

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, October 25, 2023**

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

**MEMBER ABSENT:** Kevin Farry 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 Elizabeth Decort, Secretarial Assistant II.

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

**Continued from the July 12, 2023 Meeting:**

**Fisher Site Plan**

**PB #23-04**

Critical Environmental Area-South Nyack  
Prepreliminary/ Preliminary/ Final Site Plan  
and SEQRA Review  
7 Berachah Avenue, South Nyack  
66.61/1/19.2; RG-8H zoning district

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

**Continued item from the October 7, 2019 Meeting**

**South Orangetown Ambulance Corp. Site Plan**

**PB #19-67**

Prepreliminary/ Preliminary/  
Final Site Plan Review and SEQRA  
70 Independence Avenue, Tappan  
Section 74.18, Block 3, Lots 38 & 40; R-15 zoning district

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

**New Items:**

**South Orangetown Ambulance Corp.**

**PB #23-48**

**Reapproval of a Re-subdivision Plan**

**Reapproval of PB#19-66  
Final Resubdivision Plan  
Approval**

Final Re-subdivision Plan Review  
70 Independence Avenue, Tappan  
Section 74.18, Block 3, Lots 38 & 40;  
R-15 zoning district

**662 Route 303 Resubdivision Plan**

**PB #23-47**

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

**Continued**

10/25/2023  
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TOWN OF ORANGETOWN

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, October 25, 2023**

**Continued item from the June 28, 2023 Meeting**

**662 Route 303 Site Plan**

**PB #23-34**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review

**Continued**

622 Route 303, Blauvelt

65.14/1/11.2 & 11.3; LI zoning district

**Other Business:**

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 consented to the Town Board to be Lead Agency.

Since there was no further business to come before the Board, a motion to  
adjourn the meeting was made by Andrew Andrews and seconded by Michael  
Mandel and agreed to by all in attendance. The meeting was adjourned at 9:45  
p.m. The next Planning Board meeting is scheduled for November 8, 2023.

**Dated: October 25, 2023**

**Cheryl Coopersmith**

**Town of Orangetown Planning Board**



TOWN OF ORANGETOWN  
2023 OCT 25 AM 11:12  
TOWN OF ORANGETOWN

**PB #23-04: Fisher Site Plan**  
**Critical Environmental Area-South Nyack**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Permit #BLDG #1784-22**

**Town of Orangetown Planning Board Decision**  
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**TO: Kier Levesque,**  
**FROM: Orangetown Planning Board**

**RE: Fisher Site Plan – Critical Environmental Area:** The application of Kier Leveque, applicant for Robert Marc Fisher, owner, for review of a site plan to be known as **"Fisher 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 7 Berachah Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.61, Block 1, Lot 19.2 in the RG-8H zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **February 8, July 12 and October 25, 2023** at which time the Board made the following determinations:

**February 8, 2023**

Kier Leveque appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated January 25, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated January 26, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated February 6, 2023.
4. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated January 24, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated February 7, 2023.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated January 27, 2023.
7. Letter and Notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated January 11, 2023.
8. Notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated January 5, 2023.
9. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, dated January 20, 2023.
10. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated January 3, 2023.
11. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chairman, dated January 4, 2023.
12. Notice from the Rockland County Environmental Resources, dated January 3, 2023.

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PLANNING BOARD

**PB #23-04: Fisher Site Plan  
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13. Project Narrative prepared by Kier Leveque, RA, dated November 21, 2022.
14. Short Environmental Assessment Form signed by Kier Leveque, RA, dated September 6, 2022.
15. Hydrologic Analysis, prepared by Sparaco & Youngblood, dated August 1, 2022.
16. Building Permit Referral dated August 4, 2022, prepared by Rick Oliver, Building Inspector.
17. Plans as follows:  
Final Subdivision Plan prepared by Lawler, Matusky & Skelly Engineers, LLP, signed by South Nyack Planning Board Chair, 6-22-2005,  
Plot Plan as prepared by Sparaco & Youngblood, PLLC, last revised 9/22/2022,  
Architectural Plans as prepared by Kier B. Levesque, RA, dated August 1, 2022.
18. Email from Alissa and Barry Schurr, 9 Berachah, South Nyack, with attachments.

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

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

**Public Comments:**

Barry Schurr, 9 Berachah Avenue, presented photographs to the Board. He noted that the site is very steep with soil and water erosion. Mr. Schurr's property is downhill from the site and he is concerned with protecting himself and neighbors during construction. He held that the new construction on Willow Street has impacted his neighborhood. Also, he noted that in 2022, the catch basin failed on Route 9W.

Roger Seiler, 5 Berachah Avenue, raised concerns that water is already a problem in the area.

Allyssa Schurr, 9 Berachah Avenue, requested that the applicant place the proposed carport in another location.

Patricia Burchell, 26 College Avenue, raised concerns that mud and water sliding down College Avenue from Willow Street.

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

The applicant requested a **CONTINUATION**.

**July 12, 2023**

Kier Levesque appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated June 28, 2023.
  2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated July 6, 2023.
  3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 7, 2023.
  4. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated June 21, 2023.
  5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E, dated July 11, 2023.
  6. The following plans were submitted:  
Architectural Plans prepared by Kier Levesque, RA, last revised May 3, 2023,  
Site Plan prepared by Sparaco & Youngblood, dated May 2, 2023,  
Landscape Plan prepared by Kier Levesque, RA, dated March 15, 2023.
  7. Drainage Report prepared by Sparaco & Youngblood, dated May 3, 2023.
- The Board reviewed the plans. The hearing was then opened to the Public.
8. Project Narrative prepared by Kier Levesque, RA, dated May 8, 2023

A motion was made to open the Public Hearing portion of the meeting by Andrew Andrews 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), absent; and Andrew Andrews, aye.

