

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, January 10, 2024

MEMBERS PRESENT:

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

MEMBER ABSENT: Thomas Warren, Chairman

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

Michael Mandel, Vice-Chairman called the meeting to order at 7:30 p.m.
Mr. Mandel 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 June 28, 2023 Meeting:

One Washington Avenue Plans	PB #23-12
Critical Environmental Area	Final Site Plan Approval
Prepreliminary/Preliminary/	Subject to Conditions
Final Site Plan and SEQRA Review;	
1 Washington Avenue, South Nyack	
66.70/2/6; R-12 zoning district	

Continued from the October 11, 2023 Meeting:

39 South William Street	PB #23-46
Prepreliminary/Preliminary/	Preliminary Site Plan
Final Site Plan and SEQRA Review	Approval Subject to
39 South William Street, Pearl River	Conditions/ Neg. Dec.
68.20/1/30.2; CS zoning district	

Continued from the December 13, 2023 Meeting:

Tri-Bee Re-Site Plan	PB #23-51
Final Site Plan and SEQRA Review	Final Site Plan Approval
120 & 122 E. Central Avenue, Pearl River	Subject to Conditions
68.20/2/5.1 & 5.2; CS zoning district	

New Items:

Tappan Fire District Site Plan	PB #23-01
Request for Two 90 Day	Granted
Extensions to File the Site Plan	
300 Western Highway, Tappan	
74.18/2/35; R-15 zoning district	

PDI – LPD Storage Capacity	PB #24-02
Upgrade Consultation Plan	Consultation
Review of Site Plan Consultation	
2 NicePak Park, Orangeburg	
74.07/1/16; LIO zoning district	

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January 10, 2024 Planning Board Meeting

One Ramland Road Site Plan

Final Site Plan Review
1 Ramland Road, Orangeburg
73.20/1/24; LIO zoning district

**Final Site Plan
Approval Subject
to Conditions**

PB #24-03

897 Route 9W Site Plan

Critical Environmental Area
Final Site Plan Review
897 Route 9W, Upper Grandview
71.17/1/13; R-22 zoning district

**Final Site Plan
Approval Subject
to Conditions**

PB #24-04

RRIS Corp. Reapproval Site Plan

Reapproval of Final Site Plan Approval
PB #18-03, dated January 10, 2018
1 Route 340, Orangeburg
74.11/2/26; CC zoning district

**Continued:
Revise Plans**

PB #24-05

Other Business:

The Board reviewed and approved the 2024 Contract with Brooker Engineering for Drainage. A motion to accept the 2024 Brooker Contract was made and moved by Denise Lenihan and seconded by Michael McCrory carried as follows: Thomas Warren - Chairman, absent; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

The decisions of the December 13, 2023 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Lisa DeFeciani carried as follows: Thomas Warren - Chairman, absent; Michael Mandel - Vice Chairman, aye; Michael McCrory, abstain; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael McCrory and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 10:20 p.m. The next Planning Board meeting is scheduled for January 24, 2024.

Dated: January 10, 2024

Cheryl Coopersmith, Town of Orangetown Planning Board



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TOWN CLERK'S OFFICE

**PB #23-12: One Washington Avenue Plans
Critical Environmental Area
Final Site Plan Approval Subject to Conditions**

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**TO: Walter Aurell, RA, 171 Kings Highway, Orangeburg, New York
10962
FROM: Orangetown Planning Board**

RE: One Washington Avenue Site Plan: The application of Walter Aurell, applicant, for Jonathan Farber, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, proposed action consists of site improvements including a new pool, cabana, patio and improvements to the existing seawall at a site known as **"One Washington Avenue Site Plan"** in the Critical Environmental Area, 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 1 Washington Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.70, Block 2, Lot 6 in the R-12 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **March 8, April 26, June 28, July 26, 2023 and January 10, 2024** at which time the Board made the following determinations:

March 8, 2023

Walter Aurell, Margaret Garcia and Richard Gilbert appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated February 22, 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 March 7, 2023
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated March 6, 2023.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 8 2023.
5. Revised plan package as prepared by Sparaco & Youngblood, Engineer, dated 11/11/2022.
6. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, from David Majewski, Chief Fire Inspector dated February 21, 2023
7. Notices from the Rockland County Department of Health, signed by Elizabeth Mello, PE, dated February 16, 2023.
8. Letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 17, 2023.

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9. Email from Anne Bell, dated March 7, 2023.
10. Notice from Rockland County Department of Planning, signed by Jake Palant, dated February 14, 2023.
11. Notice from Rockland County Department of Highways, signed by Dyan Rajasingham dated February 10, 2023.
12. Notice from the Town of Orangetown Zoning Board of Appeal, signed by Dan Sullivan, Chair, dated February 1, 2023.

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 McCrory and second by Andrew Andrews 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.

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

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

The applicant requested a CONTINUATION.

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**PE #23-12: One Washington Avenue Plans
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April 26, 2023

Walter Aurell, Margaret Garcia and Richard Gilbert appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated April 12, 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 April 19, 2023
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated April 24, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, from David Majewski, Chief Fire Inspector, dated April 7, 2023.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 20, 2023.
6. Site Plan drawings prepared by Sparaco & Youngblood, last dated September 21, 2021.
7. Landscape Renovation package prepared by Aurell Garcia Architects, last dated March 22, 2023.
8. Revised Short Environmental Assessment Form signed by Jonathan Farer, undated.
9. Copy of a letter from BlueShore Engineering to Walter Aurell, RA, dated March 10, 2023, with an attachment of Emails between Robert Vietri, United States Army Corps of Engineers, to Joseph Angeli, BlueShore Engineering dated March 10, 2023.
10. Copy of a letter from Aurell Garcia Architects, signed by Walter Aurell dated March 22, 2023.

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 McCrory and second by Andrew Andrews 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.

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

The applicant requested a **CONTINUATION**.

June 28, 2023

Walter Aurell and Margaret Garcia appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated June 14, 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 June 21, 2023
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 23, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, from David Majewski, Chief Fire Inspector, dated June 9, 2023.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 21, 2023.
6. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 22, 2023.
7. Letter from New York State Department of Environmental Conservation, signed by Alysse Devine, dated May 26, 2023.
8. Site Plan drawings prepared by Sparaco & Youngblood, last dated September 21, 2021.
9. Landscape Renovation package prepared by Aurell Garcia Architects, last dated March 22, 2023.
10. Revised Short Environmental Assessment Form signed by Jonathan Farer, undated.
11. Copy of a letter to Blue Shore Engineering from the New York State Department of Environmental Conservation, dated May 26, 2023, signed by

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 McCrory and second by Andrew Andrews 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.

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

The applicant requested a **CONTINUATION**.

July 26, 2023

Walter Aurell and Margaret Garcia appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated July 14, 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 June 21, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 23, 2023.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, from David Majewski, Chief Fire Inspector, dated June 9, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 25, 2023.
6. Site Plan drawings prepared by Sparaco & Youngblood last revision date of June 14, 2023:
 - Plot Plan Sheet 1 of 2,
 - Notes & Details Sheet 2 of 2
7. Landscape Renovation Plans prepared by Aurell Garcia Architects, last dated July 7, 2023:
 - L-0.0: Cover Sheet
 - L-1.1: Site Plan
 - L-1.2: Detail Plan
 - L-1.4: Planting Plan
8. Site Improvement Plan prepared by Blueshore Engineering dated, March 22, 2023, last revised July 10, 2023:
 - S-11.0: Floodzone Line.

The applicant requested a **CONTINUATION**.

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Ryan Nasher and Margaret Garcia appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated December 20, 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 December 29, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 8, 2024.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, from David Majewski, Chief Fire Inspector, dated December 14, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 4, 2024.
6. Site Plan drawings prepared by Sparaco & Youngblood last revision date of October 20, 2023:
 - Plot Plan Sheet 1 of 3
 - Erosion Control Plan Sheet 2 of 3
 - Notes & Details Sheet 3 of 3
7. Landscape Renovation Plans prepared by Aurell Garcia Architects, last dated October 26, 2023:
 - L-0.0: Cover Sheet
 - L-1.1: Site Plan
 - L-1.2: Detail Plan
8. Site Improvement Plan prepared by Blueshore Engineering dated, March 22, 2023, last revised July 10, 2023:
 - S-11.0: Floodzone Line.

