE

PB #23-37: SQ Properties: Granted One 90-day Extension to File the Site Plan

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 1 of 2**

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

RE: SQ Properties Site Plan: The application of SQ Properties, owner for a 90 Day Extension to File the Plan at a site to be known as “**SQ Properties Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 8 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 16 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2023**, at which time the Board made the following determinations:

Brian Quinn and William Quinn appeared and testified for the applicant. The Board received the following communication:

1. Project Review Committee Report dated August 30, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated September 7, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 1, 2023.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel and second 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 Tara Heidger, (alternate member), not voting; and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made by Andrew Andrews and seconded by Michael Mandel 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.

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

**PB #23-37: SQ Properties: Granted One 90-day
Extension to File the Site Plan**

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 2 of 2**

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

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

**Dated: September 13, 2023
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

**PB #23-38: Bill Kolb Jr. Subaru Sign Location Plan
Final Sign Location Site Plan Approval
Subject to Conditions**

Permit #48056

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 1 of 8**

**TO: Dwight Joyce, 2 Joyce Plaza, Stony Point, New York
FROM: Orangetown Planning Board**

RE: Bill Kolb Jr. Subaru Sign Location Plan: The application of Bill Kolb Subaru, applicant for Prime Automotive Group, owner, for a Final Sign Location Plan Review at a site known as “**Bill Kolb Jr. Subaru Sign Location 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 582 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 12; in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2023**, the Board made the following determinations:

Dwight Joyce appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated August 30, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 7, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 1, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 25, 2023.
5. Letter from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning, dated August 4, 2023.
6. Notice from Rockland County Department of Highways, dated June 30, 2023.
7. Notice from Rockland County Health Department, dated August 28, 2023.
8. Letter from Dwight Joyce, applicant, dated May 23, 2023.

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 2 of 8**

9. Sign Location Plan prepared by Atzl, Nasher & Zigler, dated February 10, 2021, last revised March 12 2021.
10. Sign Drawings prepared by Philadelphia Sign, dated February 15, 2018, last revised April 13, 2023:
 - Sign Inventory and Location Plan
 - Pylon Sign
 - Monument Sign
 - Monument Sign
 - Double faced Pylon Sign & double-faced Monument Sign, Route 303 Elevation
 - Double-Faced Monument Sign, Erie Street Elevation
 - East Elevation Building Signage
 - Illum channel Letters
 - Logo Cross Section
 - Front, side and base details Pylon Sign
 - Front, side and base details Monument Sign
11. Copy of the following Board Decisions: ACABOR #23-18, Approved with Modification, dated April 6, 2023; ZBA #22-75, dated December 7, 2022, Variances Approved and PB#19-48, Preliminary Site Plan Approval subject to Conditions, dated September 22, 2011.
12. Building Permit Referral dated September 4, 2018, prepared by Rick Oliver, Building Inspector.

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

The meeting was open 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; Lisa DeFeciani, aye, Tara Heidger, (alternate member), not voting; and 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; Michael McCrory, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), not voting; and Andrew Andrews, aye.

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 3 of 8**

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

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

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 4 of 8**

On motion by Michael Mandel, Vice Chairman and second 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, 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. 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.
3. The applicant shall comply with all previous and pertinent conditions of all Board Decisions: ACABOR #23-18, Approved with Modification, dated April 6, 2023; ZBA #22-75, dated December 7, 2022, Variances Approved and PB#19-48, Preliminary Site Plan Approval subject to Conditions, dated September 22, 2021.
4. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 5 of 8**

5. The Town of Orangetown Bureau of Fire Prevention has no comments at this time.

6. Orange and Rockland Utilities reviewed the information and offered the following comment: O & R's gas service feeds the property from Route 303 (east side of building). The proposed sign may be in conflict with the existing service. Please contact O & R's new business department for all terminations and reconnects. All code 753 rules must be followed.

7. The Rockland County Health Department (RCDOH) offered the follow comment:

- As the drainage proposal can be amended since the previous approval, a revised application is to be submitted to RCDOH for review of the system for compliance with the County Mosquito Code.