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

The applicant requested a **CONTINUATION**.

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**October 25, 2023**

Kier Leveque and Robert Fisher appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated October 11, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated October 19, 2023.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated July 31 and October 20, 2023.
4. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated October 6, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated October 24, 2023.
6. Project Narrative, prepared by Kier B. Levesque, dated September 26, 2023
7. Letter from Clifford Davis, Attorney at Law, counsel for Alissa and Barry Schurr, dated October 25, 2023.
8. The following plans were submitted:
  - Plan entitled "Fisher Residence Parking Platform Plan", prepared by Kier B. Levesque, RA, signed and sealed by Kier B. Levesque, PA, drawings A-1A, A-1 through A-1, S-1, last revised May 3, 2023
  - "Fisher Site Plans", prepared by Sparaco & Youngblood, PLLC, signed and sealed by Steven M. Sparaco, PE, Sheets 1-5, dated 09/19/2023
  - "Final Cluster Subdivision Plat" prepared by Lawler, Matusky & Skelly Engineers LLP, signed and sealed by Gary Rich, LLS, last revised 03/04/05

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

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

**Public Comments:**

Clifford Davis, 200 Mamaroneck Avenue, counsel for downhill neighbors, Schurr, who do not want water coming into their house. He referenced Rockland County Planning letter regarding concerns for variances and setting precedence. He requested that the Board require the applicant to make the scope of work smaller, thereby lessening the impact to his client's property.

CLIFFORD DAVIS  
200 MAMARONECK AVENUE  
ROCKLAND COUNTY

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There being no one to be heard from the Public, a motion was made by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice-Chairman, aye; Kevin Farry, absent; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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 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, absent; Michael McCrory, aye; Lisa DeFeciani, aye; Tara 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 the applicant's consultant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion 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, absent; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member) 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

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Critical Environmental Area-South Nyack  
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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.

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

5. This parcel is part of a cluster sub-division approval. The parcel is located in the R-12HC Zoning District, however per Chapter 43, Attachment 19.3, Table 3.13, *"If any conflict shall arise between the applicability of the SN-R-12H regulations and those identified on the filed plan, those on the filed plan shall prevail."* The approved subdivision plan indicates RG-8 Zoning.

6. Per RG-8 Zoning district chart on page 7 of the subdivision plan the following variances are required from the Town of Orangetown Zoning Board of Appeals;

- a) Front yard setback to carport is 0 feet, with 55 feet required to accessory structures.
- b) Proposed carport is 753 square feet which results in a lot coverage of 15.9% with 7% required for accessory structures.
- c) Maximum lot coverage permitted is 30% with 50% proposed.
- d) Side yard required is 15 feet with 8.7 feet proposed.
- e) Total side yard required is 30 feet with 27 feet proposed.

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7. Per Chapter 43, Article XVIII (18), section 18.33, number 2, *"Relation of accessory buildings to streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of a garage, the Planning Board may authorize the erection of such garage within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%."* Variance required from the Town of Orangetown Zoning Board of Appeals.

8. Per Chapter 43, Article XVIII (18), section 18.35, *"Maximum building height applicability. In considering maximum height per Hamlet of South Nyack General Use, Bulk and Parking Regulations, per Figure 1, when considering a front yard setback variance for any structure, allowable roof height to the topmost extremity shall not extend above a line drawn from 5 1/2 feet above the nearest point on the front lot line to a point 30 feet above the required front yard setback. An exception to this limit may be granted only if there is no other feasible alternative and if the balancing of benefits to the applicant if granted, versus benefits to the community if not granted, weigh strongly in favor of the applicant."* Variance required from the Town of Orangetown Zoning Board of Appeals as a portion of the carport roof is outside of the envelope, see sketch.

9. Address is Berachah Avenue, however the driveway entrance is on College Avenue and it appears that College Avenue is a private road. If College Avenue is in fact a private road, a 280-A Variance is required from the Town of Orangetown Zoning Board of Appeals.

10. Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR.)

11. The Short Environmental Assessment Form appears to be in order.

12. The architectural plans indicate new front concrete steps and landing; however, the plot plan shows all existing, which is correct?

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**13. DEME hereby rescinds comment/ recommendation #2 – DEME letter to the Planning Board dated July 7, 2023:**

"2. The drawings shows that stormwater runoff from the new carport roofing will flow into piping that crosses the existing sanitary sewer easement. This is not acceptable. A separate stormwater system shall be designed for the carport and on the "Carport side" of the easement - possibly south of the proposed carport, preferably close to the road for ease of maintenance. An overflow with level spreader shall be designed for said system. The design calculations for this system shall be added to the drainage calculations. The drainage report project narrative shall describe this system as well."

This comment is rescinded with the proviso that the property owner prepares and signs a Hold Harmless Agreement with the Town of Orangetown/Sewer Department, that indemnifies the Town and that states that if the drainage piping from the Carport roof ever needs to be removed in order to repair, reconstruct, maintain the existing sanitary main, the Owner shall be responsible for all costs associated with any repair and or replacement of the piping system. The precise language of the agreement shall be coordinated with the Town of Orangetown Town Attorney's Office. The Hold Harmless Agreement shall be submitted to DEME and the Town Attorney's Office for review and approval.