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

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

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SEQRA

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

On motion by Kevin Farry and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; 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 Department of Highways, Rockland County Planning Department, 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;

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- 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 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 Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. 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.

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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. The Town of Orangetown Bureau of Fire Bureau reviewed the submitted information and has no further comments at this time.

6. Drainage Review Recommendation – Brooker Engineering

The application has demonstrated that there are no potential significant impacts with respect to drainage that require mitigation. Brooker Engineering therefore recommends that the 1 Washington Avenue Site Plan be approved for drainage subject to no conditions.

This is the fifth drainage review report for this project; the last review was dated July 25, 2023. The proposed action consists of site improvements including a new pool, cabana, patio and improvements to the existing seawall. Stormwater runoff flows east to the Hudson River. For this revision, the change in impervious surfaces have been reduced to a net increase of 292 SF (as detailed on Drawing L-0.1). No stormwater management detention facilities are proposed; none are required by NYSDEC standards because stormwater runoff flows directly to the Hudson River, which is a tidally affected fourth order watercourse. Project Comments Previous Project Comments have been addressed.

7. NYSDEC completed its review and had no additional comments.

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

- The extent of the existing sanitary sewer system is to be shown on the plan.
- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

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9. 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.

10. 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 Department of Planning
- Rockland County Health Department
- Rockland County Highway Department
- Rockland County Sewer District No. 1

11. 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.

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

13. 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.

14. 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:

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Continuation of Condition #14...

- 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 $\frac{3}{4}$ 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.

15. 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.

16. 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.

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

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18. 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).

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

20. 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

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

The foregoing Resolution was made and moved by. Michael McCrory and seconded Andrew Andrews 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; 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: January 10, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board
Attachment



TOWN OF ORANGETOWN
2024 JAN 31 P 1:45
TOWN CLERK'S OFFICE

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

**PB #23-12: One Washington Avenue Plans
Critical Environmental Area**

Permit BLDR #1548-23

**Town of Orangetown Planning Board Decision
January 10, 2024**

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: One Washington Avenue Site Plan - Critical
Environmental Area - Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1 Washington Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.70, Block 2, Lot 6 in the R-12 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

2024 JAN 31 P 1:45
TOWN OF ORANGETOWN

PB #23-46: 39 South William Street Site Plan Permit #BLDC-2402-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
January 10, 2024
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TO: Edward O'Hara, 941 McLean Avenue, Yonkers, New York 10704
FROM: Orangetown Planning Board

RE: 39 South William Site Plan, a continued item: The application of Edward Ohara, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for the construction of a new 2,498 square feet two story office building with a four-space parking lot at a site known as "**39 South William 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 39 William Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 30.2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **October 11, 2023 and January 10, 2024** at which time the Board made the following determinations:

October 11, 2023

Jenny Zunigcasal and Edward O'Hara appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Reports dated September 27, 2023.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated October 5, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated October 6, 2023.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated September 26, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated October 3, 2023.
6. Notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated September 8, 2023.
7. Notice from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated September 20, 2023.
8. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, dated September 25, 2023.
9. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chairman, dated September 20, 2023.

TOWN OF ORANGETOWN
2024 JAN 31 P 1:45
TOWN CLERK'S OFFICE

PB #23-46: 39 South William Street Site Plan Permit #BLDC-2402-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
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10. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated August 31, 2023.
11. Notice from Veolia Water NY dated September 13, 2023.
12. Short Environmental Assessment Form, signed Edward O'Hara dated June 30, 2023.
13. Letter from Hudson Engineering & Consulting, signed by Daniel Collins, PE, dated June 14, 2023.
14. Proposed Commercial Building Plan, prepared by Hudson Engineering & Consulting, dated June 14, 2023.
15. Proposed New Structure Plan, prepared by Jenny Zuniga-Casal, RA, dated August 4, 2022, last revised February 16, 2023.
16. Proposed Commercial Building prepared by Michael Stein, PE, dated August 25, 2023.
17. Copy of the Building Permit Referral dated November 4, 2023, signed by Rick Oliver, Building Inspector.

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

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews 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 Comment:

Andy McKean, property owner of 35 South Williams Street, wanted to know if a Special Permit would be required for the proposed use.

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

January 10, 2024

Edward O'Hara and Daniel Collins appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Reports dated December 20, 2023.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated December 29, 2023.

TOWN OF ORANGETOWN
JAN 31 P 1:45
TOWN CLERK'S OFFICE

PB #23-46: 39 South William Street Site Plan Permit #BLDC-2402-22
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Town of Orangetown Planning Board Decision
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3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, PE., dated January 8, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 14, 2023.
5. Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent, dated October 19, 2023.
6. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated January 6, 2024.
7. Letter and Notice from Rockland County Health Department, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated December 18, 2023.
8. Plans prepared by Michael Stein, PE, last revision date of October 20, 2023.
9. Letter from Hudson Engineering & Consulting, signed by Daniel Collins, PE, dated October 23, 2023.
10. Copy of the Stormwater Management Plan & Drainage Analysis, prepared by Hudson Engineering & Consulting, dated October 23, 2023.

The Board reviewed the submitted information. The hearing was open to the Public.

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

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SEQRA

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

On motion by Michael McCrory and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; 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 Department of Highways, Rockland County Planning Department, 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;

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Town of Orangetown Planning Board Decision
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- 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 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 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 Denise Lenihan and seconded by Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; 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."

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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 Short Environmental Assessment Form appears to be in order.
5. The Applicant shall explain the need for rear overhead doors, as the rear yard as proposed is only 12'-0" so it is not possible to maneuver a car in the rear yard.
6. Per Chapter 43, Article XI, the average mean height shall be correctly indicated on the architectural elevations and coordinated with the zoning bulk table on the site plan.
7. The correct floor area is actually 4,600 square feet per the architectural plans. The zoning chart must be revised to show the correct square footage and the proposed FAR is .81%.
8. Per Chapter 43, Table 3.11, CS District, Column 6, required number of parking spaces is 25 with 4 spaces proposed. Variance is required.
9. Per Chapter 43, Table 3.11, CS District the following variances are required-
 - Column 9 – Side Yard required is 0/12 with 2 feet proposed
 - Column 10 – Total Side Yard required is 0/25 with 4 feet proposed
 - Column 11 – Rear yard required is 25' with 12' proposed.
10. The Town of Orangetown Architecture and Community Appearance Board of Review shall review and approve the application.

TOWN OF ORANGETOWN
2024 JAN 31 P 1:45
TOWN CLERK'S OFFICE

PB #23-46: 39 South William Street Site Plan Permit #BLDC-2402-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
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11. The plan submitted, drawing No.SP-1 indicates four parking spaces with direct ingress and egress to the property. Town Code Chapter 43, Article 6.331 states "Backing into public highways except for single-or Two-family residence. Such off-street parking spaces shall be laid out that it shall not be necessary to back into any public highway."

12. The proposed driveway at South William Street is shown to be about 45 feet wide on the drawings. Although the Town of Orangetown Town Code - Chapter 50 - Section 18 - Figure 10, allows for driveway entrances wider than 15 feet (the minimum width shown/ labeled for a Through/ Suburban Street), the opening proposed is still too large. The driveway opening at the connection to S. William Street shall be 25 feet wide maximum.

