

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, January 24, 2024

MEMBERS PRESENT:

Michael Mandel, Vice Chairman	Kevin Farry	Andrew Andrews
Denise Lenihan	Lisa DeFeciani	Michael McCrory
Bruce Bond (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 Item:

1050 Route 9W Site Plan	PB #22-02
Prepreliminary/Final Site Plan Review	Final Site Plan
Critical Environmental Area;	Approval Subject
1050 Route 9W, Upper Grandview	to Conditions
71.09/1/28; R-22 zoning district	

New Items:

Ma-Tov Site Plan - Camp Regesh	PB #24-06
Prepreliminary/Preliminary/Final Site Plan	POSTPONED
& SEQRA Review	
284 Orangeburg Road, Orangeburg	
76.08/1/5; LIO zoning district	

Onyx Equities Re-Subdivision Plan	PB #24-07
Prepreliminary/Preliminary/	CONTINUED to
Final Re-Subdivision Plan & SEQRA Review	March 27, 2024
64 & 140 Leber Road, Blauvelt;	Meeting
70.06/1/50.4 & 47; R-40 and LO zoning district	

Onyx Equities Site Plan	PB #24-08
Accessory Parking Lot Plan	CONTINUED to
Prepreliminary/Preliminary/	March 27, 2024
Final Site Plan & SEQRA Review	Meeting
64 & 140 Leber Road, Blauvelt;	
70.06/1/50.4 & 47; R-40 and LO zoning district	

Kolb Subaru Site Plan	PB #24-09
Temporary Trailer and Site Work Plan	Final Site Plan
Prepreliminary/Preliminary/	Approval Subject
Final Site Plan & SEQRA Review	to Conditions
252 Route 303, Orangeburg;	
74.11/1/22; LI and Route 303 Overlay zoning district	

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80 South William Street Subdivision

PB #24-10

Prepreliminary/Preliminary/Final

POSTPONED

Subdivision Plan & SEQRA Review

80 South William, Pearl River; 68.20-2-76; RG zoning district

Continued Items Postponed from November 8, 2023 Meeting:

WPT Acquisitions Re-subdivision Plan

PB#22-17

Prepreliminary/ Preliminary/

POSTPONED

Final Re-subdivision Plan & SEQRA Review

TO FEBRUARY 28, 2024

518 Route 303 & 13 and

MEETING

21 Mountainview Ave, Orangeburg

74.07/1/2, 33 & 36; CC, LI, LO zoning districts

WPT Acquisitions Site Plan

PB#22-18

Prepreliminary/ Preliminary Site Plan

POSTPONED

and SEQRA Review

TO FEBRUARY 28, 2024

518 Route 303 & 13 and

MEETING

21 Mountainview Ave, Orangeburg

74.07/1/2, 33 & 36; CC, LI, LO zoning districts

The decisions of the January 10, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Denise Lenihan carried as follows:

Thomas Warren - Chairman, absent; Michael Mandel - Vice Chairman, aye;

Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye;

Kevin Farry, aye; Bruce Bond (alternate member), abstain; 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 February 15, 2024.

Dated: January 24, 2024

Cheryl Coopersmith, Town of Orangetown Planning Board

Cheryl Coopersmith

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TO: Jorel Vaccaro, 527 48th Street, Ground Floor, New York, New York
10036
FROM: Orangetown Planning Board

RE: 1050 Route 9W Site Plan - Critical Environmental Area, a continued item: The application of Corniell Reality, owner, for Final Planning Board Approval at a site to be known as "**1050 Route 9W Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1050 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 28; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a **virtual meeting held January 12, 2022 and in-person on January 24, 2024**, at which time the Board made the following determinations:

January 12, 2022

Brian Joachim, Paula Cornielle and Jorel Vaccaro appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 5, 2022.
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 10, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 7, 2022.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 3, 2022.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 12, 2022.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 13, 2021.
7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated January 7, 2022.
8. Letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer III, dated December 15, 2021.