**14. The revised drainage calculations submitted are under review. However, determination of groundwater elevations shall be performed at all of the of the proposed subsurface detention system location. 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.**

**15. DEME is aware that, as per DEME recommendation to the Board in our letter of 8/16/23, the applicant/ applicant's attorney has prepared a Hold Harmless agreement for the proposed work (at grade wooden walkway & 6-inch drain pipe) within the Town of Orangetown Sanitary Sewer Easement for filing.**

**16. A detailed plan and elevation view shall be provided for the proposed dual 48-inch stormwater detention system, which shows: interconnection via manifold, top & invert elevations, etc. Only a cross-section is provided.**

1. 100% COMPLETE  
2. 100% COMPLETE  
3. 100% COMPLETE

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**17.** A profile for the proposed 6-inch carport drainage piping shall be added to the plans.

**18.** All drainage piping materials shall be labeled on the plans, profiles and details.

**19.** Sheets 2 & 3 label the "P Storm inlet/ outlet" manhole as #4. However, the detail for same on sheet 5 labels it as manhole #2. The labels shall be coordinated.

**20.** A note shall be added to sheets 2 & 3 saying "The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of **ANY** work being done on or near the existing sanitary sewer main and or the proposed sanitary building connection."

**21.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

**22.** The Town of Orangetown Bureau of Fire Bureau reviewed the submitted information and had no comments at this time.

**23. Drainage Review Recommendation – Brooker Engineering**  
The application has demonstrated that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering therefore recommends that the Fisher 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 review was dated July 11, 2023. The proposed action consists of the construction of a new single-family home, deck, detached carport, and walks. The lot contains steep slopes and slopes downhill to the east, towards Berachah Avenue. The lot has street frontage on both Berachah Avenue and College Avenue; access to the site is from the uphill Berachah Avenue. The home portion of the development, including the stormwater management detention system, is located on the portion of the lot that fronts directly on Berachah Avenue. The area containing the carport is located uphill of an adjacent off-site developed downhill lot; stormwater runoff will be piped from the carport to the stormwater management system around this adjacent lot. The proposed drainage detention system has capacity to store six inches of rainfall runoff over the new 1,830 SF of impervious area.

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**Continuation of Condition #23 ...**

**Project Comments:**

1. As per the July 11, 2023 drainage review, change the label on "Inlet/Outlet Manhole #2" on the Detail Sheet to "Inlet/Outlet Manhole #5 to match the Grading Plan.
  2. As per the July 11, 2023 drainage review, the drainage calculations support the no net increase in peak runoff rates; however, Brooker Engineering recommends the 12-inch overflow pipe elevation be raised from the proposed elevation of 290.6 to take full advantage of the storage available in the 48-inch pipes for the 100-year storm. If this cannot be accomplished, provide a narrative response that supports why the change cannot be made.
- 24. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:**
- The Bulk Table on the Site Plan by Sparaco & Youngblood, PLLC indicates that the property is within the RG-8H zoning district per Map #7769 filed June 22, 2005. The GML Referral Form and the GIS Mapping data maintained by the Rockland County GIS Division (updated to reflect the adoption of Orangetown Local Law 3 of 2022), indicates that the subject property is zoned R-12HC. According to Section 3.13, lots within the R-12HC zoning district are subject to the bulk requirements of the R-12H district. This discrepancy must be resolved and the Bulk Table corrected.
  - Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the over utilization of individual sites. The proposal exceeds the maximum lot coverage for the R-12H and RG-8H districts by 11% and 67%, respectively. We caution the Town to consider precedent before granting substantial variances for lot coverage. This bulk standard, in particular, can define neighborhood character. Granting development coverage variances of great magnitude will set a precedent that may result in nearby property owners seeking the same relief. An increase of impervious surface area will result in a neighborhood characterized by less green space and may also lead to increased stormwater runoff. The Planning Board must consider the cumulative and community impacts of permitting such development. Given that this is steeply sloped site, subject to significant lot area deductions, and located within the Mountainous Area critical environmental area, we recommend that the proposal be scaled back to more closely comply with the maximum lot coverage standard.

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OCT 26 2023  
TOWN OF ORANGETOWN

**PB #23-04: Fisher Site Plan  
Critical Environmental Area-South Nyack  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDG #1784-22**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #24 ...**

- To help reduce the impact of this development, a reduction of impervious surfaces should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.
- A review must be completed by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- As question 12b of the Short Environmental Assessment Form (SEAF) is answered affirmatively, a review must be completed by the NYS Office of Historic Preservation.
- 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.
- Despite a stormwater pollution prevention plan (SWPPP) not being required, due to the steep slopes on the site, the Planning Board must be satisfied that the hydrologic analysis prepared for the subject site and the proposal for managing construction and post-construction stormwater is adequate.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the RC Department of Health prior to construction.
- Water is a scarce resource in Rockland County; thus, proper planning and phasing of this project is critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

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**Town of Orangetown Planning Board Decision**  
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**Continuation of Condition #24....**

- The Narrative in the November 21, 2022 letter from Kier B. Leveque Architect states that a lot coverage of 61% is being requested. The Bulk Table on the Site Plan indicates a lot coverage of 50% is proposed. All application materials should be consistent and accurate.
- The lot coverage calculations must be broken down in further detail, such as by structure and other sites improvements, rather than just impervious surfaces.
- Sheet 1 of the site plan by Sparaco & Youngblood PLLC depict the slopes of the property as patterns, which are overlain with different features, making the plan difficult to read. A separate sheet must be used to illustrate the slopes.
- The Hudson Valley Natural Resources Mapper identifies 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 development impacts with an SBA. Proactive planning that avoids or minimizes impact to the habitat of important areas and maintain habitat connections for wildlife movement will contribute to the long-term biodiversity of the region.