13. The Stormwater Management Analysis submitted is under review. However, the analysis indicates that a test pit was dug on 10/05/23. DEME was never notified about this test or given the opportunity to witness this test. Second, the test pit was not performed in the location of the proposed subsurface stormwater detention system. Third, the testing revealed that "ground water and mottling" was encountered at 36-inch of depth. Given that the proposed subsurface system shall have a depth of almost 6 feet, what provisions are being put into place to prevent the piping system from floating? Fourth, although the analysis mentions the proposed hydrodynamic separator for pretreatment of the stormwater, no sizing calculations, specifications, installation and maintenance requirements for the separator were included in the analysis. Lastly, the test hole log sheet shall be signed and sealed by a NYS Licensed P.E. The analysis shall be revised and resubmitted.

14. In connection with comment #12 above, the required revised Stormwater Management Analysis shall be resubmitted in a bound (preferably in a 3-ring binder) format with labeled separation tabs.

15. Details, plans and profiles for the proposed subsurface drainage header piping shall be added to the drawings. Also, the details already provided shall be revised to include all top and invert elevations.

16. In connection with comment #15 above, since the proposed pipe sizing has been determined for the stormwater attention gallery, the table provided on drawing C-3 can be removed and the correct corresponding spacings and distances for a 42-inch pipe, (in a traffic area) can be added directly to the details.

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PB #23-46: 39 South William Street Site Plan Permit #BLDC-2402-22
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17. The drawing show a proposed 24-inch x 24-inch drain inlet in the Town R.O.W., south of the proposed driveway. This is not acceptable. The proposed drain inlet shall be replaced with a Town standard catch basin along the edge of S. William Street. 15-inch drainage piping will then be shown running from this new catch basin south to the existing catch basin within S. William Street.

18. Profiles for all proposed drainage piping shall be added to the drawings.

19. All proposed new drainage structures shall be labeled with a unique ID name/ number. These unique ids shall be added to the plans and profiles.

20. It is unclear if inlet/ trench drain protection is being provided as a soil erosion and sediment control (SESC) measure for during construction on drawing C-1. A separate SESC drawing shall be added to the drawing set. A legend shall be provided reflecting the symbols of all proposed SESC features being utilized. These symbols shall conform to NYSDEC standards.

21. A post construction stormwater maintenance agreement 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 cell phone number, yearly report to be submitted to DEME, etc.

22. The proposed limit of disturbance shall be definitive, not approximate (remove the ± symbol.)

23. The site development plan, drawing C-1 calls for the relocation of a Town owned parking restriction sign. The applicant shall coordinate this relocation with the Orangetown Highway Department and the new location of the sign shall be shown on the plan.

24. The top and invert elevations for the sanitary building connection cleanouts shall be added to drawing C-1.

25. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted site plan and had no further comments. In regard to the Construction plans, the Bureau of Fire Prevention offered the following information:

Construction plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system if required,
- Installation of a fire alarm system to the NFPA 72 standard, and
- Installation of a key lock

TOWN CLERK'S OFFICE

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Town of Orangetown Planning Board Decision
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26. Drainage Review Recommendation – Brooker Engineering

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Boards Drainage Consultant therefore recommends that the 39 South William Street Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project; the last review was dated October 3, 2023. The proposed action consists of the construction of a new 2,498 square feet two story office building with a four-space parking lot in the front of the building. The land slopes towards South William Street (back to front). The proposed building is sited two feet offset from each side property line. A stormwater management system is proposed in the driveway for stormwater mitigation of peak runoff rates.

Project Comments

1. The proposed grading in the backyard is higher than the finished floor elevation; show the footing drain for the building.
2. Provide more detailed grading to verify if stormwater runoff will enter the outlet structure inlet downstream of the detention system and therefore bypass the detention system.
3. Provide more detailed spot grading in the rear of the building. Show an overflow path for drainage in the event the field inlet in the backyard is clogged. Show that the proposed eight-inch pipe has the capacity to convey flow from the rear yard; verify if stormwater runoff from the off-site parking lot to the west is directed to the backyard on site.
4. Provide top and bottom of curb elevations at each corner in the proposed parking lot.
5. Provide catch basins at all junctions and change in direction of the proposed storm drainage pipes.
6. Provide more detail for the concrete backfill versus crushed stone backfill for the detention system.

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

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

28. The Site Plan shall be corrected to note the site is located at 39 South William Street, not 29.

29. The plan shall note that there is only one (1) garage door on the front elevation.

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30. 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
- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Drainage Agency

31. 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.

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
 - 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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Town of Orangetown Planning Board Decision
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Continuation of Condition #34...

- 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 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.

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.

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).

TOWN CLERK'S OFFICE

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Town of Orangetown Planning Board Decision
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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 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

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

The foregoing Resolution was made and moved by Andrew Andrews and seconded Lisa DeFeciani 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 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: January 10, 2024
Cheryl Coopersmith
Town of Orangetown



TOWN OF ORANGETOWN
2024 JAN 31 P 1:46
TOWN CLERK'S OFFICE

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

**PB #23-46: 39 South William Street Site Plan Permit #BLDC-2402-22
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
January 10, 2024**

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: 39 South William Street Site Plan

SEQR STATUS: Type I Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes No XXXXXX

DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to Conditions

LOCATION: The site is located at 39 William Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 30.2 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE

2024 JAN 31 P 1:46

TOWN OF ORANGETOWN

**PB#23-51: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Final Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

**January 10, 2024
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**TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board**

RE: Tri-Bee Site Plan: The application of Tri-Bee LTD, owner, for Final Site Plan Review of a site plan consisting of the construction of a 24'x 80' building addition to an existing apartment structure at a site to be known as "**Tri-Bee Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 120 & 122 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **December 13, 2023 and January 10, 2024** at which time the Board made the following determinations:

December 13, 2023

Thomas Bertussi, Mirtha Quintana, Albert Dattoli, Jay Greenwell and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Report dated December 13, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated December 1, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 11, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated November 28, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated November 27, 2023.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 27, 2023 and Jake Palant, dated October 20, 2023.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated October 17, 2023, with an attachment of a response email from Jay Greenwell, PLS, dated October 27, 2023.

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8. Copy of the Short Environmental Assessment Form, dated January 27, 2023, signed by Thomas Bertussi, Principal.
9. Site Plans prepared by Jay Greenwell, PLS, last revision date of July 25, 2023:
 - Sheet 1: Existing Conditions
 - Sheet 2: Site Plan
10. Landscape Plan prepared by Yost Design, Sheet No. L-701 dated June 29, 2023.
11. Referral from the Building Department signed by Rick Oliver, dated October 18, 2023.
12. Hydraulic Analysis and Stormwater Design Calculations prepared by Paul Gdanski, PE, dated October 1, 2023.
13. Copies of the following Board Decisions: ACABOR #21-40, Approved with Conditions, dated September 7, 2023, Zoning Board of Appeals Decision #23-16, Variances Approved, dated June 7, 2023 and PB #23-06, Preliminary Site Plan approval subject to Conditions, dated February 8, 2023.

The hearing was then opened to the Public.

The applicant requested a **CONTINUATION**.

January 10, 2024

Thomas Bertussi, Mirtha Quintana, and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Report dated December 13, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Siavin, R.A., A.I.A., Director, dated December 29, 2023.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 8 and 9, 2024.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated January 8, 2024.
5. Notice from Veolia, signed by Bill Prehoda, dated December 28, 2023.
6. Project Narrative from Jay Greenwell, dated January 4, 2024.
7. Site Plans prepared by Jay Greenwell, PLS, last revision date of December 14, 2023:
 - Sheet 1: Existing Conditions
 - Sheet 2: Site Plan
 - Sheet 4: Details

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8. Architectural Plans prepared by Albert Dattoli, RA, dated March 28, 2022:

- A-1 of 6: Elevations, last revision date of October 7, 2022
- A-2 of 6: Elevations, last revision date of October 7, 2022
- A-3 of 6: Elevations, last revision date of September 26, 2022
- A-4 of 6: Floor Plans, last revision date of September 26, 2022
- A-5 of 6: Floor Plans, last revision date of September 26, 2022
- A-6 of 6: Floor Plans, last revision date of September 26, 2022

A motion was made to open the Public Hearing portion of the meeting by Michael McCrory 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; Andrew Andrews, aye; and Lisa DeFeciani, aye.