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9. Email from Orange & Rockland Utilities dated November 8, 2021 from Alfred Gaddi.
10. Stormwater Management Plan prepared by Jorel Vaccaro, dated October 29, 2021.
11. Short Environmental Assessment Form signed by Jorel Vaccaro, dated November 2, 2021, revised January 1, 2022.
12. Copy of PB#19-20, Final Site Plan Approval Subject to Conditions, dated February 26, 2020.
13. Civil Site Plan entitled for 1050 Route 9W, prepared by Krypton Engineering, signed and sealed by Jorel Vaccaro, dated October 20, 2021:
 - C-001.00: Title Page & Notes
 - C-010: Zoning, Setbacks & Erosion Control
 - C-020: Erosion Control Landscape & Demo
 - C-100: Trib., Areas & Proposed Grading
 - C-110: Subsurface, Drainage & Septic
 - C-200: Septic Details
 - C-210: Civil Details
 - C-220: Cultec Details
 - C-300: Profiles, Storm & Pavements
 - C-400: Erosion Control
14. Architectural Plans entitled New Construction Cornielli Real Estate Enterprises, 1050 Route 9W, prepared by Jenny Zuniga-Casal, R.A., dated April 7, 2020, last revision date of January 12, 2021.
15. Building Permit Referral to the Planning Board dated November 28, 2018 prepared by Rick Oliver, Building Inspector.

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

The applicant requested a **CONTINUATION**.

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Jorel Vaccaro appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 10, 2024.
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 19, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 23, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 8, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated January 21, 2024.
6. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated January 18, 2024 and notice signed by Jake Palant, dated December 14, 2023.
7. Letter and notice from the Rockland County Health, Center for Environmental Health, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated January 8, 2024.
8. Notice from the Rockland County Highway Department, signed by Dyan Rajasingham, dated December 6, 2023.
9. Email correspondence between the applicant, Jorel Vaccaro, PE, Krypton Engineering and New York State Department of Transportation, Ralph Tarulli, NYSDOT Consultant.
10. Plans prepared by as noted:
 - 1050 Route 9W Nyack, NY Site Plan, last revised 10/20/2023, prepared by Krypton Engineering, signed and sealed by Jorel J. Vaccaro, PE, Pages C-001.00, C-010, C-020, C-030, C-100, C-110, C-200, C-210, C-220, C-230, C-300, C-400.00
 - New Construction Cornielle Real Estate Enterprises prepared by Jenny R. Zuniga-Casal Architect, signed and sealed by Jenny R. Zuniga-Casal, RA, Drawings A-1 through A-10, last revised 06/21/2023
 - Stormwater Management Plan for 1050 Route 9W", prepared by Krypton Engineering, signed and sealed by Jorel J. Vaccaro, PE, October 23, 2023
11. Letter from Krypton Engineering, dated October 17, 2023, signed by Jorel Vaccaro, PE.

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; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made to close the Public Portion 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; Bruce Bond, (alternate member), aye and Andrew Andrews, aye.

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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 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 Highway, Rockland County Health Department, Rockland County Sewer District #1 and New York State Department of Transportation and having reviewed the drawings presented by the applicant's professional consultant; Krypton Engineering, 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;

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- 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.

A motion was made 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; Bruce Bond, (alternate member), 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 construction plans are reviewed and approved by the Building Inspector.
5. The revised Stormwater Management Plan provided (last updated 10/23/23) is under review. The report notes that a (singular) Percolation test was performed at the site in March of this year. However, the revised drainage design now calls for 2 separates subsurface stormwater systems. Therefore, testing (see note 6 below) shall be done at the second proposed location as well. As previously requested, copies of these tests shall be submitted to the Planning Board and DEME - to be included in a separate Appendix the Stormwater Management Plan. Lastly, the total area of disturbance (a.o.d.) shall be added to the Stormwater Management Plan Introduction.
6. As previously requested, **soil analysis and determination of groundwater elevations** along with perc tests, shall be performed at all proposed subsurface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. **These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design.** The information/ test results/ elevations shall be added and incorporated into the drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. This testing (and the previous testing) as well as their results shall be outlined in the Stormwater Management Plan under Section II – Site Conditions. Copies of all correspondence related to this issue shall be submitted to the Planning Board, the Building Department and DEME.

