

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

MEMBERS PRESENT:

Michael Mandel, Vice Chairman
Kevin Farry
Andrew Andrews
Lisa DeFeciani
Denise Lenihan

MEMBER ABSENT: Thomas Warren, Chairman, Michael McCrory and
Tara Heidger, (alternate member)

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

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:

Postponed Item from the October 12, 2022 Meeting:

1021 Route 9W Site Plan	PB #22-54
Critical Environmental Area	
Prepreliminary/ Preliminary/ Final Site Plan	Final Site Plan Approval
and SEQRA Review	Subject to Conditions
1021 Route 9W, Upper Grandview	Neg. Dec.
71.09/1/19; R-22 zoning district	

New Items:

Noonan's Backyard Dining Area Plan	PB #23-49
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Postponed
16 East Central Avenue, Pearl River	by Applicant
68.20/1/13 & 14; CS zoning district	

Tri-Bee Re-Subdivision Plan	PB #23-50
Reapproval of PB#23-05, dated February 8, 2023	
Final Re-Subdivision Plan Review	Final Reapproval of
120 & 122 East Central Avenue, Pearl River	Re-Subdivision Plan
68.20/2/5.1 & 5.2; CS zoning district	Subject to Conditions

Tri-Bee Re-Site Plan	PB #23-51
Final Site Plan and SEQRA Review	
120 & 122 East Central Avenue, Pearl River	Continued to
68.20/2/5.1 & 5.2; CS zoning district	January 10, 2024
	Meeting

Continued Item from the July 26, 2023 Meeting:

Gatto Lane Site Plan	PB #23-22
Prepreliminary/Preliminary Site Plan and SEQRA Review	Continued to
Gatto Lane, Pearl River	February 15, 2024
68.07/2/1; R-15/ PAC zoning district	Meeting

TOWN CLERK'S OFFICE
JAN 19 4 11:09 PM
TOWN OF ORANGETOWN

December 13, 2023 Planning Board Meeting

Other Business: Town Board Referral – Proposed Local Law Amendment to Town Code Chapter 43, Article IV, Special Permit Outdoor Parking & Storage of Vehicles. The Board reviewed and consented to the Town Board to be Lead Agency in the SEQRA process. The Board had no other comments.

The decisions of the November 8, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Denise Lenihan carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael McCrory and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 9: 40 p.m. The next Planning Board meeting is scheduled for January 10, 2024.

Dated: December 13, 2023

Cheryl Coopersmith, Town of Orangetown Planning Board

Cheryl Coopersmith

TOWN CLERK'S OFFICE

2024 JAN 19 A 11:09

TOWN OF ORANGETOWN

PB#22-54: 1021 Route 9W Site Plan

Final Site Plan Approval Subject to Conditions

Permit #BLDR-80-22

Approval Subject to

Conditions/ Neg. Dec.

Critical Environmental Area

Town of Orangetown Planning Board Decision

December 13, 2023

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TO: Pierre Chaubard, 7 Cedar Hill Avenue, Nyack

FROM: Orangetown Planning Board

RE: 1021 Route 9W Site Plan – Critical Environmental Area: The application of Pierre Chaubard, owner, for Preliminary/ Preliminary/ Final Site Plan Review at a site known as “**1021 Route 9W 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 1021 Route 9W, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 19 in the R-22 zoning district.

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

Pierre Chaubard and Adam Kurland appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated September 28, 2022 and November 29, 2023.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, Director, dated October 6, 2022 , July 6, 2023 and December 1, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2022, July 7 and December 11, 2023.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 20, 2022 and November 11 , 2023.
5. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 27, 2022, June 21 and November 22, 2023.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 27, 2022 and June 15, 2023.
7. Notice from the Rockland County Health Department, signed by Elizabeth Mello, P.E., dated September 19, 2022.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, P.E., dated September 6, 2022.
9. Email from Rockland and Orange Utilities, from Alfred Gaddi, PE, dated August 30, 2022.
10. Letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra Engineer II, dated September 22, 2022.

2024 JAN 19 A 11:10

TOWN OF ORANGETOWN

PB#22-54: 1021 Route 9W Site Plan

Final Site Plan Approval Subject to Conditions

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11. Notice from the Town of Orangetown Zoning Board of Appeals, dated September 21, 2022, signed by Dan Sullivan Chairman.
12. Letter from the Village of Grand View on Hudson, signed by Julie Pagliaroli, Village Clerk/Treasurer, dated June 29, 2023 and a notice dated October 13, 2022.
13. Short Environmental Assessment signed by Pierre Chaubard, undated
14. Survey Plan prepared by Anthony Celentano, PLS, dated June 21, 2021.
15. Overall Site Plan prepared by Paul Gdanski, PE, dated October 1, 2023 and wall sections as prepared by DRPILLA, dated November 1, 2022.
16. Building Permit Referral dated October 29, 2021 signed by Rick Oliver, Building Inspector.

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

SEQRA

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Denise Lenihan and seconded by Kevin Farry and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member) absent; Michael McCrory, absent; and Andrew Andrews, aye, the Board declared itself Lead Agency.

TOWN OF ORANGETOWN
JAN 19 A 11:10
TOWN CLERK'S OFFICE

PB#22-54: 1021 Route 9W Site Plan

Final Site Plan Approval Subject to Conditions

Permit #BLDR-80-22

Approval Subject to

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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, 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 Department of Health, Town of Orangetown Zoning Board of Appeals, Village of Grandview-on-Hudson and the 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 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
2024 JAN 19 4:11:10
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On motion by Denise Lenihan and seconded by Kevin Farry carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member) absent; Michael McCrory, absent; and Andrew Andrews, aye the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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 revised Short Environmental Assessment Form appears to be in order.
5. The drawing is not to scale. Although the drawing is listed as 1" = 20', it does not scale out when measured. It appears to be closer to 1" = 30', but it is unclear if that is the proper scale. The drawing/ drawing scale shall be correctly labeled and shown.