There being no one from the Public a motion was made by Andrew Andrews and second 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; Andrew Andrews, aye; and Lisa DeFeciani, aye.

Reaffirmation of SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or

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Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Department of planning, Rockland County Department of Health and Rockland County Highway Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- 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.

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On motion 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; Andrew Andrews, aye; and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector
4. The applicant shall comply with all relevant and applicable conditions of all previous Board Decisions: ACABOR #21-40, Approved with Conditions, dated September 7, 2023, Zoning Board of Appeals Decision #23-16, Variances Approved, dated June 7, 2023 and PB #23-06, Preliminary Site Plan approval subject to Conditions, dated February 8, 2023.

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5. The applicant has obtained the needed variances and approvals from the Town of Orangetown Zoning Board of Appeals and the Architecture and Community Appearance Board of Review.

6. A foundation as-built survey with elevations shall be submitted at the completion of the foundation and the final building height shall be included in the final as-built survey drawings at the completion of the job to confirm that the final finished building height is in compliance with NYS Codes.

7. The Town of Orangetown Department of Environmental Management and Engineering offered the following comments:

(1). DEME has received the perc tests and determination of groundwater testing results. However, revised drainage calculations utilizing this information has not been submitted. Contrary to the applicant's representative's narrative of 1/04/24, DEME has not received revised drainage calculations. Therefore, revised signed and sealed drainage calculations, utilizing the field data, shall be submitted to DEME for review and approval.

(2). After a review of the sanitary calculations provided (dated December 28, 2023) and the sanitary sewer regulations of the Town Code (Section 30-13), the applicant must install a new 6-inch sanitary building connection for the new addition. Use of the existing 4-inch building connection is not allowed. The plans shall be revised to show a 6-inch sanitary connection and a profile for same shall be added to the drawings. All notes, references, etc. to the re-use of the existing sanitary 4-inch sanitary connection from lot 68.20-2-5.2 (#122 East Central Avenue) shall be removed from the drawings. Also, given the number of apartments (fixtures units = toilets) listed in the sanitary calculations (proposed 16) for the existing building (#120 East Central Avenue, 68.20-2-5.1), the sanitary building connection shall be increased to 6-inch diameter as well. This is required because the maximum number of fixtures units (water closets as stated in the Town Code) for a 5-inch building connection is 12 - Section 30-13 (Table.) (This assumes one water closet/ toilet per apartment)

(3). The total area of disturbance listed on sheet 2 shall be exact. The \pm symbol shall be removed. Also, the total area of disturbance shall be listed in the drainage calculations.

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Continuation of Condition #7...

(4). Although the revised plans now show an engineered (Keystone) wall, the plans do not show the amount of disturbance in the Town R.O.W. that will be required. The wall detail on sheet 4 shows:

- a. A concrete or stone crushed stone leveling pad -how far will this need to go into the R.O.W.?
- b. Regrading in front of the new wall – again, how far will this need to go into the R.O.W.?
- c. 4-inch PVC drain(s) extending through the wall into the R.O.W. – how many will be needed? What is the maximum flow this drainage pipe (pipes) will be producing? How far will it (they) need to extend into the R.O.W.? Has the Orangetown Highway Department seen and approved this design? DEME does not recommend any concentrated, overland flow be directed toward a town Road (John Street.)
- d. As previously requested, a profile and cross-sections for the proposed wall shall also be added to the drawings.

These issues must be resolved to the satisfaction of DEME and the Orangetown Highway Department. Also, the applicant must get written approval from the Orangetown Highway Department for this proposed retaining wall **PRIOR** to final approval.

(5). In connection with comment #4 above, the property owner shall prepare and submit a hold harmless agreement for the proposed retaining wall. The specific language of the agreement shall be coordinated with the Town of Orangetown Town Attorney's office. The hold harmless agreement shall be submitted to the Town of Orangetown Highway Department and the Town Attorney's office for review and approval.

(6). The sanitary calculations provided are under review.

(7). 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 cell phone number, yearly report to be submitted to DEME, etc.

(8). DEME has received the perc tests and determination of groundwater testing results. The revised drainage calculations supplied are under review.

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

- Show that fire apparatus can drive around the building.
- East side access road appears to have been reduced from 24' to 22', is this correct?
- Proposed building height is 29.5', an 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.

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9. Drainage Review Recommendation – Brooker Engineering

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Tri-Bee LTD 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 November 27, 2023. The proposed action consists of the construction of a 24'x 80' building addition to an existing apartment structure. An existing dwelling and detached garage on a separate tax lot to be merged with the subject lot will be removed. Land slopes downhill to the northwest towards John Street and East Central Avenue. Improvements to the parking lots and site circulation will be performed as part of the overall work. The site plan largely maintains the existing drainage pattern and proposes approximately 900 SF of new impervious area; a drywell system is proposed to provide mitigation of increases in stormwater runoff rates.

Project Comments

1. As per the November 27, 2023 and February 2, 2023 drainage review reports, provide a breakdown of existing and proposed impervious areas.
2. As per the November 27, 2023 and February 2, 2023 drainage review reports, show positive drainage away from the building on the east side of the building addition.
3. As per the November 27, 2023 drainage review report, verify the overall dimension of the crushed stone envelope and the 6'-0" diameter is the outside diameter of the drywell.
4. As per the November 27, 2023 drainage review report, on Section 6 of the drainage calculations, remove the "h" from the Vp calculation and provide the backup for the overall Vp calculation.
5. As per the November 27, 2023 drainage review report, the drainage report should include a drainage area map for existing and proposed conditions showing the area diverted to the drywell and the overall hydrologic point of interest.
6. As per the November 27, 2023 drainage review report, coordinate the crushed stone surrounding the drywell on the site plan with the calculations.

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

(2) Multifamily residence are not an allowed use in the CS zoning district. As a result, there are no established bulk requirements for the proposed action. The information provided in the bulk table represents the bulk requirements for use group FF, which are generally commercial uses. Without established bulk requirements for this non-conforming use, it is advisable that the Planning Board be guided by the requirements for Multifamily residences in other zoning districts. Multifamily residences in the MFR zoning district must meet the bulk requirements of use group U, which has substantially more restrictive bulk requirements, particularly a maximum floor area ratio (FAR) of 0.40. If use group U is applied, the proposed FAR of 0.69 exceeds this standard by 73%. In addition, the MFR zoning district has a maximum residential density of 6.0, 4.8 and 4.0 units per acre for one-bedroom, two-bedroom, and three or more-bedroom units, respectively. The proposed development will have a residential density of over 41 units per acre. Permitting development that does not comply with established standards can set an undesirable land use precedent and result in the overutilization of individual sites. We caution the Town to consider precedent and whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened before granting approvals. The Town must consider the cumulative and community impacts of permitting such development.

(3) The applicant must comply with the conditions of the Rockland County Highway Department's letter of October 17, 2023 and all required permits obtained.

(4) A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

(5) A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Orangetown Fire Inspector, or the Pearl River 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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Continuation of Condition #10...

(6) 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 NYS Standards for Urban Erosion and Sediment Control.

(7) There shall be no net increase in the peak rate of discharge from the site at all design points.

(9) The site plan proposes eight parallel parking spaces near or adjacent to the outer walls of the structure. The use of parallel spaces, as opposed to perpendicular parking, may result in vehicle tailpipes being only a few feet from apartment windows. Pollution from idling vehicles may have a serious impact on indoor air quality for residents, depending on the location of windows. The Planning Board must consider the potential health impacts of this parking layout and consider relocating the parking spaces to a greater distance from the structure.

(10) As noted in the previous comment, several of the proposed parking spaces are adjacent to the structure. The site plan must be amended to include protective bollards, particularly around the window wells, electric box, and entry stairs along the southern side of the structure. Additionally, an access aisle is proposed along the east side of the building directly in between two parallel parking spaces, which is unsafe. Protective bollards or other barriers must be installed along the access aisle to protect pedestrians from vehicles maneuvering into and out of the adjoining parking spaces.