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7. The applicant's engineer's response letter of 10/17/23 to the Planning Board makes several references to NYSDOT recommendations/ requirements. The applicant shall provide the Planning Board and DEME written correspondence from the NYSDOT outlining all of their recommendations/ requirements. Specifically, and for example, DEME's #3 comment of our 11/22/22 letter, the last sentence of said comment questioned why the proposed footing drains are bypassing the propose stormwater facilities and in comment #7, it was noted that the footing drains were shown "daylighting" at the Route 9W R.O.W. The applicant's engineer's comment #7 response is "As per DOT, footing drain has been connected into stormwater system." The drawing shows the footing drains is tying into a new DOT catch basin. That still does not answer the initial question as to why the footing drains bypass the proposed stormwater system. This question still requires an answer from the applicant's engineer.

8. The details for CB 1 & CB 6 shall be include invert for all proposed connected piping, basin inverts, etc. The details shall also include plan views, all connecting pipe sizes.

9. The proposed drainage sub-catchment areas listed on page 7 of the revised Stormwater Management report list two (2) "New Unretained Lawn areas." One of these must be the retained area. The table will be revised. Also, the "Remaining undeveloped area" in the report is listed as 0.712 acres (\pm 31,014 SF) but the table on drawing C-100 lists the "Remaining undeveloped area" as 30,395 SF (0.697 acres.) This discrepancy shall be corrected.

10. The proposed Cultec chambers' inspection ports top and invert elevations shall be labeled on drawings C-100, C-110 & C-300.

11. All proposed drainage piping runs shall be more clearly defined (perhaps by using a heavier line weight) on the drawings, especially drawing C-100. For example, the piping connecting trench drain TDF1 to proposed catch basin CB 8 seems to be partially missing.

12. A permit from the NYSDOT will be required for the proposed drainage work to the Route 9W drainage system. Also, the design of these improvements must be approved by the NYSDOT. Copies of all correspondence relating to this issue shall be sent to the Planning Board and DEME.

13. The drainage piping profiles shall label the top and invert elevations for all inspection ports, top and bottom of retention systems, connection piping inverts, etc.

14. Proposed catch basin CB 7 shall be labeled as such on-profile E, drawing C-300.

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15. Drawing C-110 calls for a 6-inch diameter DIP sanitary house connection, however, the sanitary house connection is labeled as C.I (assumedly cast iron) on the profile on drawing C-300. The applicant's engineer is advised that PVC (SDR 35) piping is allowable for the entire run (from house to the town owned main.) Regardless of the material chosen, the drawings / drawing notes/ call outs shall be coordinated.
16. The location for the proposed sanitary house connection cleanouts on drawing C-110 do not coincide with the locations provided on the profile on drawing C-300. The drawings shall be revised accordingly. Also, the top and invert elevation for all sanitary house connection cleanouts shall be added to drawing C-110. Lastly, the title for drawing C-110 shall be revised to remove the word septic and add the words sanitary house connection.
17. The sanitary house connection profile, drawing C-300, shall include the individual pipe lengths and materials between each proposed cleanout. Also, the water main within Route 9 W shall be shown on the profile.
18. The sanitary house connection detail drawing C-200 incorrectly shows the existing sanitary main as 6-inch. The detail/ call out note shall be revised to indicate an 8-inch main.
19. Drawings C-010 & C-100 depict roadwork occurring within the Route 9W R.O.W. A permit from the NYSDOT is required for this work. Copies of any and all correspondence relating to this Issue shall be submitted to the Planning Board, the Building Department and DEMA.
20. The Soil Erosion and Sediment Control Plan (SESC), drawing C-030, shall show the proposed improvements/ new catch basins along Route 9W. Catch basin/ inlet protection shall be shown for ALL proposed and existing catch basins (including new basins along Route 9W) & trench drains. The symbols for this protection shall be added to the legend and details for same shall be added to the plans.
21. Silt fence or construction fencing shall be shown and labeled on the SEC along the northern and southern property lines, along the proposed area of disturbance, to help define the work area and prevent incursion of construction on the neighboring properties.

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22. As-Built drawings and site survey are needed, these drawings shall include foundation location, elevation and driveway grading.

23. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and offered the following comment:

- The driveway grade shall be less than 10%, 9.5% is proposed.

24. Drainage Review Recommendation – Brooker Engineering

The application has provided additional information that demonstrates the stormwater detention system can mitigate potential significant impacts with respect to stormwater runoff. The Drainage Consultant recommend that the 1050 Route 9W Site Plan be approved for drainage subject to the following comments.