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

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

**26. 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.**

**27. Orange and Rockland Utilities reviewed the submitted information and offered the following comment:**

The proposed work will most likely be in conflict with the existing gas facilities. Please contact O&R's new business department for any disconnects/reconnects. All code 753 rules must be followed.

BLDG DEPT  
OCT 25 2023  
HUTCHINSON AG 11101

**Town of Orangetown Planning Board Decision**  
**October 25, 2023**  
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**28.** 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

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

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

**31.** 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.

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

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

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

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TOWN OF ORANGETOWN  
PLANNING BOARD



**Town of Orangetown Planning Board Decision**  
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**Page 15 of 16**

**Continuation of Condition #32...**

- 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.

**33.** 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.

**34.** 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.

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

**36.** 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).

RECEIVED 10/26/23

10/26/23 10:00 AM

10/26/23 10:00 AM

**PB #23-04: Fisher Site Plan  
Critical Environmental Area-South Nyack  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDG #1784-22**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
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**37. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.**

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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and seconded Andrew Andrews and carried as follows: Thomas Warren, Chairman – aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, absent; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent; 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: October 25, 2023**  
Cheryl Coopersmith  
Town of Orangetown Planning Board  
Attachment



2023 OCT 26 PM 1:10  
TOWN OF ORANGETOWN  
PLANNING BOARD

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

**PB #23-04: Fisher Site Plan  
Critical Environmental Area-South Nyack  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDG #1784-22**

**Town of Orangetown Planning Board Decision  
October 25, 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: Fisher Site Plan - Critical Environmental Area-South Nyack**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

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

**LOCATION:** The site is located at 7 Berachah Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.61, Block 1, Lot 19.2 in the RG-8H zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

RECEIVED  
OCT 26 2023  
TOWN OF ORANGETOWN

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
Page 1 of 15**

**TO: Donald Brenner, 4 Independence Avenue, Tappan  
New York 10983  
FROM: Orangetown Planning Board**

**RE: South Orangetown Ambulance Corp. Site Plan:** The application of South Orangetown Ambulance Corp, owner, for Final Site Plan Review at a site to be known as **"South Orangetown Ambulance Corp 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 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 70 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lots 38 & 40 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Monday, October 7, 2019 and Wednesday, October 25, 2023**, the Board made the following determinations:

**October 7, 2019:**

Kier Levesque, Pete Roimisher, Jay Greenwell, and Donald Brenner appeared and testified to the Board.

The Board received the following communications:

1. Project Review Committee Report dated October 2, 2019.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated October 4, 2019.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 3, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 29, 2019.
5. Letter and notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated September 20, 2019 and Michael Kezner, dated September 11, 2019.
6. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated September 26, 2019.

2023 OCT 25 PM 4:00  
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TOWN OF ORANGETOWN

**PB #19-67: South Orangetown Ambulance  
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**Permit #49091**

**Town of Orangetown Planning Board Decision  
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7. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated August 29, 2019.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 18, 2019.
9. Plans prepared by Jay Greenwell, PLS, dated October 23, 2018, revised as noted:
  - Survey of Property
  - Subdivision Plan
  - Site Plan for Proposed Addition, revised January 9, 2019
  - Grading, Drainage & Utility Plan, revised January 9, 2019
  - Details Plan, dated November 20, 2018, revised December 12, 2018
10. Plans prepared by Yost Design:
  - Landscaping Plan, dated February 14, 2019
  - Lighting Plan, dated February 19, 2019
11. Architectural Plans prepared by Kier Levesque, RA, dated May 1, 2019, with color renderings:
  - A-2: First Floor Plan
  - A-3: 1<sup>st</sup> Floor Plan: Exist. Operation & Garage
  - A-4: Floor Plan: Garage
  - A-5: 2<sup>nd</sup> Floor Plan: Rest Rooms & Meeting Room
  - A-6: 2<sup>nd</sup> Floor Plan: Rest Rooms & Meeting Room
  - A-7: Elevations
12. Project narrative prepared by Donald Brenner, dated August 12, 2019.
13. Percolation Test Results, prepared by Fairway Testing dated Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, PE, PLLC, dated December 4, 2018.
14. Short Environmental Assessment Form dated August 13, 2019.

The applicant requested a **CONTINUATION** in order to proceed to the Town of Orangetown Zoning Board of Appeals for a review.

**October 25, 2023**

Kier Levesque, Donald Brenner and Jay Greenwell appeared and testified for the applicant:

The Board received the following communications:

1. Project Review Committee Report dated October 11, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated October 19, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 20, 2023.