8. A review must be completed by the New York State Department of Transportation and comments or concerns addressed and all required permit obtained.

9. 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.

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

11. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

12. 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.

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 6 of 8**

13. 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.

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

15. 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 Resubdivision 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).

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

17. 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

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

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 7 of 8**

Overrides

1. The Board made a motion to override Condition #1, letter dated September 1, 2023 from Bruce Peters, PE, Town of Orangetown Department of Environmental Management and Engineering.

“1. Proposed sign #8 is irrelevant as left turns are not allowed into the site from Route 303 North. Therefore, the sign serves no purpose (this was pointed out in the DEME letter of September 30, 2021, PB #19-48, condition #7.”

A motion to override condition was made and moved 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; Lisa DeFeciani, aye, Tara Heidger, (alternate member), not voting; and Andrew Andrews, aye.

2. The Board made a motion to override the letter dated August 4, 2023 from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“1. The Town’s zoning standards are reasonable and must be followed. Per the Orangetown Code, Chapter 43, Attachment 6, Column 5, Line 3, business signs shall not or 40 SF for the total area. In addition, the illuminated sign area may not exceed 30 SF. All signs and proposed by the applicant will be illuminated. The proposed pylon sign alone is approximately 50.9 SF. The total area of all eight signs combined is approximately 297.65 SF. This exceeds the maximum allowed sign area by 644% and the permitted illuminated sign area by 892%. It is also required that signs not attached to a building are set back at least 25 feet from the front line. Signs 6 and 8 are proposed only one foot from the property line along NYS Route 303, while Sign #7 is seven feet away from the property line along Erie Street. These oversized signs can create sight distance issues that will have an adverse effect on the safe and efficient flow of traffic along the State Highway and local roads. The approval of the size and location of these signs can set a precedent and encourage nearby commercial uses along the State highway to request similar exemptions. The signs must be reduced in size and located farther from the property line in order to more closely comply with the Town’s signage requirements. If your Board finds there is a pattern of requests for signs that will require variances, and that some rationale exists for lessening the Town’s standards, we suggest a recommendation be made to the Town Board to revise the sign standards on parcels that front high-volume traffic corridors.”

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 8 of 8**

"2. As per Section 13.10B(4) of the Town of Orangetown Zoning Code prohibits signage within the right of way line that forms Route 303 or within the twenty-five-foot vegetated buffer adjacent to such right of way line. Two of the proposed signs will be situated only one foot from the right of way line, encroaching into the vegetated buffer by 96%. The Town of Orangetown did extensive research over a two-year period to create the Route 303 Overlay Zoning District, working with County, State, and Federal agencies, as well as the public, to ensure that the resulting zoning requirements would provide strategies to improve the roadway's operation, aesthetics, and safety aspects. Safety aspects are of utmost importance, as this was one of the underlying reasons for the study. One paramount strategy for improving this district was to require a 25-foot vegetated buffer along the property line adjacent to the Route 303 right of way. Approving the construction of a sign in the buffer would defeat the intention of Section 13.10-B(4) and part of the general purpose of the Route 303 Overlay Zoning District. The sign plan must be disapproved and the signs moved outside of the buffer to comply with the provisions of the zoning code.

The Board held the following:

- (1) the pylon signs as requested although close to the property line, cannot be moved back without becoming blocked by other structures and being less visible, negating their purpose;
- (2) the pylon signs are directing visitors to the entrance to the service area clearly and allowing enough time for a safe turn off the highway without obstructing traffic;
- (3) the service center building has installed a nice planted area along Route 303 and is attractive, and,
- (4) these additional signs will increase the efficient flow of traffic from the State Highway onto and out of the site.

A motion to override the condition 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, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), not voting; and Andrew Andrews, aye.

The foregoing Resolution was made and moved 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.