Project Description

This is the sixth drainage review report for this project, the last review was dated January 21, 2022. The site is located on the west side of Route 9W, north of Treeline Terrace. There are foundation remains of a previous dwelling on the site. There is an existing driveway entrance for the site located north of the property that is to be removed and a new driveway entrance is proposed along the southern corner of the lot.

Increases in impervious area and stormwater runoff have been quantified and two underground detention areas are shown along the east portion of the property. Additional drainage structures have been added at the uphill limits of disturbance to intercept off site runoff prior to reaching the dwelling.

Project Comments

1. As per the January 21, 2022 drainage review report, the silt fence located along the uphill portion of the limit of disturbance (west side) shall be designed to ensure no stormwater runoff is directed to the neighboring properties.
2. As per the January 21, 2022 drainage review report, curve numbers shall account for change in runoff from woods to grass. Verify the use of a curve number of 62 for proposed grass conditions; reduction in curve number from woods to grass could skew the results.
3. As per the January 21, 2022 drainage review report, provide positive drainage away from the house at the southeast corner of the new garage.
4. Provide drainage subarea maps in the drainage report to support the delineation of subbasins in the hydrologic model.
5. It appears some of the existing features to be removed have been turned off on the Demolition Plan; revise this drawing to show the existing features and other items that are labelled as being removed.
6. It appears several of the proposed pipes that are labelled on the Utility Plan have been turned off.
7. Verify the capacity of the double inlets proposed uphill of the new west retaining wall can receive the hillside runoff from the west, including off site runoff if applicable

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

- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- An updated review of the October 13, 2022 site plan must be completed by the Rockland County Department of Health and application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Code.
- The Village of Grand View-on-Hudson is one of the reasons the proposal was referred to Rockland County Department of Planning for review. The municipal boundary is approximately 380 feet east of the property line of the site. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The existing well must be properly decommissioned prior to its removal. The Rockland County Department of Health (RCDOH) must be notified of the intent to decommission the well, and monitor the process to ensure that it is done in compliance with the specification of Article II of the Rockland County Sanitary Code. All required permits must be obtained from them. Furthermore, approval must be obtained from the RCDOH prior to initiating any decommissioning activity.
- For installation of a sanitary sewer system, engineering plans and specification shall be reviewed and approved by RCDOH prior to construction.
- Retaining walls shall be designed by a licensed NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- The bulk table shall include a map note denoting that the lot width is a pre-existing, non-conforming condition, and therefore no variance is required.
- The district information on the site plan indicates that the water district is SUEZ. This must be corrected to Veolia North America.

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26. The Rockland County Department of Health reviewed the information and offered the following comments;

- The well is to be decommissioning in accordance to Article II of the Rockland County Sanitary Code. The decommissioning process includes submission of an application and subsequent completion report. A Certificate of Occupancy shall not be issued until RCDOH has deemed that the decommissioning is complete.
- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

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

- The proposed action would have a de-minimis impact upon the County highway system. Therefore, the department poses no objection to the local determination unless major changes are proposed to the site plan in the future.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highway
- Rockland County Health Department
- Rockland County Sewer District #1
- New York State Department of Transportation

29. 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.

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

31. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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Continuation of Condition #32...

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

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

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

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

TOWN CLERK'S OFFICE
2024 FEB 23 P 1:43
TOWN OF ORANGETOWN

**PB #22-02: 1050 Route 9W Site Plan
Final Site Plan Approval
Subject to Conditions
Neg. Dec.**

Permit #48371

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

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

38. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

The foregoing Resolution was made and moved by Michael McCrory and second 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; Bruce Bond, (alternate member) 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 24, 2024
Cheryl Coopersmith
Planning Board
Attachment**



TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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

**PB #22-02: 1050 Route 9W Site Plan
Final Site Plan Approval
Subject to Conditions
Neg. Dec.**

Permit #48371

**Town of Orangetown Planning Board Decision
January 24, 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: 1050 Route 9W Site Plan -Critical Environmental Area
Final Planning Board Approval Subject to Conditions**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1050 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 28; in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