(11) 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.

(12) A significant amount of the site will be repaved as part of this proposal. To help reduce the impact of this development, reduction of impervious surface shall be considered. It is recommended that porous pavers or porous concrete be considered to replace the use of conventional asphalt. If installed correctly and properly maintained, porous pavers have been shown to be effective in helping manage off-site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of permeable pavers and other green infrastructure techniques, it is recommended that the applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

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Continuation of Condition #10...

(13) This proposed 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 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 key strategy toward meeting this goal is the electrification of our transportation system through the expanded installation of EV charging infrastructure. With U.S. automakers 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. DEME urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed site improvements.

(15) Once a lot line is disclaimed, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and the Town must make sure that the deeds are properly filed with the County Clerk to ensure that the tax maps are properly updated.

(16) The designated street line (DSL) must be indicated on the site plan. Any lot area deductions must be indicated. Any additional variances required due to a change in measurement must be submitted to DEME for review, as required by NYS General Municipal Law, section 239-m(3)(a)(v).

(17) Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multifamily dwelling meets the requirements of the MDRC requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.

(18.1) The September 20, 2023 application review form indicates that the water district is SUEZ. The application must be corrected to Veolia North America.

11. The Rockland County Highway Department (RCHD) reviewed the submitted information and offered the following comments:

1. RCHD believes the applicant has not provided a reasonable mitigation plan for the parking variances.
2. The width of the entrance driveway appears to be wider than what is required for the intended use. RCHD believes the existing driveway width is adequate for the proposed changes in the site.
3. The applicant must secure a road work permit from the Rockland County Highway Department if the proposed action is approved by the Town.

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

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

14. 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.

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- 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.

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

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

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

19. If the applicant, during the course of construction 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).

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

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

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

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Overrides

The Board made motions to override Conditions #1 and #8 of the November 27, 2023 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"#1. As indicated in the letter dated January 26, 2023 from the Office of Building, Zoning, Planning Administration, and Enforcement, an apartment building with 22 units requires a minimum of 44 parking spaces based on the requirement of the R-80 zoning district, which is applicable to residences in the CS district. The proposed parking area includes 19 parking spaces, which provides 43% of the required number of parking spaces. The site includes a driveway directly along East Central Avenue, (County Route 30). Inadequate parking for a site that has access to a County highway can impede the safe and efficient flow of traffic, create unsafe access conditions through multiple movements to and from the roadway, and result in the need for parking within the County right of way. The Zoning Board of Appeals (ZBA) previously approved a parking variance for this building, stating that the total number of units is to remain at 22 and not increase. However, the proposed building will be larger in scale and it is unclear if the new units will accommodate greater household sizes. The Town of Orangetown must continually monitor the site to ensure that overflow parking does not occur, or that cars do not park within the County right of way. If it is found that inadequate parking does result in vehicles continually parking along the roadways, then the applicant must provide alternate offsite parking arrangements with an adjacent or nearby user to correct this problem."

The Board held that there is no problem parking at the project location. The number of residential units has not changed and the Zoning Board of Appeals approved 22 parking spaces for the site.

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

TOWN CLERK'S OFFICE

2024 JAN 31 P 1:47

TOWN OF ORANGETOWN

**PB#23-51: Tri-Bee Site Plan
Town of Orangetown Planning Board Decision
Final Site Plan Approval Subject to Conditions**

Permit #BLDG-2294-22

January 10, 2024

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

The Board held that the number of residential units has not changed.

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

The foregoing Resolution was made and moved by Denise Lenihan seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, and Michael McCrory, aye.

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

Dated: January 10, 2024

Cheryl Coopersmith

Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2024 JAN 31 P 1:47
TOWN CLERK'S OFFICE

**PB#24-01: Tappan Fire District Site Plan
Town of Orangetown Planning Board Decision
Granted Two 90 Day Extensions to File**

**January 10, 2024
Page 1 of 2**

**TO: Atzl, Nasher & Zigler
234 Main Street, New City, New York
FROM: Orangetown Planning Board**

RE: Tappan Fire District Site Plan-Western Highway Site: The application of Thomas Quinn- Tappan Fire District, applicant, for Volunteer Fire Association of Tappan, Inc., owner, for **Two 90 Day Extensions to File the Site Plan at a site known as "Tappan Fire District Site Plan-Western Highway Site"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 300 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 2, Lot 35 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 10, 2024**, at which time the Board made the following determinations:

Ryan Nasher appeared and testified for the applicant.

The Board received the following communication:

1. Project Review Committee Report dated December 20, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated December 29, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, PE, dated January 8, 2024.
4. Letter from Atzl, Nasher & Zigler, dated December 1, 2023, signed by Ryan Nasher PE, Project Engineer.

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

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

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

TOWN CLERK'S OFFICE

2024 JAN 31 P 1:48

TOWN OF ORANGETOWN

**PB#24-01: Tappan Fire District Site Plan
Town of Orangetown Planning Board Decision
Granted Two 90 Day Extensions to File**

**January 10, 2024
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The foregoing Resolution was made and moved 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; Andrew Andrews, aye; and Lisa DeFeciani, aye.

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

**Dated: January 10, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2024 JAN 31 P 1:48
TOWN CLERK'S OFFICE

**PB #24-02: PDI-LPD Storage Capacity Upgrade
Consultation
Town of Orangetown Planning Board Decision**

**January 10, 2024
Page 1 of 2**

TO: William Cavazzini, PDI, 2 Nice Pak Park, Orangeburg, New York
10962
FROM: Orangetown Planning Board

RE: **PDI-LPD Storage Capacity Upgrade Consultation Plan:** The application of PDI, Inc., applicant for Picker Properties, LLC, owner for a Site Plan Consultation at a Site Plan to be known as “**PDI-LPD Storage Capacity Upgrade Consultation Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 2 NicePak Park, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 16 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 10, 2024** the Board made the following determinations:

Edmund Facioui and Bill Cavazzini appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 20, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, dated December 29, 2023.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 8, 2024.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 15, 2023.
5. Project Narrative, dated November 20, 2023, with attachments.
6. Short Environmental Assessment Form, dated November 29, 2023, prepared by William Cavazzini, Project Manager.
7. Plans prepared by GPI, dated November 17, 2023:
 - Sheet 1 of 3: Title Sheet
 - Sheet 2 of 3: Site Plan
 - Sheet 3 of 3: U.S.T. Mechanical Partial Site Plan
8. Email from Bill Cavazzini, dated January 4, 2024.

The Board reviewed the plan. The Board opened the item for Public Comment.

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

TOWN CLERK'S OFFICE

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**PB #24-02: PDI-LPD Storage Capacity Upgrade
Consultation
Town of Orangetown Planning Board Decision**

**January 10, 2024
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There being no one from the Public a motion was made by Denise Lenihan and seconded by Kevin Farry and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; and Lisa DeFeciani, aye.

CONSULTATION: In view of the foregoing and the testimony before the Board, the Board recommended that the applicant proceed with a formal application for Site Plan Review, subject to the following comments:

1. The plans shall have dimensions of the proposed tanks and slab area.
2. Dimensional information shall be provided for all proposed bollards.
3. Limit of disturbance shall be indicated on the site plan.
4. Sizes and locations of all underground piping shall be indicated on the site plan.
5. The total area of disturbance (a.o.d.) for all of the proposed work shall be listed on the plans.
6. The applicant/ applicant's engineer is reminded that if the total a.o.d. is greater than 1 acre, a full SWPPP (including water quality and quantity features with corresponding calculations) shall be required for the project.
7. Soil erosion and sediment control features shall be added to the plans.
8. The Town of Orangetown Bureau of Fire Prevention offered the following comment: Will the proposed work interfere with the Fire Access Road.