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: September 13, 2023
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown**



**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 1 of 11**

**TO: Ira Emanuel, 4 Laurel Road, New City, New York
FROM: Orangetown Planning Board**

RE: Orangetown Shopping Center – Dunkin Donut Pad Site Plan:
The application of Ustadt Biddle Properties, owner, for an **Amendment to the Final Site Plan Review, dated April 27, 2022, PB 22-21, at a site to be known as “Orangetown Shopping Center – Dunkin Donut Pad 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 Orangeburg Road and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2023**, the Board made the following determinations:

Ira Emanuel and Rob Aiello appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated August 30, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated September 7, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 1, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 21, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE., dated September 6, 2023.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 3, 2023 and a notice signed by Jake Palant, dated July 11, 2023.
7. Letter and notice from Rockland County Center for Environmental Health, signed by Elizabeth Mello, PE, dated August 21, 2023.
8. Notices from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated July 12, 2023.
9. A letter from Rockland County Sewer District, signed by Nicholas King, Engineer I, dated August 25, 2023.

TOWN OF ORANGETOWN
PLANNING BOARD
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TOWN OF ORANGETOWN

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 2 of 11**

10. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated July 5, 2023.
11. Copy of a letter from Veolia, signed by Frank McGlynn, dated August 5, 2023 to Juan Yepes.
12. A Short Environmental Assessment Form, signed by Robert Aiello, JMC, dated June 7, 2023.
13. Project Narrative from Emanuel Law, dated June 8, 2023.
14. Letter dated September 11, 2023 signed by Ira Emanuel.
15. Copy of the prior decision: Final Site Plan Approval Subject to Conditions, dated April 27, 2023, PB#22-21.
16. Copy of the Building Permit Referral dated October 20, 2020, signed by Rick Oliver, Building Inspector.
17. Plans prepared by JMC, dated August 30, 2021, last dated June 12, 2023:
 - SP-1: Cover Sheet
 - SP-2: Overall Existing Conditions
 - SP-3: Existing Conditions
 - SP-4: Demolition Plan
 - SP-5: Overall Layout Plan
 - SP-6: Layout Plan
 - SP-7: Garbage Truck Turning Movement
 - SP-8: fire Apparatus Turning Movement
 - SP-9: Grading Plan, dated August 27, 2021
 - SP-10: Utilities Plan
 - SP-11: Utilities Profile Plan
 - SP-12: Utilities Profile Plan
 - SP-13: Erosion and Sediment Control Plan, dated June 8, 2016
 - SP-14: Landscaping Plan
 - SP-15: Lighting Plan, dated June 7, 2016
 - SP-16: Construction Details
 - SP-17: Construction Details
 - SP-18: Construction Details
 - SP-19: Construction Details
 - SP-20: Construction Details
 - SP-21: Construction Details

The Board reviewed the plans. The Board opened the meeting to the Public.

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

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 3 of 11**

There being no one from the public, a motion was made to close the Public Hearing portion of the meeting 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; Lisa DeFeciani, aye; Kevin Farry, aye; Michael McCrory, 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 (ak) 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 Kevin Farry and carried as follows: Thomas Warren, Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Lisa DeFeciani, aye; Kevin Farry, aye; Michael McCrory, aye; Tara 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.

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, namely JMC Site Development Consultants 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 Highway Department, Rockland County Department of Health, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, 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:

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 4 of 11**

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

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; Lisa DeFeciani, aye; Kevin Farry, aye; Michael McCrory, aye; Tara 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 **Amendment to Final Site Plan Approval - 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".

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 5 of 11**

- 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 and the construction plans are reviewed and approved by the inspector.**
- 4. The applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied with. The applicant shall contact the Town's F.O.G. Coordinator to determine this application's compliance with the F.O.G. program.**
- 5. A note shall be added to the plan 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.**
- 6. The proposed 6-inch sanitary building connection for the Dunkin Donuts building shall be increased to 8 inches.**
- 7. The existing Town owned sanitary main, in Oak Street is shown incorrectly, the line runs directly south along Oak Street.**
- 8. A doghouse manhole shall be proposed along the Town owned sanitary main in Oak Street. The sanitary building connection shall betide into said manhole. The design/ layout shall be coordinated with DEME. Details for same shall be added to the plans.**
- 9. All utilities within Oak Street shall be shown on the plan view and as crossings in the profiles.**
- 10. The soil erosion and sediment control drawings (SP-13) appears to show silt fence and construction fencing within paved areas. How will these items be secured within pavement? Also, a construction entrance is shown away from the actual construction area and on top of pavement. This is not acceptable and the construction entrance shall be relocated to the entrance of the actual construction site.**