CLERK OF BOARD OF APPEALS  
TOWN OF ORANGETOWN  
OCT 25 2023

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
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4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief, dated October 10, 2023.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 18, 2023.
6. Letter and notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 18, 2023 and Jake Palant, dated September 21, 2023.
7. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated October 6, 2023.
8. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated September 13, 2023.
9. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, dated September 25, 2023 and notice dated September 22, 2023.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 18, 2023.
11. Project narrative.
12. Percolation Test Results, prepared by Fairway Testing dated September 22, 2023.
13. Email from Teppei Lharada, neighbor to the project site, dated October 25, 2023.
14. Submitted at the meeting, letter from the Orangetown Fire Chiefs Council, signed by Thomas Abraham, dated October 25, 2023.  
Dan Sullivan, Chair, dated September 18, 2019.
15. Plans prepared by Jay Greenwell, PLS, dated October 23, 2018, revised as noted:
  - Site Plan for Proposed Addition, revised August 9, 2023
  - Site Plan for Proposed Addition, revised January 9, 2019
  - Grading, Drainage & Utility Plan with Erosion Control, revised August 8, 2023
  - Details Plan, dated November 20, 2018, revised August 8, 2023
16. Plans prepared by Yost Design:
  - Landscaping Plan, dated February 14, 2019, revised August 14, 2023
  - Lighting Plan, dated February 19, 2019, revised August 14, 2023

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

1-23-2023  
PLANNING BOARD  
OCTOBER 25, 2023

**PB #19-67: South Orangetown Ambulance  
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Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

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**Town of Orangetown Planning Board Decision  
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**Public Comments:**

Kenneth Gordon, 19 Edgewood Drive, representing the Orangeburg Fire Chiefs Counsel, noted that space is needed for training and backup ambulances are necessary. He was in support of the site plan.

Peter Roimisher, Blauvelt resident, reviewed the list of equipment reflects the need of space to house everything. He wants to work with the neighbors to make proper screening of the site.

Ari Sapush, 16 Thomas Circle, Tappan; held that the neighbors are working with SOAC with a "Handshake Agreement" to provide privacy screening and noise mitigation for the proposed generator.

There being no one else to be heard from the Public, a motion was made to Michael Mandel-Vice Chairman and second 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, absent; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

**SEQRA**

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

On motion by Andrew Andrews and seconded by Michael Mandel, Vice Chairman and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, absent; Michael McCrory, aye; 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.

RECEIVED  
TOWN OF ORANGETOWN  
OCT 26 2023

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
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**Permit #49091**

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

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

PLANNING BOARD  
TOWN OF ORANGETOWN  
OCT 25 2023



**PB #19-67: South Orangetown Ambulance  
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**Permit #49091**

**Town of Orangetown Planning Board Decision  
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On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, absent; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member) 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant must obtain the following variances when applying for Site Plan Review:  
**Maximum FAR:** Required is 20%, existing 34% and proposed 21%.  
**Front Yard;** Required is 100', previously approved is 10', 4.3' existing.  
**Side Yard;** Required is 75', previously approved is 19.1, 18.9' existing.  
**Rear Yard;** Required is 100', previously approved is 14.4', proposed 4.2'.  
**Max building height;** Required is 3'/ft., with 20'-7" existing and proposed.
4. The Site, Building and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review. A landscaping plan shall be submitted that notes landscaping behind the building additions. Plantings shall be noted near the generator to provide noise abatement.
5. 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.

IN 100 SOUTH TOWN  
HEAVY DEPT. 100  
RECEIVED 10 20 2023

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
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Subject to Conditions/ Neg. Dec.**

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**Town of Orangetown Planning Board Decision  
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**6. The Short Environmental Assessment Form (SEAF) must be revised as follows;**

Item number 12b shall be checked YES  
Item number 20 shall be checked YES

**7. The total area of disturbance (a.o.d.) shall be added to the plan. The applicant/ applicant's engineer is reminded that if the a.o.d. exceeds one (1) acre, a full SWPPP shall be submitted to DEME for review and approval.**

**8. The drainage calculations are currently under review. However, the calculations shall state if the perc rate given is assumed or based on a field perc test. If the perc rate is assumed, soil borings, perc tests and determination of groundwater elevations shall be performed at the drywell locations. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest. The applicant's engineer shall provide a copy of the field perc test results to DEME and the Building Department for review and approval.**

**9. The existing ambulance site (Lot #74.18-3-40) has an existing drywell located within its parking area. The drainage calculations shall be revised to analyze the volume of stormwater/ impervious area that this drywell is capturing/ handling. Based on these calculations, additional stormwater facilities shall be designed and shown to capture the equivalent amount of impervious area (beyond/ above what has already been designed and proposed. This is required because the existing drywell is labeled as to be removed and the stormwater that is handling must be replaced.**

**10. The applicant/ applicant's engineer shall consider reducing the amount of impervious area (pavement) for the site. This will reduce not only stormwater runoff but the drainage facilities need to store it.**

**11. Profiles for all proposed drainage piping shall be added to the plans**

**12. Soil erosion and sediment control devices shall be shown along the northern property line of existing Lot #74.18-3-39 and the eastern property of Lot #74.18-3-40.**

**13. The proposed drainage manhole on the west side of Independence Avenue shall be revised to be a catch basin.**

RECEIVED  
OCT 26 2023  
TOWN OF ORANGETOWN

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
Page 8 of 15**

**14.** The plans currently show regrading within the Town owned Right-of-Way. The applicant shall obtain written approval from the Superintendent of highways for this proposed work. Also, the Town of Orangetown Highway Department shall be notified at least 48 hours prior to any and all work being performed in the Town R.O.W. A note stating the same shall be added to the drawings.

**15.** The sanitary house connection for existing Lot #74.18-3-39 shall be shown on the plan.

**16.** The sanitary house connection for Lot #74.18-3-39 shall be labeled and noted to be cut and capped at the main, across Independence Avenue.