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

**Dated: January 10, 2024
Cheryl Coopersmith
Planning Board**



TOWN CLERK'S OFFICE
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**PB #24-03: One Ramland Road Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDC-2558-22

**Town of Orangetown Planning Board Decision
January 10, 2024
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**TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board**

RE: One Ramland Road Site Plan: The application of 1547 CSR – Orangeburg, LLC, owner, for Final Site Plan Review at a site known as “**One Ramland Road Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 1 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **January 10, 2024** at which time the Board made the following determinations:

Patrick Hynes, Donald Brenner, Sam Adler, Brian Darcy and Diego Villareale appeared and testified.

The Board received the following communications:

1. Project Review Report dated December 20, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated January 5, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management dated January 8, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 14, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated January 7, 2024.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 2, 2024 and Notice from Jake Palant, dated November 28, 2023.
7. Letter and Notice from Rockland County Department of Health, dated December 18, 2023.
8. Project Narrative prepared by Applicant.
9. Copies of the following Board Decisions: Industrial Use Committee Review, dated October 4, 2023, conform to the Performance Standards with Comments, ACABOR #23-38, Approved with a Condition, dated September 7, 2023, ZBA#23-26, Variances Approved, dated July 19, 2023 and PB#23-14, Preliminary Site Plan Approval Subject to Conditions, dated June 28, 2023.
10. Stormwater Pollution Prevention Plan dated December 4, 2023.

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**PB #24-03: One Ramland Road Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDC-2558-22

**Town of Orangetown Planning Board Decision
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11. Project Narrative prepared by the Applicant.

12. Plans prepared by JMC, dated October 18, 2023, last revision date of October 23, 2023:

- C-000: Cover Sheet
- C-010: Existing Conditions
- C-020: Demolition Plan
- C-100: Layout Plan
- C-110: fire Truck Access Plan
- C-200: Grading Plan
- C-300: Utilities Plan
- C-310: Storm Profiles Plan
- C-400: Erosion and Sediment Control Plan
- C-900: Construction Details
- C-901: Construction Details
- C-902: Construction Details
- C-903: Construction Details
- C-904: Construction Details
- C-905: Construction Details
- C-906: Construction Details
- C-907: Construction Details
- L-100: Landscape Plan

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

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

There being no one from the Public a motion was made by Kevin Farry and second 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; Andrew Andrews, aye; and Lisa DeFeciani, aye.

Reaffirmation of SEQRA

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

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**Town of Orangetown Planning Board Decision
January 10, 2024
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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 having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Department of Planning, Rockland County Department of Health and Rockland County Highway Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- 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 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 Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

TOWN CLERK'S OFFICE

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**Town of Orangetown Planning Board Decision
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On motion by Denise Lenihan and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, nay; Andrew Andrews, aye; and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The plan indicates three generators that were previously approved in 2013, however this work was never permitted or completed. Is the intent to install these generators as part of the project? If yes, the applicant must obtain approval of Performance Standards from the Industrial Use Committee (IUC) or remove them from this plan. The Site Plan needs to be revised since the three generators were not approved and installed. The applicant stated that they would not be installing the three generators and were directed to remove them from the site plan.
4. The Landscaping Plan shall be revised as follows: The plantings along Blaisdell Road shall be planted in groups of three and the types of evergreen plants shall be mixed. The Board noted that the existing vegetation has been depleted over the years.
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 Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and offered the following comments/ recommendations:
The applicant still needs to comply with PB #23-14 conditions:
(2). Stormwater quality features must be added to the proposed surface stormwater pond, shown in the north west corner. It is necessary given the fact shown/ piped to this basin and they have the potential of creating water quality issues.

Continuation of Condition #6...

(3). Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed surface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP & 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.

(6). The total area of disturbance shall be listed in the SWPPP and on the plans. A table shall be added to the drawings and the SWPPP providing a breakdown of all the individual disturbed areas and their respective a.o.d., shall be included in the drawings. See comments #5 & 6 above.

(7). The SWPPP/ drainage calculations shall provide a breakdown, in table form, of all of the existing and proposed pervious and impervious surfaces for this site plan, showing the type and size of the area with a grand total. How the sub totals were determined shall be part of the calculations section of the SWPPP.

(10). The SWPPP/ drainage calculations shall include an analysis of the existing drainage system (piping, exhaust, impact on existing wetlands area, etc.) the proposed stormwater pond is tying into. The analysis shall include all design year storms up to and including the 100-yr. storm.

(11). A blow-up and cross-sections for the proposed stormwater ponds/ basin shall be provided on the drawings. These plans and details shall show storage volume vs. elevation vs design storm, 25 foot pond buffer, 12 foot wide stabilized maintenance paths (that reach the forebay/ main pool/outlet structure/ emergency spillway, flared end inlets, etc.), outlet structure & details (with elevations), underdrain details, pond drain valve – details - profiles with elevations, outlet pipe details, safety bench, aquatic bench, forebay, main pond, permanent sediment depth marker with detail, plantings (if utilized for water quality control), emergency overflow spillway with elevations, etc.

(12). As per the NYS - SMDM, a permanent sign (minimum size of 18 inches by 24 inches) shall be posted in the immediate vicinity on the proposed stormwater basin. The sign shall contain the following information: Name of the NYS - SMDM practice, SPDES Construction Permit #, Must be maintained in accordance with filed Post Construction Stormwater Maintenance Agreement – Instrument #20XX-XXXXX. A detail for same shall be added to the drawings.

(15). The finished surfaces along the back of the building (north side - proposed substation area, existing generator and chiller areas) shall be clearly labeled on all of the plans and added to the legends of all the drawings.

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Continuation of Condition #6...

(16). Rip rap protection shall be designed and shown at all existing and proposed drainage pipe exhaust points.

(17). Profiles for **ALL** of the existing storm sewer piping (that is to remain) and proposed storm sewer piping shall be provided with the plans.

(20). A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for all of the existing stormwater features (that are to remain) and all of 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 cell phone number, yearly report to be submitted to DEME, etc. Once approved by the Town of Orangetown, said agreement shall be filed with the Rockland County Clerk's Office and proof provided to the Planning Board.

(21). Sanitary calculations for the proposed building addition, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The calculations shall include and analysis, breakdown of the sanitary flows generated in the existing building. The calculations shall also include the total sanitary flow for each of the existing sanitary building connections.

(23). A project narrative/ letter shall be prepared stating what method is currently being used to cool the existing data/ server rooms and what cooling method is being proposed for the new data/ server rooms. If water cooling is currently being used for the existing data center and/ or the proposed data center, the narrative shall disclose the source of the cooling water and how and where the "spent" cooling water is to be discharged. **IF ANY** cooling water currently or is proposed to be discharged into the public sanitary sewer system, the required sanitary calculations shall include the volumes and flows that are and or will be generated.

(24). In connection with comment #23 above, if any cooling water is being or is designed to be discharged into the existing public sanitary sewer system, the applicant/ applicant's engineer shall contact the Town of Orangetown Sewer Department's pre-treatment coordinator to see if this project is subject to the Town's pre-treatment program.

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7. The revised SWPPP supplied is under review. A formal review will be sent to the applicant's engineer directly. However, the total area of disturbance(a.o.d.) listed on page 4 of the SWPPP is stated as 7.3 acres but the drawings and the NOI list the a.o.d. as 7.5 acres. The a.o.d. shall be coordinated throughout the SWPPP and the drawings.

8. The SWPPP shall calculate and show how the proposed stormwater design meets the NYS-SMDM water quality volume distribution for a P-5 pond of 50% minimum for the permanent pool and 50% maximum for extended detention.

9. The applicant's engineer is advised that the Town of Orangetown/ DEME considers gravel to be an impervious surface. For example, the gravel areas within PDA-1C must be considered impervious and therefore the SWPPP calculations shall be revised and all of PDA 1C must be analyzed as impervious for the water quality and quantity design.

10. The proposed individual drainage areas (PDA 1A, 1B, 1C, 2A, 2B, 2C) shall be clearly outlined and labeled on drawing C-400 or include the existing and proposed drainage area maps into the drawing set.