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

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental

Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant
- Involved Agencies

TOWN OF ORANGETOWN
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PB #24-09: Bill Kolb Subaru Site Plan
Final Site Plan Approval Subject to Conditions

Permit #BLDC- 51714

Town of Orangetown Planning Board Decision
January 24, 2024
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TO: Joe Maranino, 363 7th Avenue, NY, New York 10001
FROM: Orangetown Planning Board

RE: Kolb Subaru Site Plan: The application of Group 1 Automotive, Inc., applicant for Kirchner Family Enterprises, LP, Rifkin & Company, LLP, owner, for Preliminary/ Preliminary/Final Site Plan consisting of a proposed dog park, interior renovations of the existing car sales and service building. A front vestibule is being added to the building and minor grading changes with new sidewalks and curbs are proposed at a site to be known as "**Kolb Subaru 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 252 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 1, Lot 22 in the LI and Route 303 Overlay zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **January 24, 2024** at which time the Board made the following determinations:

Neil Sanders appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated January 10, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated January 19, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 23, 2024.
4. Interoffice memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 9, 2024.
5. Interdepartmental memorandum from the Office of Parks & Recreation, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks and Recreation, dated January 8, 2024.
6. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated December 10, 2023.
7. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated January 18, 2024 and a notice signed by Jake Palant, dated December 21, 2023.
8. Letter and Notices from the Rockland County Department of Health, signed by Elizabeth Mello, PE, dated January 8, 2024.
9. Letter from the Rockland County Sewer District No. 1, signed by Nicholas King, Engineer I, dated December 8, 2023.
10. Letter from the Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated December 4, 2023.

TOWN CLERK'S OFFICE

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**Town of Orangetown Planning Board Decision
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11. Letter from Rockland County Sewer District #1 signed by Nicholas King, Engineer I, dated January 8, 2024.
12. Short Environmental Assessment Form signed by Group 1 Automotive, undated.
13. A Full Environmental Assessment Form signed by Group 1 Automotive, dated October 2, 2023.
14. Plans prepared by Independence Engineering LLC, dated October 31, 2022, last revised August 30, 2023:
 - C200: Note Sheet
 - C800: Detail Sheet
 - C810: Detail Sheet

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

A motion was made to open the Public Hearing portion of the meeting by Andrew Andrews and second by 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; Bruce Bond (alternate member), aye, and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion 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; Bruce Bond (alternate member), aye; Lisa DeFeciani, aye; 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 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; Bruce Bond (alternate member), 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.

Town of Orangetown Planning Board Decision
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and 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 Drainage Agency and Rockland County Sewer District #1, Rockland County Planning Department and having reviewed the drawings presented by the applicant's professional consultant 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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TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
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A motion was made by Bruce Bond 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; Lisa DeFeciani, aye; Bruce Bond, (alternate member), 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.
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 Route 303 Overlay district, designated street line and 25-foot required buffer should be shown on the drawings.
5. Parking layout must be shown for the entire site, including the rear parking lot area.
6. There is a "sign" noted in the parking area by the main driveway, what is this sign?

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**PB #24-09: Bill Kolb Subaru Site Plan
Final Site Plan Approval Subject to Conditions**

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7. The site plan indicates a decorate wrought iron fence, however the detail shows a chain link fence. Details must be coordinated.

8. The Short EAF indicates that addition is 120 square feet, however the LEAF indicates the addition is 156 square feet. Why were both a short and long EAF submitted, and which square footage amount is correct?

9. 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 construction plans are reviewed and approved by the Building Inspector.

10. The Short Environmental Assessment Form must be revised as follows and resubmitted by end of the day January 25, 2024:

- #A9 check NO and indicate N/A.
- #20 check YES, #344021 and #344050

11. DEME has the following comments/ recommendations.

(1.) The total area of disturbance (a.o.d.) shall be listed on drawings. The a.o.d. shall include but not be limited to the new vestibule, dog park, trash enclosure area, new concrete sidewalks & ramps along northern building line and in front of new vestibule, new sanitary and stormwater piping, regrading, etc. The applicant's engineer is reminded that if the total a.o.d. exceeds 1 acre, a full SWPPP with water quality and quantity facilities &, backup drainage calculations, with Green Infrastructure & Redevelopment requirements shall be required for this project.

