

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, September 27, 2023

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

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

New Items:

Jane Ramsay Site Plan		PB#23-42
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 8 Old School House Plan, Orangeburg 74.11/1/1; LI zoning district	Continued	

Caribbean Food Delights Site Plan		PB #23-43
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 117 Route 303, Tappan 74.19/1/2; LI zoning district	Continued to October 11, 2023 Meeting	

Orangeburg Commons Site Plan Amendment		PB #23-44
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review Route 303 and Stevens Way Orangeburg 74.15/1/21.1 – 21.5, & 22; LI zoning district	Final Site Plan Approval Subject to Conditions	

Continued from the April 26, 2023 Meeting:

American Legion/ Convergent Site Plan		PB #23-19
Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review, 690 Route 340, Sparkill 77.12/1/44; LO zoning district	POSTPONED	

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Continued from the October 14, 2020, 2023 Meeting:

Dynamic Productions USA Site Plan

PB #19-13

Prepreliminary/Preliminary/

Continued

Final Site Plan and SEQRA Review

300 Blaisdell Road, Orangeburg

73.20/1/1.2; LIO zoning district

Other Business:

1. Town Board Referral – Proposed Amendment to Town Code, Chapter 24 "Parking Lots & Meters" Chapter 39 "Vehicles & Traffic/ Hamlet of South Nyack. The Board reviewed the information and consented to the Town Board to be Lead Agency in SEQRA Review.

The decisions of the September 13, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption 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.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 9: 34 p.m. The next Planning Board meeting is scheduled for October 11, 2023.

Dated: September 27, 2023

Cheryl Coopersmith

Town of Orangetown Planning Board



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Permit #010872

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**TO: Noelle Wolfson, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601**
FROM: Orangetown Planning Board

RE: Orangeburg Commons Site Plan Amendment: The application of FB Orangetown Retail Three LLC, owner, for Preliminary/ Preliminary/ Final Amendment to Site Plan Review at a site known as “**Orangeburg Commons Site Plan Amendment**” 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 Route 303 and Stevens Way, in the Route 303 Overlay Zone, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lots 21.1, 21.2, 21.3, 21.4, 21.5 and 22 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 27, 2023**, the Board made the following determinations:

Noelle Wolfson, Chirag Thakkar, Ron Rieman and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 13, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 22, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 22, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 8, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 27, 2023.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 22, 2023 and a Notice from Jake Palant dated August 25, 2023.
7. Notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, dated September 18, 2023.
8. Letter and Notice from the Rockland County Environmental Health, signed by Elizabeth Mello, PE, dated September 8, 2023
9. Email from Rockland county Drainage Agency from Liron Derguti, Engineer I, dated August 28, 2023.
10. A letter from the Rockland County Sewer District #1, signed by Nicholas King, Engineer I dated September 11, 2023.

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11. Letter from the New York State Department of Transportation, signed by Brandon Robuck, PE, dated August 21, 2023.
12. Letter from Palisades Interstate Park Commission, signed by Joshua Laird, Executive Director, dated July 31, 2023.
13. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella, dated August 16, 2023.
14. Copy of Building Permit, dated July 19, 2023, signed by Rick Oliver, Building Inspector, Town of Orangetown.
15. Copy of Town Board Resolution #345, dated September 27, 2023.
16. Copy of the Full Environmental Assessment Form, dated by FB Orangetown Entities, dated April 19, 2023.
17. Letter from Colliers Engineering & Design; Traffic Report, dated April 14, 2023, signed by Peter Russillo, PE and Ronald Rieman.
18. Plan prepared by Bhatt Thakkar Engineering,; EX-IM – Impervious Reduction Exhibit, dated September 14, 2023.
19. Color renderings of the proposed use, prepared by Onyx Creative, undated.
20. Plans prepared by Bhatt Thakkur Engineering, Jay Greenwell, PLS and Colliers Engineering & Design, dated August 7, 2023:

- GI-001: Cover Sheet
- DM-100: Existing conditions & Demolition Plan
- CS-100: Master Plan
- CS-101: Site Plan
- CS-501: Site Construction Details
- CG-100 Grading Plan
- CG-110: Drainage Plan
- CE-100: Soil Erosion and Sediment Control Plan
- CE-501: Soil Erosion and Sediment Control Plan Details
- CU-100: Utility Plan
- CU-301: Utility Profiles
- CU-501: Notes and Construction Details
- SC-100: site Plan Cap
- LP-100: Landscape Plan
- LT-100: Lighting Plan
- LP-501: Landscape and Lighting Details

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

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting 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.

SEQRA

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Department of Planning, Rockland County Department of Health, Rockland County Sewer District No. 1, Town of Orangetown Zoning Board of Appeals and New York State Department of Transportation and having reviewed proposed Site Plans, 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 our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Michael Mandel, Vice Chairman, and second 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 Final Site Plan Approval Subject to the following Conditions:**

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

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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. 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. This information shall be noted on the Site Plan.

4. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

5. Separate signage application(s) must be submitted for any proposed individual building signage.

6. The actual total signage square footage for the pylon sign shall be provided to demonstrate compliance with 4.32(O) vi (a), maximum permitted sign area of 300 square feet per side.

7. The total signage square footage for the property shall be provided to include the proposed monument sign. Of note, the site plan indicates a new "pylon sign" and page CS-501 indicates a new "monument sign". Site plan must be corrected.

8. 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.

9. To date, DEME has not received the required annual stormwater inspection report for this site (due by June 1st of each year.) Therefore, the applicant is advised that DEME will not "sign-off" on the project while the report is outstanding.

10. A SWPPP shall be prepared for this site plan, and submitted to the Department for review and approval. The project is subject to a SWPPP given the fact that it is part of a larger common plan of development. However, given the facts that, the proposed area of disturbance is less than an acre, there is a reduction in previously approved overall total of impervious surfaces and that water quality and quantity measures have already been constructed on the site to treat the stormwater runoff from these proposed areas, no new post construction stormwater quality or quantity are required.

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- 11.** The total area of disturbance shall be added to the drawings and included in the SWPPP.
- 12.** The drawings shall clearly show, label and dimension (in square feet) all existing impervious areas that are to be converted to pervious surfaces.
- 13.** The applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied with. The applicant shall contact the Town's F.O.G. Coordinator to determine this application's compliance with the F.O.G. program. The sizing of the proposed grease traps will also be provided and coordinated with the F.O.G. coordinator.
- 14.** The Soil erosion and sediment control symbols shall conform to NYSDEC standards.
- 15.** All proposed soil erosion and sediment control practices shall conform to the *New York State Standards and Specifications for Erosion and Sediment Control* (2016) manual. For example, the "concrete truck washout" detail differs from the standard.
- 16.** Updated sanitary calculations for the proposed site improvements, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include the original design flows for the specific project locations as well as revised/ new flow calculations.
- 17.** A profile for the proposed force main for Tenet A shall be added to the drawing set. Also, all profiles shall include all utility crossings.
- 18.** A manhole frame and cover detail shall be added to the drawings. Also, the manhole detail on drawing CU-501 shall be revised to remove the words "Town of Orangetown" and replace with "Sanitary Sewer."
- 19.** All proposed sanitary building connections shall be revised to 6-inch diameter