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6. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and had no further comments at this time.

7. Drainage Review Recommendation – Brooker Engineering

The application has demonstrated that there are no potential significant impacts with respect to drainage that require mitigation. Increases in impervious area do not exceed levels that require mitigation, the existing drainage pattern will remain the same, and the new impervious area is disconnected from off-site drainage systems. Brooker Engineering therefore recommends the 1021 Route 9W Site Plan be approved for drainage subject to the following conditions.

Project Description:

This is the second drainage review report for this project; the last review was dated September 20, 2022. The property is located along the east side of Route 9W; stormwater runoff flows in an easterly direction to the trail abutting the rear yard of the property. A 12 x 33' rear deck addition and wall repair along the driveway is proposed. For this submission, the new front porch has been removed from the scope of work. Increases in impervious area between the new walls and rear deck are 400 square feet, which does not exceed the threshold typically used by the Planning Board as lead agent to determine if potential significant adverse impacts with respect to drainage require mitigation.

Project Comments

1. The Site Plan shall be plotted to scale.
2. As per the September 20, 2022 drainage review report, Question 17 on the Short Environmental Form – Part I (pertaining to stormwater runoff) shall be checked "yes" and completed.
3. As per the September 20, 2022 drainage review report, verify stormwater runoff from the driveway is directed around the house. The Site Plan shall evaluate any stormwater runoff from Route 9W that may enter the site and travel down the driveway toward the house; historical observations of flooding in this area of Route 9W often shows stormwater runoff from Route 9W being directed downhill along driveways towards existing structures

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

- A review must be completed by the New York State Department of Transportation and any required permits obtained.
- The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to Rockland County Planning for review. The municipal boundary abuts the east property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- All proposed site improvements, including those built without a permit must be clarified on the site plan drawing with a different line weight from existing features.
- Retaining walls shall be designed by a licensed New York State Professional Engineer and be in compliance with the New York State Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the New York State 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.
- In addition to being part of a Critical Environmental Area, the subject site as Significant Biodiversity Areas (SBAs). SBAs are landscape areas in the Hudson River Estuary that contain high concentrations of biodiversity or unique ecological features. These areas contribute to and serve as a framework for conservation partnerships and voluntary protection efforts. One of the most significant threats to biodiversity is habitat destruction, alteration and fragmentation. Careful consideration should be given to any proposed development or construction within an SBA.

9. The Village of Grand view-on-Hudson reviewed the submitted information and offered the following comments:

- The Village is very concerned regarding potential run off from the building site and request that the Planning Board make sure that erosion control measures are kept in place during the construction.
- The Village requests that if there are any illegal structures existing on this site intruding onto Village's Hader Park Property, that they be removed.

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10. 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.

11. Orange and Rockland Utilities reviewed the submitted plans and offered the following comment:

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

12. 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
- Village of Grand View-on-Hudson

13. 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.

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

15. 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 #15...

- 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.

16. 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.

17. 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.

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

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

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

21. 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

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

23. 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 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; Lisa DeFeciani, aye; Tara Heidger, (alternate member) absent; Michael McCrory, absent; and Andrew Andrews.

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: December 13, 2023

Cheryl Coopersmith



TOWN CLERK'S OFFICE

2023 JAN 19 11:12

TOWN OF ORANGETOWN

PE#22-54: 1021 Route 9W Site Plan

Final Site Plan Approval Subject to Conditions

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State Environmental Quality Review Regulations

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

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: 1021 Route 9W Site Plan - CEA

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located at 1021 Route 9W, Upper Grandview, in the Critical Environmental Area, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 19 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

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TOWN OF ORANGETOWN

**PB#23-50: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Reapproval of Final Re-subdivision Plan Approval Subject to Conditions**

December 13, 2023

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TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board

RE: Tri-Bee Re-Subdivision Reapproval of Final Approval: The application of Tri-Bee LTD, owner, for Reapproval of Final Re-Subdivision plan at a site to be known as "**Tri-Bee Re-Subdivision 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 21 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 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

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

Thomas Bertussi, Donald Brenner, and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Report dated November 29, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated December 1, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 11, 2023.
4. Subdivision Plan prepared by Jay Greenwell, PLS, dated July 25, 2023.
5. Copy of PB #23-05, Final Subdivision Plan Approval, subject to Conditions, dated February 8, 2023.

The hearing was then opened to the Public.

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

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

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JAN 19 A 11:12
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**PB#23-50: Tri-Bee Re-Subdivision Plan
Town of Orangetown Planning Board Decision
Reapproval of Final Re-subdivision Plan Approval Subject to Conditions**

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after 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;

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

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

1. The following note shall be placed on the Subdivision 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 Subdivision 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.

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3. The applicant is proposing to merge lot 5.1 and lot 5.2. The Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, has no objection to the requested merger.
4. The applicant has obtained approvals from the Town of Orangetown Zoning Board of Appeals and the Architecture and Community Appearance Board of Review.
5. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
6. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and had no comment at this time.
7. All conditions of previous board decisions remain effect, PB#23-08, Final Subdivision Approval Subject to Conditions, dated February 8, 2023.
8. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans and Board Decisions prior to signing the final plans.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
10. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.
11. 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

The foregoing Resolution was made and moved by Kevin Farry seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), absent and Michael McCrory, 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: December 13, 2023
Cheryl Coopersmith**

Cheryl Coopersmith

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