

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, October 11, 2023**

**MEMBERS PRESENT:** Thomas Warren, Chairman  
Michael Mandel, Vice Chairman  
Andrew Andrews      Kevin Farry  
Michael McCrory      Lisa DeFeciani  
Denise Lenihan

**MEMBER ABSENT:** 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

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:**

**39 South William Street**  
Prepreliminary/Preliminary/  
Final Site Plan and SEQRA Review  
39 South William Street, Pearl River  
68.20/1/30.2; CS zoning district

**Continued**

**PB #23-46**

**Continued Item:**

**Caribbean Food Delights Site Plan**  
Prepreliminary/Preliminary/  
Final Site Plan and SEQRA Review  
117 Route 303, Tappan  
74.19/1/2; LI zoning district

**Preliminary Site Plan  
Approval Subject to  
Conditions/ Neg. Dec.**

**PB #23-43**

**Other Business:**

1. Referral from the Town Board – Proposed Zone Change Hudson Valley iCampus, 401 North Middletown Road, Pearl River - 68.08/1/1. The Board reviewed the referral and had no comments.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Farry and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:33 p.m. The next Planning Board meeting is scheduled for October 25, 2023.

**Dated: October 11, 2023**  
**Cheryl Coopersmith**  
**Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE  
2023 OCT 31 P 1:29  
TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights                      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

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

**RE:                      Caribbean Food Delights Site Plan:** The application of Caribbean Food Delights, applicant, for 117 Route 303 LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for additional office space and grease trap at a site known as **"Caribbean Food Delights 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 117 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **September 27 and October 11, 2023** at which time the Board made the following determinations:

**September 27, 2023**

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Report dated September 13, 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 September 21, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management dated September 22, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 8, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated August 21, 2023.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 7, 2023 and Notice from Jake Palant.
7. Letter and Notice from Rockland County Department of Health, dated September 8, 2023.
8. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated August 22, 2023.
9. Letter from Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated August 14, 2023.
10. Letter from Rockland County Sewer District No.1, dated September 11, 2023, signed by Nicholas King, Engineer I.

TOWN CLERK'S OFFICE  
OCT 31 P 1:29  
TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

- 11 Email from Matthew Shook, Palisades Interstate Park Commission, dated August 7, 2023.
12. Email from Orange & Rockland Utilities, from Alfred Gaddi, PE, dated August 4, 2023.
13. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 6, 2023.
14. Notice from the New York State Department of Transportation, signed by Brandon Robuck, dated August 21, 2023.
15. Short Environmental Assessment Form signed by Donald Brenner, dated July 26, 2023.
16. Building Permit Referral dated February 27, 2023, signed by Rick Oliver, Building Inspector.
17. Plans prepared by Rettew Associates, dated May 17, 2023, last revised June 12, 2023:
  - C1.0: Existing Conditions/ Demolition Plan
  - C2.0: Enlarged Layout plan
  - C3.0: Enlarged Grading/Utility Plan
  - C4.0: Enlarged Landscaping Plan
  - C5.0: Details
  - C5.1: Details
18. Design plans prepared by Jewett Construction and MA Design, dated April 28, 2023.

The hearing was then opened to the Public.

The applicant requested a **CONTINUATION**.

**October 11, 2023**

Steven Kadi, Joseph Mina and Michael Robarge appeared and testified.

The Board received the following communications:

1. Project Review Report dated September 27, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Siavin, R.A., A.I.A., Director, dated October 6, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management dated October 6, 2023.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated October 5, 2023.
5. Post Construction Stormwater Management Plan, prepared by Rettew Associates, dated September 29, 2023.

TOWN CLERK'S OFFICE

OCT 31 P 1:29

TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

6. Plans prepared by Rettew Associates, dated May 17, 2023, last revised September 29, 2023:

- C1.0: Existing Conditions/ Demolition Plan
- C2.0: Enlarged Layout plan
- C3.0: Enlarged Grading/Utility Plan
- C4.0: Enlarged Landscaping Plan
- C5.0: Details
- ES1: Erosion and Sedimentation Control Plan
- ES2: Erosion and Sedimentation Control Details

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

There being no one from the Public a motion was made by Michael McCrory 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; Andrew Andrews, aye; Tara Heidger (alternate member), absent and Lisa DeFeciani, aye.

**SEQRA**

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

On motion by Michael Mandel, Vice Chair 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), absent, and Andrew Andrews, aye; the Board declared itself Lead Agency.