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 6 of 11**

11. The soil erosion and sediment control symbols shall conform to NYSDEC standards.

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

1. Show detail for mountable curb at entrance.
2. Show detail for drive through island. Is this a mountable curb?

Construction plans should include the following information:

- Installation of a NFPA 13 compliant sprinkler system
- Installation of a fire alarm system to the NFPA 72 standard
- Installation of a key lock box

13. Drainage Review Recommendation – Brooker Engineering

The application has provided calculations 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 Orangetown Shopping Center – Dunkin Donut Pad 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 proposed action consists of the construction of a new Dunkin Donuts commercial building at the Orangetown Shopping Center. The building is located over an existing paved parking area. The project disturbs just over one acre and includes regrading of the parking lot and the driveway to the south of the new building. The existing drainage pattern is being maintained, with an additional piped storm drainage system being added in the new building to decrease surface water over the existing parking areas. The proposed building footprint of 2,056 SF is slightly less than the 2,200 SF building footprint assumed at the time of the approved SWPPP for the overall shopping center redevelopment.

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 7 of 11**

Continuation of Condition #13...

1. As per the April 26, 2022 drainage review, provide the existing and proposed lot coverage calculations for the disturbed area of the site on the Site Plan
2. Demonstrate the impervious area for hydrologic subarea PDA-1A is less for the current plan versus the area assumed in the approved SWPPP design. While the building footprint is less for the current plan, it is not clear if the approved SWPPP included impervious patio area around the building.

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

- A review must be completed by the Rockland County Highway Department and all required permits obtained.
- A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg 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 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.
- 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 (August 2010) and locale ordinances.
- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demand so f the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 8 of 11**

Continuation of Condition #14....

- For installation of a sanitary sewer system, engineering plans and specification shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers and the temporary storage of other vehicles. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.
- All proposed signage shall be indicated on the site plan and shall conform to the Town of Orangetown's sign standards.
- 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.

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

- Application is to be made to the Rockland County Department of Health for sanitary sewer extension approval
- A permit for the kitchen will need to be obtained from the Rockland County Department of Health.

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

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 9 of 11**

17. Orange and Rockland Utilities (O&R) reviewed the submitted plans and offered the following comments:
The proposed work may be in conflict with an existing 2" gas stub for the development. O&R's New business must be contacted for any new services and all code 753 rules must be followed.

18. Veolia reviewed the submitted information and offered the following comments:

This is to advise the applicant that water service can currently be made available to the proposed, located at 1 Orangeburg Road pad site near the intersection of Dutch Hill Road, Rockland County, New York, using a projected max day domestic demand of 1,275 gpd subject to the following conditions:

1. Prior to the installation of any services or the extension of any mains, hydraulic data pertinent to the project must be provided to Veolia for the Engineering Department review and approval.
2. If, as a result of such review, it is decided that any extension of mains or pipes or modification of other facilities is required in order to meet the hydraulic needs of the project, those mains or facilities shall be installed or extended by the applicant in accordance with the terms and conditions of Veolia's standard agreements for extensions.
3. Service will be provided in accordance with the terms and conditions set forth in Veolia's filed Tariff, as amended or modified from time to time.
4. Water mains shall be laid in accordance with the Recommended Standards for Water Works (AKA Ten state Standards.)

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

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

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

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

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 10 of 11**

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

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

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

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

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

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

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

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 2023
Page 11 of 11**

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

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

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

28. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

30. 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 Andrew Andrews and seconded by Michael Mandel 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.

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: September 13, 2023
Cheryl Coopersmith
Attachment

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#23-41: Orangetown Shopping Center
Dunkin Donut Plan
Amendment to Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit # 50736

**Town of Orangetown Planning Board Decision
September 13, 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: Orangetown Shopping Center – Dunkin Donut Pad Site Plan - Amendment to Final Site Plan Approval

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

DESCRIPTION OF ACTION: Site Plan Review

Location: The site is located at Orangeburg Road and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

Director, 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