(2.) The project narrative states that now new impervious surfaces are being created by this project. DEME requests that the applicant's engineer submits a signed and sealed break down of the all of the proposed work areas, their existing ground cover, the proposed ground cover and the total square footage for each area.

(3.) The utility plan, drawing C600, depicts new drainage lines. The applicant's engineer shall provide drainage calculations that determined that sizing of the proposed new drainage lines. A narrative shall be added to the calculations explaining why these drainage lines are being installed.

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Continuation of Condition #11...

- (4.) Profiles for all of the new drainage infrastructure shall be added to the drawings.
- (5.) All existing stormwater/ drainage facilities (manholes, catch basins, piping) shall be added to the utility drawing. Tops and inverts elevations for all existing structures shall be added to the plans as well.
- (6.) The drawings show two (2) "lids" in the dog park area. The purpose of these lids shall be determined. This information shall be added to the plans.
- (7.) The symbols for all of the new sanitary and stormwater facilities (manholes, catch basins, piping, etc.) shall be added to the drawing legend.
- (8.) The utility drawings depicts temporary sanitary connections for the temporary sales office trailers. These connections shall be placed underground. Details for the piping trench and trailer piping inter-connection shall be added to the plans. A profile for these lines shall be added to the plans.
- (9.) The proposed sanitary trailer connection to the existing sanitary building connection shall be added to the plans. The temporary piping shall be connected via a tee connection. Once the project is complete, the temporary sanitary trailer piping shall be removed and the connection to the existing sanitary building connection shall be capped at the connection. Details for same shall be added to the plans.
- (10.) All existing proposed easements and dedications shall be shown on the plan, including page and liber or instrument number, meets & bounds, ownership, utility or improvement within easement/ dedications, etc.
- (11.) A note shall be added to the drawings C200 C600 stating that The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities.
- (12.) Soil erosion and sediment control plans and details shall be submitted to DEMA for review and approval.
- (13.) The datum for the contours shall be given. Also, A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)

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Town of Orangetown Planning Board Decision
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12. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted documents and offered the following:

- Show new vehicle parking on the site plan.
- Show the existing and proposed building separation on the site plan
- Does the proposed fire hydrant for the dog park appear functional, please clarify?

13. The Town of Orangetown Office of Parks and Recreation reviewed the submitted documents and offered the following:

- The site plan calls for a four (4) foot high fence enclosure around the dog park. Typically, the recommended height for a dog park fence is a minimum of five (5) feet as medium and larger breeds can jump over lower fences. **The Board requested that the fence be a minimum of 4.5 feet in height.**
- The drawing (sheet 6) indicates that the fence construction will be a "decorative wrought iron." The detail sheet (sheet 7) shows a chain link fence. Vinyl coated chain link is the recommended material for dog park fences and will not be a chain link fence. **The Board requested that the fence be a decorative wrought iron. The Site Plan and detail sheets shall be revised to note a wrought iron fence.**
- The base of the fence shall be tight to or even buried in the ground. The detail on sheet 7 appears to show a gap between the ground and the base of the fence. A gap between the base of the fence and the ground could be used by smaller dogs to escape the park, especially if dogs start digging around the perimeter.
- The drawing (sheet 6) indicated an entry gate. This appears to be a single gate for entering and existing the dog park as opposed to a gated "transition area." This would be a smaller fence area that a visitor would enter with their dog on leash, unleash the dog, then proceed through the second gate. This would prevent any dogs in the park from escaping when a new dog is entering.

14. Drainage Review Recommendation

The application has provided sufficient information to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation. The Drainage Consultant, Brooker Engineering therefore recommends that the Bill Kolb Jr. Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the first drainage review report for this project. The proposed action consists of interior renovations of the existing car sales and service building. A front vestibule is being added to the building and minor grading changes with new sidewalks and curbs are proposed on the site. Temporary construction trailers during construction are proposed in the existing parking lot. No changes in overall drainage patterns will result from the project and no significant changes to ground cover are proposed. No new stormwater mitigation is proposed and none is required.

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Continuation of Condition #14...