11. The proposed 12-foot wide maintenance access path does not appear to fully encompass the proposed stormwater pond. The path must be extended to fully encompass the pond or a turn-around shall be provided at each "end."

12. Drawings C-100, C-200 & C-400 shall identify, using the NYSDEC-SMDM identification names/letters/ numbers, what NYSDEC approved stormwater design feature(s) have been designed for this project.

13. The 25-foot pond buffer shall be shown and labeled in its entirety around the proposed P-5 pocket pond on all drawings (including the landscaping plan.)

14. The landscaping plan (L-100) shows woody vegetation (mostly trees) at the toe of the northern slope for the proposed P-5 Pocket Pond. This is expressly prohibited by the NYSDEC-SMDM "Key Considerations" -Landscaping, page 6-21. The landscape plan shall be revised to remove all proposed woody foliage from this area. The required 15- and 25-foot woody vegetation setbacks shall be shown on the landscape plan, around the toe of the basin embankments and emergency spillways. DEME is aware of the intent of screening; however, stormwater regulations supersede this.

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15. The detail for the existing drainage manhole (#19, drawing C-902) that the proposed stormwater basin outlet pipe is tying shall be revised to include all of the pipe sizes that connect to it, a full profile(s) showing all pipe connections, all top and invert elevations, etc. Also, the connection elevation for the basin outlet pipe is listed as 76.22 on the detail, but drawing C-300 listed the connection invert as 76.15. The plan and details shall be coordinated. Lastly, this existing drainage manhole shall be given a unique id name/ number and that id shall be added to the detail title and labeled on all of the plans.

16. It is unclear which existing manhole is being represented in detail #13, drawing C-901. This manhole shall be given a unique id name/ number and that id shall be added to the detail title and labeled on all of the plans.

17. Detail(s) for the proposed 6-inch perforated cleanouts around the substation shall be added to the plans. A connection detail to proposed 15-inch HDPE drainage piping shall be added as well.

18. The top and invert elevations of all of the proposed perforated underdrain cleanouts shall be labeled on the plans.

19. The proposed sanitary cleanout on the new 6-inch sanitary building connection shall be labeled on the plans. Also, the connection invert, at the existing sanitary main, shall be labeled on the plans.

20. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and DEMU, prior to signing the map.

21. All symbols shown on the drawings shall be identified on all the drawings legends.

22. The Town of Orangetown Bureau of Fire Prevention offered the following comments, place these items on the Site Plan as a Note:

Construction plans shall include the following information:

- Installation of a NFPA 13 compliant sprinkler system.
- Installation of a fire alarm system to the NFPA 72 standards
- Installation of a key lock box
- Emergency Responder Radio Coverage within the building 2020 NYS IFC 510.1.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

23. Drainage Review Recommendation- Brooker Engineering

The application has demonstrated that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant, therefore recommends that the 1 Ramland Road Site Plan be **approved for drainage to no conditions**.

Project Description

This is the fourth drainage review report for this project; the last review was dated June 21, 2023. The proposed action consists of a 230,000 SF building addition on the east side of the existing building and generators, chillers, and an electric substation in the rear of the building. The site has a north/south ridge in the center of the property; stormwater runoff flows to the east and west from this ridge to wetlands along the east and west property lines. The building addition is located over an existing parking area; drainage patterns and volumes will be maintained in this area. Stormwater runoff from the utility improvements in the rear will be discharged to a new stormwater management detention basin. It appears the basin can store approximately 3.5 inches of rainfall runoff from the area of the utility improvements in the rear.

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

(1) The addition of the 230,000 square foot, three story structure will roughly double the size of the existing data center. A building of this height and scale can potentially create a negative visual impact on the adjoining residential area and nearby parks. DEME recommends that the Town of Orangetown request a visual analysis be conducted for the proposal to ensure that the building does not affect the community character of the nearby neighborhood.

(2) An updated review of the October 23, 2023 site plan must be completed by the Rockland County Highway Department and all comments addressed.

(3) The site plan indicates Federal wetlands are present on the site. A review must be completed by the United States Army Corps of Engineers and all required permits obtained. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Water of U.S., then a Section 401 Water Quality Certification (WQC) will be required to verify compliance with State water quality regulations. Issuance of these certifications is delegated the NYS to the NYSDEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit.

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Continuation of Condition #24...

(4) According to the Hudson River Natural Resources Mapper within the western portion of the site is a "probable wetlands area." Allowing oversized structures that do not conform to the local bulk regulations will result in additional impervious surfaces which will result in the degradation of the quality of local waterways and exacerbate localized flooding. Rockland County Department of Planning recommends **the field delineation of on-site wetlands to avoid negative impacts in the wetlands or any wetland buffers**. The Town must consider amending the location of configuration of the proposed addition to minimize the impact to sensitive environmental resources.

(5) The New York Natural Heritage Program's (NHP) database, as reflected on the Hudson valley Natural Resource Mapper, indicates that a significant portion of the site is within a riparian buffer of a tributary of the Hackensack River. The NHP has identified riparian buffers to highlight important streamside areas that influence stream dynamics and health. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment and nutrients, and help attenuate flooding. Natural buffers also support unique and diverse habitats, and often serve as wildlife travel corridors. The Board must consider the impact of additional structures in the riparian buffer and the potential degradation of water quality and intensification of localized flooding.

(6) The applicant must address any outstanding comments provided by the Orangetown Chief of Fire Inspector in the letter of April 11, 2023. In addition, County of Rockland Office of Fire and Emergency Services, or the local Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.

(7) The applicant must comply with the letter from the Rockland County Department of Health (RCDOH) dated December 18, 2023, and an application is to be made to the RCDOH for review of the stormwater management system to ensure compliance with the Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

(8) 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 NYS Standards for Urban Erosion and Sediment Control.

(9) There shall be no net increase in the peak rate of discharge from the site at all design points.

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Continuation of Condition #24...

(10) The Town shall be satisfied that the final SWPPP conforms to the current regulations including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.

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

(12) A Data center operating 24 hours a day 7 days a week uses a significant amount of energy. According to the Project Description, the proposed expansion will require a 50 MW on site substation to support a 25 MW, Tier 3 data center. Yet Section D.2(k) of the previously provided Full Environmental Assessment Form (FEAF), dated November 1, 2022 did not provide an estimate of annual electricity demand for operating the proposed action. The use of renewable energy such as solar and other measures, including the use of energy efficient equipment and services, should be taken to reduce the overall carbon footprint of the operation.

(13) Given anticipated significant energy usage, the applicant must continue to coordinate with O&R Utilities and address any of their concerns.

(14) 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. The development will result in an increased demand for energy and will pull that energy from the grid. While the drawings indicate that a large portion of the proposed expansion's roof will be occupied by mechanical equipment, it appears that the flat roof of the existing structure has sufficient open 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 Solar Energy permitting of the Orangetown Code. Likewise, the building should be designed and constructed to maximize energy efficiency.

(15) The applicant must obtain any necessary permits from the NYS Department of Environmental Conservation's District of Air Resources for the proposed generators.

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Continuation of Condition #24...

(16) The applicant must provide as-built drawings and other documentation to the NYS DEC, Region 3, that illustrate the design and installation, as per code, of the petroleum bulk storage tanks for the proposed generators. These tanks must also be registered with them.

(17) The Town shall be satisfied with the findings of the Sound Level Analysis and Review by B. Laing Associates, dated April 2023. And all noise mitigation strategies will protect nearby residents.

(18) As noted on the FEA, due to the presence of the bald eagle habitat a wildlife survey is necessary. A DEC Part 182 Incidental Taking Permit may be needed. **Prior to approval the Planning Board shall be satisfied** that it has a clear understanding of the potential impacts that Phase 2 of this project may have on nearby nesting bald eagles.

(19) 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.

(20) The proposed project presents an additional 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. 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. This department urges the Town and the applicant to take advantage of this opportunity and include this important infrastructure in the proposed improvements.