**17.** A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this site plan.

**18.** The driveway opening for the new parking area is too wide, the driveway width shall be reduced to 20 feet wide.

**19.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)

**20.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town 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.

**21.** Typical details shall be included with the drawings (i.e. pavement, curbing, catch basin, etc.)

**22.** A Performance Bond will be required for this Site Plan, the value to be established in a separate letter.

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

2-2000 SHERIDAN RD.  
NORTH V. DE ALA BUL  
1001-10000 10-11-01

**PB #19-67: South Orangetown Ambulance  
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Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
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**24. Drainage Recommendation – Brooker Engineering**

**Drainage Review Recommendation-** The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. We therefore recommend that the South Orangetown Ambulance Corps Site Plan and Resubdivision be approved for drainage subject to no conditions.

**Project Description**

This is the second drainage review report for this project; the last review was dated September 29, 2019. The project consists of merging two lots and the construction of an addition on the south side of the existing South Orangetown Ambulance Corps building. A new parking lot will be built south of the proposed addition. An existing dwelling will be removed on the former tax lot. The ground slopes downhill to the south and a swale is located in the middle of the southern property line. Stormwater runoff flows downhill to the swale from the front and rear yards. The project proposes stormwater mitigation in the form of four drywells for about 5,805 square feet of additional impervious area.

**Project Comments**

1. As per the September 29, 2019 drainage review, provide more detail of the swale in the back of the proposed addition, particularly in the area where the building is setback 4.2 feet away from the property line. The design shall show positive drainage away from the building without affecting the neighboring property.
2. As per the September 29, 2019 drainage review, provide existing and proposed conditions drainage subarea maps with breakdowns of impervious coverage. Include the drainage sub-basin intended to be conveyed to the drywell system as per the Grading Plan.
3. As per the September 29, 2019 drainage review, the proposed grading shows the existing swale that travels south through the backyards as remaining. Label the "swale to remain" to ensure construction maintains the design and for ease of inspection.
4. As per the September 29, 2019 drainage review, overflows from the new field inlet along the north property line shall not inundate the neighboring property. Minor revisions to the elevations of the overflow swale can be shown to accomplish this.
5. As per the September 29, 2019 drainage review, soil tests shall be performed to verify the assumed percolation. Separation to groundwater should be verified.

2023 OCT 25 PM 4:00  
TOWN OF ORANGETOWN  
PLANNING BOARD

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #24...**

6. Label the pipe diameter and slope for the outlet pipe from the proposed field inlet with the rim elevation of 143.0.
7. Add a field inlet instead of a cleanout at the junction between the drywell overflow pipe and the upstream drywell bypass pipe.

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

- The proposed addition is 4.2 feet away from the southwest corner of Lot 74.18-3-19, encroaching into the required rear yard by approximately 95%. The subject site is located within a medium density residential district with a single-family residence on lot 19. Additionally, a substantial height variance is required for this addition that is in close proximity to an existing residence. It is recommended that the proposed structure be reduced in size and the rear yard be supplemented with a landscaped buffer to mitigate the visual and auditory impacts that the proposed building will have on the adjoining residence.
- The project narrative for the site plan application indicates that at the prior Planning Board Meeting, a request was made to scale down the size of the project and that "a reduced design is being provided." This statement must be clarified. The site plan dated January 9, 2019 included a building addition of 2,700 square feet, while the addition was changed to 3,846 square feet on the June 6, 2023 site plan. The August 9, 2023 site plan is identical to the June, 2023 site plan. If there are intentions to reduce the scale of this proposal, then the site plan must include those revisions before being submitted to the Planning Board for review and approval. Additionally, any changes to the application shall be referred back to Rockland County Department of Planning for review.
- The applicant must comply with the conditions of the Rockland County Highway Department in their revised letter of September 27, 2023.
- A review must be completed by the County of Rockland Department of Health to ensure compliance with the County Mosquito Code.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Bureau of Fire Prevention, 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.

RECEIVED  
OCT 30 2023  
TOWN OF ORANGETOWN

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
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**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
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**Continuation of Condition #25...**

- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the 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.
- The parking calculations provided on the site plan indicate that one parking space is required per 200 square feet of floor area. This results in a minimum parking requirement of 57 parking spaces and a 68% deficit. The denied Application for Building Permit does not list a parking variance as being required. If an additional variance is required for parking, then it must be forwarded to Rockland County Department of Planning for review.
- 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. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by Corp members.
- 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.
- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increased demand for energy and will pull that energy from the grid. The proposed building additions will provide additional surface area that may be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered based on Article XVII Soar Energy Permitting of the Orangetown Code. Likewise, the building should be designed and constructed to maximize energy efficiency.

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**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #25...**

- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of publicly available electric vehicle (EV) charging stations. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal is the electrification of our transportation system through the expanded installation of EV charging infrastructure. With U.S. auto makers predicting that approximately one-half of new vehicles sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for the site and its residents. Rockland County Department of Planning urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.