**SEQRA**

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

TOWN CLERK'S OFFICE

2023 OCT 31 P 1:29

TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights                      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

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, Rockland County Highway Department, and Palisades Interstate Park Commission, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of 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  
2023 OCT 31 P 1:29  
TOWN CLERK'S OFFICE

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

On motion by Michael Mandel, Vice Chair 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; 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The loading dock calculation is incorrect. Per Chapter 43, Article VI, section 6.41(f), for manufacturing one berth for the first 10,000 square feet of floor area and one additional berth for each additional 20,000 square feet of floor area. 103,913 square feet results in 5.69 required loading docks with 7 existing and proposed. Calculation on site plan must be revised.
4. The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) for review and approval.
5. Applicant indicated during PRC that they intend to replace equipment within the existing building. A separate permit application shall be submitted for that proposed scope of work and IUC review and approval will be required.
6. The total area of disturbance (a.o.d.) shall be listed on the plans. The applicant's engineer is reminded that the a.o.d. shall include the proposed addition, sanitary work, planters, outdoor seeding, landscaping etc.

TOWN CLERK'S OFFICE  
2023 OCT 31 P 1:30  
TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

7. The Stormwater Management plan is under review, by DEME. However, the rainfall intensity values for the year-storms analyzed, shall be added to the report. Also, a project narrative shall be added to the report/ plan.

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

9. The proposed rain garden appears to narrow down to less than 1 foot wide. This seems impractical and unworkable. The raingarden shall be redesigned to be more constructible.

10. Complete cross-sections for the proposed raingarden shall be added to the plans. Currently, drawing 7 only shows a partial cross-section. One of the cross-sections shall include the emergency spillway. Also, the rain garden bottom elevations shall be added to the plan views. Lastly, a detail for the rain garden spillway shall be added to the plans.

11. The plans and details do not show how stormwater will be directed to/ enter the proposed rain garden. The plans shall be revised to show this information.

12. All existing and proposed drainage facilities (stormwater system, catch basin, field inlets, piping, etc.) shall be added to plans. Unique ID name/ numbers shall be added to the plans for all existing drainage facilities.

13. Profiles shall be provided for all existing proposed stormwater piping systems.

14. A post construction stormwater maintenance agreement for all of the existing and proposed stormwater facilities/ infrastructure shall be submitted to DEME and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

TOWN OF ORANGETOWN  
2023 OCT 31 P 1:30  
TOWN CLERK'S OFFICE

**PB #23-43: Caribbean Food Delights                      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

15. Drawing 7 shows a limit of disturbance (l.o.d.) However, there is regrading shown happening outside that limit. The l.o.d. shall be revised to encompass all proposed work.

16. The applicant's engineer shall verify in writing if any additions or changes are planned for sanitary sewer system. If so, sanitary calculations for the said site work shall be prepared and sealed by a New York State Licensed Professional Engineer and shall be submitted to DEME for review and approval.

17. A note shall be added to all the plans and the required sanitary calculation stating that "The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of ANY work being done on or near the any of the existing or proposed sanitary sewer improvements and or the proposed sanitary building connection."

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

**19. Drainage Review Recommendation – Brooker Engineering**

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering therefore recommends that the Caribbean Foods Delights Site Plan be approved for drainage subject to the following Project Comments.

**Project Description**

This is the third drainage review report for this project; the last drainage review was dated September 27, 2023. The proposed action consists of the construction of a new 1,939 square feet building addition on the northwest corner of the existing building with new sidewalks around the addition. The improvements are over an existing grass area and stormwater runoff flows northwest, toward Route 303, in the area of disturbance. The initial site plan application did not provide stormwater mitigation methods; typically increases in impervious areas greater than 400 square feet are determined to have potential significant impacts with respect to drainage that require mitigation. The revised submission provides an on-site berm to create a rain garden depression to receive stormwater runoff from the new 1,939 SF addition. The berm provides 2,045 CF of stormwater storage, which translates to storage of 12.65 inches of rainfall runoff over the new impervious area. This exceeds the 24-hour rainfall total for the area.

TOWN OF ORANGETOWN  
2023 OCT 31 P 1:30  
TOWN CLERK'S OFFICE



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

**Continuation of Condition #19...**

**Project Comments**

1. As per the September 27, 2023 and August 21, 2023 drainage review reports, show and quantify existing and proposed impervious surfaces.
2. As per the September 27, 2023 drainage review report, the drainage calculations shall include subarea maps that show the hydrologic point of interest, the subarea directed to the proposed stormwater management facility, and ground cover breakdown for existing and proposed conditions.
3. As per the September 27, 2023 drainage review report, the Site Plan shall provide details for the control structure and overflow drainage paths.
4. As per the September 27, 2023 drainage review report, the Site Plan shall show how the depression will drain after rainfall events.
5. Show grading that ties the rain garden berm into high grade at elevation 73.5 at the east side of berm.
6. Show the top width of the berm and water impoundment side of the berm on the "Stormwater Retention Berm" Detail on Sheet No. 7 of 7.
7. Provide proposed spot grades in the bottom of the rain garden area.