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20. The following notes shall be added to the drawings (CS-101, CU-100):
- a. "The proposed private sanitary sewer main/ extension shall be installed (including the new building connections/ taps), inspected, tested, and accepted **PRIOR** to the buildings' sanitary sewer lines being connected."
 - b. "Sanitary sewer infiltration and exfiltration limit is 100 gallons per inch diameter per mile per day. Certificates of occupancy may not be requested, nor any occupancy permitted, until a certificate of compliance certified by a Licensed NYS Professional Engineer is submitted to and approved by the Town of Orangetown. Copies of this certificate shall also be sent to the Rockland County health Department."
 - c. "All manholes are to be vacuum tested as required by the Town of Orangetown."
 - d. "All gravity building connections shall be designed with a minimum slope of 2%."
 - e. "As-Built sanitary sewer plans and profiles are to be submitted to the Town of Orangetown Sewer Department and the Rockland County Health Department for review and approval upon completion of the improvements."
 - f. "The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of **ANY AND ALL** construction being done on or near the any of the existing or proposed sanitary sewer improvements and or the proposed sanitary building connections."
21. The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments:
- Show the Fire Apparatus, with the attached dimensions, can maneuver the property from both directions.
 - Show building height. Ariel Fire Apparatus access is required for buildings over 30'. Access road minimum width is 26' and shall be no closer than 15' or further than 30' to the building and shall be positioned parallel to one entire side of the building. IFC D105.
 - Hydrant shown to be relocated at Tenant A should be moved to the peninsula north of Tenant A exit driveway.

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

22. Brooker Engineering Drainage Review

Recommendation: The application has provided sufficient information to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation. Stormwater runoff is being reduced compared to the original approved Site Plan, existing drainage patterns are being maintained, and the existing stormwater management facility provides drainage mitigation. Brooker Engineering therefore recommends that the Orangeburg Commons Preliminary/Amended Site Plan be approved for drainage at this time.

Project Description This is the first drainage review report for this project. The proposed action consists of the construction of two new outparcel commercial buildings with a total building footprint of 7,168 square feet. Stormwater runoff from the disturbed area flows north to a piped storm drainage system which is conveyed to the stormwater management pond in the front (east side) of the parcel. Stormwater runoff will be slightly reduced as a result of the proposed action as the overall impervious area is reduced by 1,494 SF (as noted on Drawing CS-100). The existing stormwater management facility has been designed to provide water quality and quantity mitigation as part of the original approved site plan; please note the last Amended Site Plan was approved for drainage as per our October 28, 2014 drainage review letter.

Project Comments Brooker Engineering has no Project Comments for this application. Drainage Review

23. Rockland County Department of Planning had the following comment which is incorporated herein as a condition of approval:

- The Town of Orangetown did extensive research over a two-year period to create the Route 303 Overlay Zoning District, working with county, state and federal agencies, as well as the public, to ensure that the resulting zoning requirements would provide strategies to improve the roadway's operation, aesthetics, and safety aspects. Safety aspects are of utmost importance, as this was one of the underlying reasons for the study. The Town must ascertain if the proposed development will result in meeting the intent and scope of the Route 303 Sustainable Development Study. Furthermore, the Town shall be satisfied that all applicable provisions of the Route 303 Overlay Zone, outlined in Art. XIII, Sec. 13.10B of the Town Zoning Code, have been addressed on the amended site plan.

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Continuation of Condition #23

- An updated review of the August 17, 2023 site plan must be completed by the Rockland County Department of Health to ensure compliance with Article XIX of the Rockland County Sanitary Code.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A storm water pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (January 2015) and local ordinance.
- Water is a scarce resource in Rockland County, thus proper planning and phasing of this project are critical to supplying the current and future residents of Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a PE and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health.
- Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for snow piles will reduce the loss of available parking spaces meant to be used by customers and employees. In addition, designating specific areas will help to protect the landscaping from damage due to the weight of the snow and salt intrusion.
- All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- A garbage truck circulation plan must be provided showing that access to the garbage enclosure is feasible.
- A review must be completed by the County of Rockland Office of Fire and Emergency, the Town of Orangetown Fire Inspector or the Orangeburg Fire District to ensure that the site is designed in a safe manner.
- A truck circulation plan must be provided showing that there is safe and sufficient maneuverability on the site or emergency vehicles.

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- Sheet DM-100 shows the most of the existing surrounding parking will be removed and repaved. While the net development coverage will decrease, it is recommended that a further reduction on 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. The use of green infrastructure is important due to the potential for existing wetlands remaining on the site as well as due to the fact that there has been a loss of wetlands.
- The project description on the application form states that a 4,612 square foot building shell is proposed for 74.15-1-21.2, while the site plan shows this as 74.15-1-21.3. The application must be corrected. If there is any incorrect information on the public hearing notice, then it must be revised and reissued.