**26. The Rockland County Department of Health offered the following comment:**

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

**27. The Rockland County Highway Department reviewed the submitted information and offered the following comments:**

- The subject parcel appears to be undersized for the proposed action as the plan requires several variances from the applicable bulk standards. The acceptance of the proposed action would result in overdevelopment of the individual lot in the district. The cumulative of such overdevelopment in the district would certainly contribute to traffic congestions, street parking and flooding issues, and lead to substandard developments in the area. The applicant will have to investigate the above concerns and mitigate them reasonably.
- A lot line disclaimer shall be prepared and recorded in the Rockland County Clerk Office as noted in the site plan.
- The applicant shall demonstrate that the proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- The proposed addition would be facing directly the on-coming traffic across the roadway, and it would become a traffic/ public safety concern. The applicant shall have to investigate the concern and provide potential traffic safety measures.

**28. 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.**

RECEIVED  
SEAL OF ROCKLAND COUNTY  
TOWN OF ORANGETOWN

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
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29. Orange and Rockland Utilities reviewed the submitted plans and found that there should not be any conflicts with the existing gas facilities. Please contact O&R's new business department for all load increases. All 753 rules must be followed.

30. 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

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

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

33. 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.

**34. 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

RECEIVED OCT 26 2023  
SEAL OF THE TOWN OF ORANGETOWN  
TOWN OF ORANGETOWN



**PB #19-67: South Orangetown Ambulance  
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**Town of Orangetown Planning Board Decision  
October 25, 2023  
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**Continuation of Condition #34...**

- 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.

**35.** All landscaping shown on the Site plan 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.

**36.** 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.

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

RECEIVED SANCTUARY CHURCH  
SEP 10 11 00 AM 2023  
TOWN OF ORANGETOWN

**PB #19-67: South Orangetown Ambulance  
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**Permit #49091**

**Town of Orangetown Planning Board Decision  
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38. 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 (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants 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).

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

40. 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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Lisa DeFeciani and carried as follows: Thomas Warren- Chairman, aye; Michael Mandel- Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, absent; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, 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 25, 2023  
Cheryl Coopersmith  
Town of Orangetown Planning Board  
Attachment**



RECEIVED  
OCT 26 2023  
TOWN OF ORANGETOWN

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

**PB #19-67: South Orangetown Ambulance  
Corp. Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #49091**

**Town of Orangetown Planning Board Decision  
October 25, 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: South Orangetown Ambulance Corp – Site Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 70 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lots 38 & 40 in the R-15 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:

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

SE-11-V 06 NOV 2023  
RECEIVED TO MM01

**PB#23-48: Reapproval of PB#19-66, South Orangetown Ambulance Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
Page 1 of 9**

**TO: Donald Brenner, 4 Independence Avenue, Tappan  
New York 10983  
FROM: Orangetown Planning Board**

**RE: South Orangetown Ambulance Corp. Resubdivision Plan:** The application of South Orangetown Ambulance Corp, owner, for Reapproval of PB #19-66, Final Resubdivision Plan Review at a site to be known as **"Reapproval of Final Resubdivision Plan for South Orangetown Ambulance Corp"**, 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 70 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lots 38 & 40 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 25, 2023**, the Board made the following determinations:

Donald Brenner, Kier Levesque and Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated October 11, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated October 19, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 20, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief, dated October 10, 2023.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 18, 2023.
6. Letter and notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 18, 2023 and Jake Palant, dated September 21, 2023.
7. Letter and notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated October 6, 2023.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated September 22, 2023.

RECEIVED  
OCT 30 2023  
TOWN OF ORANGETOWN

**PB#23-48: Reapproval of PB#19-66, South Orangetown Ambulance Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated September 18, 2023.
10. Project narrative.
11. Submitted at the meeting, letter from the Orangetown Fire Chiefs Council, signed by Thomas Abraham, dated October 25, 2023.  
Dan Sullivan, Chair, dated September 18, 2019.
12. Re-Subdivision Plans prepared by Jay Greenwell, PLS, last revision date August 29, 2023.

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

There being no one to be heard from the Public, a motion was made to Michael Mandel-Vice Chairman and second 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, absent; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, aye.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Reapproval of PB#19-66, Final Resubdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Re-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. 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.

TOWN OF ORANGETOWN  
PLANNING BOARD  
OCT 25 2023

**PB#23-48: Reapproval of PB#19-66, South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
Page 3 of 9**

**3. The applicant must obtain the following variances when applying for Site Plan Review:**

**Maximum FAR:** Required is 20%, existing 34% and proposed 21%.  
**Front Yard:** Required is 100', previously approved is 10', 4.3' existing.  
**Side Yard:** Required is 75', previously approved is 19.1, 18.9' existing.  
**Rear Yard:** Required is 100', previously approved is 14.4', proposed 4.2'.  
**Max building height:** Required is 3'/ft., with 20'-7" existing and proposed.

**4. The Re-Subdivision Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.**

**5. 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.**

**6. The Short Environmental Assessment Form (SEAF) must be revised as follows;**

Item number 12b shall be checked YES  
Item number 20 shall be checked YES

**7. A note shall be added to the Re-Subdivision plan indicating the source benchmark for the referenced datum, including the BM elevation.**

**8. The sanitary house connection for existing lot #74.18-3-39 shall be shown on the plan.**

**9. The sanitary house connection for lot #74.18-3-39 shall be labeled and noted to be cut and capped at the main, across Independence Avenue.**

**10. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this Re-Subdivision.**

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

THAT THE TOWN OF ORANGETOWN  
PLANNING BOARD HAS REVIEWED  
THESE PLANS AND APPROVES THEM  
FOR THE RE-SUBDIVISION OF LOT 74.18-3-39

**PB#23-48: Reapproval of PB#19-66, South Orangetown Ambulance Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
Page 4 of 9**

**12. Drainage Recommendation – Brooker Engineering**

**Drainage Review Recommendation-** The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. We therefore recommend that the South Orangetown Ambulance Corps Site Plan and Resubdivision be approved for drainage subject to no conditions.