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

1. The Town shall be satisfied that the proposed site plan is compliant with all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Sec. 13.10B of the Town Code.
2. A review must be completed by the New York State Department of Transportation and any required permits obtained.
3. The subject parcel encroaches into the Sparkill Creek. A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
4. A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
5. A review must be completed by the Rockland County Department of Health to ensure compliance with the Mosquito Code of the Rockland County Sanitary Code.
6. A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Tappan Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
7. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the site that meets the latest edition (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.
8. There shall be no net increase in the peak rate of discharge from the site at all design points.

TOWN OF ORANGETOWN  
OCT 31 P 1:30  
TOWN CLERK'S OFFICE

**PB #23-43: Caribbean Food Delights      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

**Continuation of Condition #20...**

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

10. The Short Environmental Assessment Form (SEAF) and the parking calculations of Sheet 1 of the site plan drawing denote that the proposed addition is 1,823 SF, however a label on Sheet 2 indicates that the proposed building expansion is 1,939 SF. This discrepancy must be resolved and all application material must contain consistent and accurate information.

11. The handicap access stalls must be delineated on the site plan and in the field for the 3 handicap parking spaces along the west side of the building. The location of these access stalls shall permit barrier-free access for the handicapped to the proposed building and facilities.

12. The number of loading berths provided must be labeled on the site plan. In addition, calculations for the required number of loading berths must be included to ensure compliance with Chapter 43, Art. VI, Sec. 6.41.f. of the Town of Orangetown Code.

13. We recommend that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.

14. If any signage is proposed, it shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Town of Orangetown Code.

15. If any lighting is proposed, a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

16. The designated street line (DSL) must be depicted on the site plan. Any lot area deductions must be indicated. Any additional variances required due to the change in measurement must be submitted to Rockland County Planning Department for review.

17. A vicinity map that contains a north arrow and scale must be provided on the site plan.

18. Map notes must be provided on the plan that include district details and site-specific information such as zoning, owner information, and existing and proposed use.

19. All county interests within 500 feet of the site must be indicated on page 2 of the application.

TOWN CLERK'S OFFICE

2023 OCT 31 P 1:30

TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

**21. Rockland County Drainage Agency (RCDA) reviewed the submitted information and offered the following comment:**

- 1. The project is within the jurisdiction of the RCDA, pursuant to the County Stream Control Act, and a Stream Control Act permit is required for the current proposal. Please have the applicant submit an application to RCDA directly.**
- 2. The project is fully/partially within a designed State and County Wetland(s). Therefore, the applicant is required to contact the NYS Department of Environmental Conservation for any required permits/approvals. Please have the applicant provide a copy of the NYSDEC wetlands permit or other determination to the RCDA.**
- 3. The project is fully/partially within a designated Federal Wetland. Therefore, the applicant is required to contact the US Army Corps of Engineers for any required permits/ approvals.**
- 4. All future development proposals for this site will require a review and a written determination from the RCDA as to whether a permit is required. RCDA recommends that the municipal departments ensure the site has no outstanding violations and the applicant has secured the required permits from RCDA, prior to granting development permits.**
- 5. The parcel ID referenced in this proposal has an expired RCDA permit No. 04-30 that must be closed prior to any new approval. Please have the applicant provide the required documentation to close out the permit and have them contact the RCDA.**

**22. 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.**

**23. Orange and Rockland reviewed the submitted information offered the following comment: The proposed work may be in conflict with the existing gas service. Please contact O&R's new business department for all disconnects/ reconnects and load increases. All code 753 rules must be followed.**

**24. 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.**

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

**26. 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.**

TOWN CLERK'S OFFICE

2023 OCT 31 PM 1:30

TOWN OF ORANGETOWN

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

**27.** 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

**28. 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.

TOWN CLERK'S OFFICE  
OCT 31 P 1:30  
TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights      Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**October 11, 2023**  
**Page 12 of 13**

**29.** 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.

**30.** 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.

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

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

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

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

TOWN CLERK'S OFFICE

2023 OCT 31 P 1:30

TOWN OF ORANGETOWN

**PB #23-43: Caribbean Food Delights**      **Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chair and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Tara Heidger, (alternate member), absent and Michael McCrory, 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: October 11, 2023**  
**Cheryl Coopersmith**  
**Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2023 OCT 31 P 1:30  
TOWN CLERK'S OFFICE

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

**PB #23-43: Caribbean Food Delights** **Permit #BLDC-2833-23**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**October 11, 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: Caribbean Food Delights, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**Location:** The site is located at 117 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 2 in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

TOWN CLERK'S OFFICE

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