Project Comments

1. Show the limit of land disturbance on the erosion control plan.
2. Add proposed drainage features to the legends.
3. Clearly show the front vestibule addition with dimensions on the Site Plan.
4. Show existing and proposed impervious surfaces, with breakdown by description, on the Site Plan by map note.
5. Provide a field inlet detail.
6. Clearly show limit of land disturbance and limits of new paving on the Site Plan.
7. Provide more detailed grading along the west side of the building where the trench drain is to be removed and replaced with two field inlets.
8. Show the gas easement through the site.

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

- The Town shall be satisfied that the proposed site plan is compliant with all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Section 13.10.B of the Orangetown Town Code.
- A review must be completed by the New York State Department of Transportation and any required permits obtained.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- A review of must be completed by the Rockland County Department of Health and application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Code.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- A Stormwater Pollution Prevention Plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.

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Continuation of Condition #15...

- The 2023 aerial imagery made available through the Rockland County Planning Department's GIS Division shows at least 70 vehicles either parked or stored in the northwestern portion of the site, where the temporary offices are proposed. These spaces must be delineated on the site plan drawing; it must be indicated if this is inventory or customer parking; and the future location of where these vehicles will be parked or stored must be clarified.
- The Orangetown Application Form and GML Referral form only includes lot 74.11-1-22 for the proposal, however the site plan illustrates lots 74.11-1-22 and 74.11-1-2 as part of the development site. All application materials submitted must contain consistent and accurate information. If there is any incorrect or missing information from the public hearing notice, then it must be revised and reissued.
- The site plan proposes two 24' x 60' trailers to be used as temporary office space while the main building is under renovations. **According to the Narrative, once final inspections are received, operations will return to the building and all temporary trailers will be removed. The stipulation for the trailers' removal must be included as a condition of approval. A note shall be added to the site plan regarding the removal of the trailers.**
- This Department recommends 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.
- Any proposed signage shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- If any exterior lighting is proposed, then a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 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, NYS General Municipal Law Section 239-m(3)(a)(v).

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Continuation of Condition #15...

- This project presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (the Climate Act), through the inclusion of on-site renewable energy. The CLCPA of Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increase demand for energy and will pull that energy from the grid. It appears that the existing building has a large flat roof that may be conducive to the installation and use of solar panels. It is recommended that the potential use on on-site renewable energy be evaluated and strongly considered.
- The land use board and type of application for review must be indicated on Page 1 of the Town of Orangetown Application Review Form

16. The Rockland County Department Drainage Agency (RCDA) reviewed the information and offered the following comments;

- The project is outside the district of the RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for development of this site. Also, the RCDA has no further comments regarding the proposal, pursuant to the SEQRA.
- The RCDA recommends that the municipal land use boards and/or departments review all development proposals for this site and ensure that developments will increase in impervious areas and/ or land disturbances will not result any increase in stormwater runoff from the site and will have adequate measures to prevent soil erosion and control sediment from leaving the site.

17. 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.

18. 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 Drainage Agency
- Rockland County Sewer District #1

19. 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.

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

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21. 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.

22. 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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**PB #24-09: Bill Kolb Subaru Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #BLDC- 51714

**Town of Orangetown Planning Board Decision
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23. 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.

24. 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.

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

26. 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).

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

28. 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

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

- 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, NYS General Municipal Law Section 239-m(3)(a)(v).

Waive ACABOR: The applicant requested a waiver to appear at the Architecture and Community Appearance Board of Review (ACABOR). A motion was made to waive ACABOR Appearance, the motion was made by Bruce Bond and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Bruce Bond (alternate member) aye and Andrew Andrews, aye.

Override

The Board made motions to override Condition #12 of the January 18, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#1. “A landscaping plan was not submitted with this application. A landscaping plan, indicating the species of plants to be used and where they will be planted, must be provided.”

The Board held that the site has existing landscaping and no change is proposed..

A motion to override the condition was made and moved by Kevin Farry and seconded by Michael McCrory 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, Bruce Bond, (alternate member), aye and Michael McCrory, aye.

The foregoing Resolution was made and moved by Bruce Bond 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; Bruce Bond, (alternate member), 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 24, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board
Attachment

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

**PB #24-09: Bill Kolb Subaru Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #BLDC- 51714

**Town of Orangetown Planning Board Decision
January 24, 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: Bill Kolb Subaru Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 252 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 1, Lot 22 in the LI and Route 303 Overlay zoning districts.

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

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