24. The Rockland County Health Department's (RCDOH) letter of June 7, 2018 requests the following:

1. Application is to be made to the RCDOH for Sanitary sewer extension approval. Sewer capacity analysis is to be included.
2. Application may be required for a water main extension approval. Ownership of the existing water mains is to be provided.
3. Permit for the kitchens will need to be obtained from the RCDOH.
4. Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

25. 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.

26. The Palisades Interstate Park Commission (PIPC) has concerns that the modification has potential to result in visual impacts on the PIPC. A visual analysis of the proposed structures, signs, lighting, and other associated facilities is necessary to provide an informed opinion regarding these potential impacts. If this is available, the PIPC requests that it be shared either by mail or via email.

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

- Rockland County Department of Health
- Rockland County Highway Department
- Rockland County Drainage Agency
- New York State Department of Environmental Conservation
- Town of Orangetown Zoning Board of Appeals

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

29. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans 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:

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Continuation of Condition #32...

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.

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. 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).

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

37. 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

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

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

Overrides

The Board made motions to override Conditions #2, #3, #4, #6, and #18 of the September 19, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#2: A review must be completed by the Rockland County Department of Highways, and all required permits obtained.

#3: A review must be completed by the New York State Department of Transportation and any required permits obtained.

#4 A review must be completed by the Palisades Interstate Park Commission and all required permits obtained.

The Board held that no permits are required from these agencies.

A motion to override the condition was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, aye; Kevin Farry, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent and Michael McCrory, aye.

#6. According to the Rockland County GIS and the Hudson River Natural Resources Mapper, there are Federal wetlands on the subject property, however the 2013 through 2023 aerial imagery made available the Rockland County GIS division shows that construction has occurred where these wetlands are located. The location of any remaining wetlands must be delineated and shown on the site plan and the Town must be satisfied that no existing wetlands are disturbed by this development. The continued loss of wetlands has exacerbated flooding problems throughout the county and is a Countywide concern. If it is determined that any federal wetlands remain on the site, permits from the United States Army Corps of Engineers and /or the NYS DEC may be required.

TOWN CLERK'S OFFICE

2023 OCT 31 P 1:33

TOWN OF ORANGETOWN

**Orangeburg Commons Site Plan – Amendment to
Final Site Plan Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

September 27, 2023

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Continuation of Overrides....

The Board held that no new disturbance is in the area.

A motion to override the condition was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, aye; Kevin Farry, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent and Michael McCrory, aye.

#18. The Designated Street Line (DSL) must be indicated on the site plan, per chapter 43, Art. V, Sec. 5.111 of the Town Code, measurements of the front yard and maximum height requirements shall be to the DSL. The appropriate lot area deductions must also be indicated. Any variances required due to a change in measurements must be submitted to Rockland County Planning Department for review.

The Board held that this is an existing site plan.

A motion to override the condition was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, aye; Kevin Farry, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent and Michael McCrory, aye.

The foregoing Resolution was made and moved by Andrew Andrews and seconded by Michael Mandel and carried as follows: On motion by Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice-Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Tara Heidger, (alternate member), 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: September 27, 2023
Town of Orangetown Planning Board
attachment



TOWN OF ORANGETOWN
2023 OCT 31 P 1:33
TOWN CLERK'S OFFICE

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

PB #23-44

Permit #010872

**Orangeburg Commons Site Plan – Amendment to
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 27, 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: Orangeburg Commons Site Plan – Amendment to
Final Site Plan Approval Subject to Conditions**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at Route 303 and Stevens Way, in the Route 303 Overlay Zone, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lots 21.1, 21.2, 21.3, 21.4, 21.5 and 22 in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

2023 OCT 31 1:33 PM
TOWN OF ORANGETOWN