**Project Description**

This is the second drainage review report for this project; the last review was dated September 29, 2019. The project consists of merging two lots and the construction of an addition on the south side of the existing South Orangetown Ambulance Corps building. A new parking lot will be built south of the proposed addition. An existing dwelling will be removed on the former tax lot. The ground slopes downhill to the south and a swale is located in the middle of the southern property line. Stormwater runoff flows downhill to the swale from the front and rear yards. The project proposes stormwater mitigation in the form of four drywells for about 5,805 square feet of additional impervious area.

**Project Comments**

1. As per the September 29, 2019 drainage review, provide more detail of the swale in the back of the proposed addition, particularly in the area where the building is setback 4.2 feet away from the property line. The design shall show positive drainage away from the building without affecting the neighboring property.
2. As per the September 29, 2019 drainage review, provide existing and proposed conditions drainage subarea maps with breakdowns of impervious coverage. Include the drainage sub-basin intended to be conveyed to the drywell system as per the Grading Plan.
3. As per the September 29, 2019 drainage review, the proposed grading shows the existing swale that travels south through the backyards as remaining. Label the "swale to remain" to ensure construction maintains the design and for ease of inspection.
4. As per the September 29, 2019 drainage review, overflows from the new field inlet along the north property line shall not inundate the neighboring property. Minor revisions to the elevations of the overflow swale can be shown to accomplish this.
5. As per the September 29, 2019 drainage review, soil tests shall be performed to verify the assumed percolation. Separation to groundwater should be verified.

RECEIVED ORANGE COUNTY  
OCT 26 2023  
TOWN OF ORANGE

**PB#23-48: Reapproval of PB#19-66, South Orangetown Ambulance  
Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 25, 2023  
Page 5 of 9**

**Continuation of Condition #12...**

6. Label the pipe diameter and slope for the outlet pipe from the proposed field inlet with the rim elevation of 143.0.

7. Add a field inlet instead of a cleanout at the junction between the drywell overflow pipe and the upstream drywell bypass pipe.

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

- The proposed addition is 4.2 feet away from the southwest corner of Lot 74.18-3-19, encroaching into the required rear yard by approximately 95%. The subject site is located within a medium density residential district with a single-family residence on lot 19. Additionally, a substantial height variance is required for this addition that is in close proximity to an existing residence. It is recommended that the proposed structure be reduced in size and the rear yard be supplemented with a landscaped buffer to mitigate the visual and auditory impacts that the proposed building will have on the adjoining residence.
- The project narrative for the site plan application indicates that at the prior Planning Board Meeting, a request was made to scale down the size of the project and that "a reduced design is being provided." This statement must be clarified. The site plan dated January 9, 2019 included a building addition of 2,700 square feet, while the addition was changed to 3,846 square feet on the June 6, 2023 site plan. The August 9, 2023 site plan is identical to the June, 2023 site plan. If there are intentions to reduce the scale of this proposal, then the site plan must include those revisions before being submitted to the Planning Board for review and approval. Additionally, any changes to the application shall be referred back to Rockland County Department of Planning for review.
- The applicant must comply with the conditions of the Rockland County Highway Department in their revised letter of September 27, 2023.
- A review must be completed by the County of Rockland Department of Health to ensure compliance with the County Mosquito Code.
- As required by the Rockland County Stream Control Act, the lot merger must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Bureau of Fire Prevention, 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.

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TOWN OF ORANGETOWN



**PB#23-48: Reapproval of PB#19-66, South Orangetown Ambulance Corp. Resubdivision Plan  
Final Resubdivision Plan Approval  
Subject to Conditions**

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**Continuation of Condition #13..**

- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the 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.
- The parking calculations provided on the site plan indicate that one parking space is required per 200 square feet of floor area. This results in a minimum parking requirement of 57 parking spaces and a 68% deficit. The denied Application for Building Permit does not list a parking variance as being required. If an additional variance is required for parking, then it must be forwarded to Rockland County Department of Planning for review.
- 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. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by Corp members.
- 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.
- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increased demand for energy and will pull that energy from the grid. The proposed building additions will provide additional surface area that may be conducive to the installation and use of solar panels. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered based on Article XVII Soar Energy Permitting of the Orangetown Code. Likewise, the building should be designed and constructed to maximize energy efficiency.

APPROVED FOR THE TOWN OF ORANGETOWN  
BY THE PLANNING BOARD  
OCTOBER 25, 2023

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**Continuation of Condition #13...**

- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of publicly available electric vehicle (EV) charging stations. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal is the electrification of our transportation system through the expanded installation of EV charging infrastructure. With U.S. auto makers predicting that approximately one-half of new vehicles sales will be electric by 2030, the availability of charging stations will likely be a positive attraction for the site and its residents. Rockland County Department of Planning urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.

**14. The Rockland County Department of Health offered the following comment:**

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

**15. 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.**

**16. 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

**17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.**

**18. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Re-Subdivision Plan.**

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

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

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

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

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

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

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

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

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

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

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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren- Chairman, aye; Michael Mandel- Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, absent; Tara Heidger, (alternate member), absent; and Lisa DeFeciani, 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 25, 2023  
Cheryl Coopersmith**

**Town of Orangetown Planning Board**

*Cheryl Coopersmith*  
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