25. The Rockland County Department of Health reviewed the plans and offered the following comment:

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

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**PB #24-03: One Ramland Road Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

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26. The applicant shall comply with all relevant and pertinent conditions of all previous Board Decisions: Board Decisions: Industrial Use Committee Review, dated October 4, 2023, conform to the Performance Standards with Comments, ACABOR #23-38, Approved with a Condition, dated September 7, 2023, ZBA#23-26, Variances Approved, dated July 19, 2023 and PB#23-14, Preliminary Site Plan Approval Subject to Conditions, dated June 28, 2023.

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

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

29. 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.

30. 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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Continuation of Condition #30...

- Light Impacts Only – Installation of $\frac{3}{4}$ 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.

31. 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.

32. 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.

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

34. If the applicant, during the 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).

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

36. 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

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

Override

The Board made motions to override Condition #1 of the January 2, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"1. As indicated in this department's previous reviews, the Table of Land Use on the site plan refers to this proposal as a "data processing center" and indicates that the use is categorized under Use Group CC, or "all other uses allowed in the LIO District." Chapter 43, Section 11.2 of the Orangetown Zoning Code does not provide an actual definition for a data center, and data centers are listed as a permitted use only within the RPC-OP zoning district. Our department has recently found a discrepancy regarding applications for data center within the Town of Orangetown. Although the September 2023 Orangetown Comprehensive Plan considers updating the local zoning code to allow data centers in the LIO zoning district as a conditional use, it is unclear how the existing data center or an expansion of this data center would be permitted under the current provisions. The Town must clarify how a data center can be allowed on this site and develop a clear and consistent way to proceed with applications such as this until the zoning code is updated."

The Board held that the site is an existing data center and is already an approved project with a Certificate of Occupancy.

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

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**PB #24-03: One Ramland Road Site Plan
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The foregoing Resolution was made and moved by Denise Lenihan and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; Andrew Andrews, aye; Michael Mandel - Vice Chairman, aye; Denise Lenihan, aye; Lisa DeFeciani, aye; Kevin Farry, aye, and Michael McCrory, nay.

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: January 10, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
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**PB #24-04: 897 Route 9W Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to
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TO: Rudy Dupuy, 2 Horizon Road, #1406, Fort Lee, N.J. 07024
FROM: Orangetown Planning Board

RE: 897 Route 9W Site Plan: The application of Rudy Dupuy, applicant, for Edward Peterson, owner, for Final Site Plan Review at a site to be known as **"897 Route 9W Site Plan"** located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 897 route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.17, Block 1, Lot 13; R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 10, 2024 meeting**, at which time the Board made the following determinations;

Edward Peterson and Richard Nelson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 20, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, dated January 5, 2024.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 8, 2024.
4. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 14, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated January 4, 2024.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 2, 2024.
7. Letter and Notice from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated November 14, 2023.
8. Letter and Notice from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated January 8, 2024.

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**PB #24-04: 897 Route 9W Site Plan
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9. Project Narrative, dated September 19, 2023.
10. Letters from the following area property owners:
Ruth Josephs, abutting property owner, dated July 26 and September 13, 2023
Louis Wintermeyer and Tanner Garland, dated September 14, 2023
Judy Schwartz, dated September 16, 2023
11. Architectural Plans prepared by Rudy Dupuy, RA:
Drawing A-100.00: Plot Plan, dated April 1, 2023, last revised October 19, 2023
Drawing A-200.00: Floor Plans, Elevation, Details, dated January 6, 2023
12. Photographs of the property, submitted by the Applicant.
13. Copies of the following Board Decisions: ZBA #23-34, dated September 20, 2023 and PB #23-36, Preliminary Site Plan Approval Subject to Conditions dated July 26, 2023.

The Board reviewed the information and plans and open the meeting up to the Public.

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

There being no one to be heard from the Public, a motion was made by Michael McCrory to close the public portion of the meeting and second by Denise Lenihan and carried as follows: Thomas Warren-Chairman, absent; Michael Mandel-Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

Reaffirmation of SEQRA

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): 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 Sewer District No.1, Rockland County Department of Health and Village of Grand View-on-Hudson, and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown 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.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Per 21A-13(a) site development plans **MUST** be signed and sealed by a Professional Engineer or Land Surveyor. The proposed plan is signed and sealed by an architect and is not acceptable.
4. Per 21A-13(2)(e) existing structures on abutting lots within 200 feet of the site lot line must be shown.
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 existing septic system (or sanitary sewer house connection) or shall be labeled on the plans.

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7. The drawings shall clearly indicate (label) the iron pins at the lot corners as either being existing or proposed. It is unclear as currently labeled.

8. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comment at this time.

9. Drainage Review Recommendation

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, therefore recommends that the 897 Route 9W Site Plan be approved for drainage at this time subject to the following comments.

Project Description

This is the second drainage review report for this project, the first review was dated July 14, 2023. The proposed action consists of the construction of a new 20 feet by 20 feet detached garage on an existing driveway at 897 Route 9W, located on the east side of Route 9W. The driveway is located on the existing driveway and no new impervious areas are proposed. No stormwater mitigation methods are required and none are proposed.

Project Comments

1. As per the July 14, 2023 drainage review letter, show existing and proposed topography in the limit of disturbed area.
2. As per the July 14, 2023 drainage review letter, evaluate stormwater runoff from Route 9W that may enter the locations of the proposed garage, including direct runoff from the eastern edge of pavement of Route 9W. The September 19, 2023 narrative response to this comment includes 5 bullet points to demonstrate this; none have been incorporated into the site plan or narrative response.
3. As per the July 14, 2023 drainage review letter, show the proposed grading that diverts stormwater runoff around the garage in all directions. There is no positive drainage away from the new garage along the west face of the new structure. As currently designed, stormwater runoff from the existing driveway is directed toward the garage entrance.
4. As per the July 14, 2023 drainage review letter, show roof leader downspouts and swales will not direct stormwater runoff to the off-site property to the north.
5. The site plan shall be presented at an engineering scale.
6. Show the side door on the new garage and proposed grading outside the door.

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10. Rockland County Department of Planning reviewed the information and plans and offered the following comments:

1. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
2. The Village of Grand View-on-Hudson is one of the reasons this proposal was referred to DEMA for review. The municipal boundary is along the eastern property line of the site. As required under Section 239nn of the State General Municipal Law, the Village must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
3. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
4. This site is environmentally constrained by the steep slopes. The Planning Board must be satisfied that all State and local regulations are strictly adhered to, to protect the environmental sensitivity of the site and its surroundings.
5. There shall be no net increase in the peak rate of discharge from the site at all design points.
6. 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.

11. The Rockland County Department of Highways (Department) offered the following comment:

- The Department believes that the proposed action would have not significant effects upon the nearest County Road and has no further comments now.

12. The Rockland County Department of Health (RCDOH) received the plans and at this time grant approval for Article 19 Mosquito Control. Please be advised that this approval is solely for compliance with Article 19 Mosquito Control of the Rockland County Sanitary code and other agency approvals may be necessary for this project. Note that if the stormwater facility design changes after this approval, contact RCDOH as a new submission may be required. This approval is limited to 3 years and shall expire 3 years from the date of this approval unless construction has commenced. Time extensions for plan approval may be granted by RCDOH based upon development facts in effect at this time. A new plan submission may be required to obtain a time extension.

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13. The applicant shall remove the driveway along the North property line, unless the abutting property owner agrees to let the applicant use the roadway. If agreeable to the use of the property, a letter shall be submitted by the abutting property owner.

14. 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.

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

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

17. 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.

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Continuation of Condition #17...

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 $\frac{3}{4}$ 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.

18. 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.

19. 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.

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

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**PB #24-04: 897 Route 9W Site Plan
Critical Environmental Area
Final Site Plan Approval Subject to
Conditions**

Permit #BLDR-2630-23

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21. 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).

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

23. 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

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

The foregoing Resolution was made and moved by Denise Lenihan and second by Michael McCrory and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; 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: January 10, 2024
Town of Orangetown Planning Board**



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