

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Thursday, February 15, 2024

MEMBERS PRESENT:

Michael Mandel, Vice Chairman
Kevin Farry
Andrew Andrews
Lisa DeFeciani
Bruce Bond, (alternate member)
Denise Lenihan

MEMBER ABSENT: Thomas Warren, Chairman and Michael McCrory

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 from December 13, 2023 Meeting:

Gatto Lane Site Plan	PB #23-22
Prepreliminary/Preliminary Site Plan and SEQRA Review	Preliminary Site Plan
Gatto Lane, Pearl River	Subject to Conditions
68.07/2/1; R-15/ PAC zoning district	Neg. Dec.

Continued Item from September 13, 2023 Meeting:

Aluf Plastics Site Plan	PB #23-40
Chiller Site Plan	Preliminary and Final
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review	Site Plan Approval
2 Glenshaw Street, Orangeburg	Subject to Conditions
70.18/2/15; LI zoning district	Neg. Dec.

New Items:

Bethany Mar Thoma Church Fence and Gate Plan	PB #24-11
Prepreliminary/Preliminary/Final Site Plan and SEQRA Review	POSTPONED
90 Old Orangeburg Road, Orangeburg	
76.09/1/64; R-80 zoning district	

Bright Path Kids Site Plan	PB #24-12
Formerly known as Safe & Sound Site Plan Amendment to PB #22-13 -Preliminary Site Plan Approval and SEQRA Review	Preliminary Site Plan
68.12/3/27; CO zoning district	Amendment Subject to Conditions
	Neg. Dec.

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February 15, 2024 Planning Board Meeting

The decisions of the January 24, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Denise Lenihan and seconded by Kevin Farry carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; Bruce Bond, (alternate member), 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 Andrew Andrews and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 9:40 p.m. The next Planning Board meeting is scheduled for February 28, 2024.

Dated: February 15, 2024

Cheryl Coopersmith, Town of Orangetown Planning Board



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TOWN CLERK'S OFFICE

PB #23-22: Gatto Lane Site Plan **Permit #BLDG 2892-23**
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

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TO: Kenneth DeGennaro, Brooker Engineering, 74 Lafayette Avenue,
Suffern, New York
FROM: Orangetown Planning Board

RE: Gatto Lane Site Plan: The application of Toll Brothers, applicant for Gatto Lane LLC, owners, for Prepreliminary/ Preliminary Site Plan at a site to be known as “**Gatto Lane 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 Gatto Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 68.07, Block 2, Lot 1 in the R-15/ PAC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **July 26, 2023 and February 15, 2024** at which time the Board made the following determinations:

July 26, 2023

Kenneth DeGennaro and Kevney Moses appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated April 26 and July 12, 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 May 5 and July 20, 2023.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated May 5, July 21, July 18, and July 7, 2023.
4. Interdepartmental memorandums from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated April 21 and July 11, 2023.
5. Letter from Colliers Engineering & Design, dated April 25 and July 11, 2023, signed by Jesse Cokeley, PE.
6. Letters and notices from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated April 27 and July 21, 2023 and from Jake Palant, dated April 10 and June 22, 2023.
7. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, dated April 24, 2023.
8. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated April 4, 2023.
9. Notices from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated April 17, 2023.
10. Letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 10, 2023 and Nicholas King, Engineer I, dated July 10, 2023, with an attachment.
11. Email from Orange and Rockland Utilities, dated June 26, 2023, from Alfred Gaddi, PE.

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12. A copy of the Full Environmental Assessment Form dated November 10, 2022, signed by Kenneth DeGennaro, PE.
13. A letter from Brooker Engineering, dated June 19, 2023, signed by Kenneth DeGennaro, PE.
14. An email from Ken DeGennaro, dated June 15, 2023.
15. A copy of a letter from Brooker Engineering to the Village of Chestnut Ridge, dated May 24, 2023.
16. A copy of a letter from Bleakley Platt, dated May 24, 2023 signed by Lion Sciarretta.
17. A copy of a letter from Brooker Engineering to the Village of Chestnut Ridge Board of Trustees.
18. Email from Rose Gomez.

The Board reviewed the plans. The hearing was then opened to the Public. The applicant requested a **CONTINUATION**.

February 15, 2024

Kevney Moses, Brian Quinn and Frank Toto appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated January 24, 2024
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director dated February 9, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated February 12, 2024.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated January 22, 2024.
5. Letter from Colliers Engineering & Design, dated January 22, 2024.
6. Letter and notices from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated February 5, 2024.
7. Letter and Notice from Rockland County Health Department, signed by Brandon Durant, Assistant Public Health Engineer, dated January 11, 2024 and December 14, 2023.
8. Letter from Veolia signed by Frank McGlynn, dated January 4, 2024.
9. Letter from the Village of Chestnut Ridge Planning Board, dated January 17, 2024.
10. Village of Chestnut Ridge Resolution No 2023-132, dated September 7, 2023.
11. Site Plans prepared by Brooker Engineering, last revised December 19, 2023.
12. Interdepartmental memorandum from the Office of Recreation & parks, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance, dated January 11, 2023, with a copy of PB #23-03, Consultation.

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The Board reviewed the plans.

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

Public Comments:

Jane Miran, 133 Gatto Lane, described an issue that occurred; a truck jack knifed on Highland and on one could get through. She held that Grotke should be macadam. In addition, Ms Miran wanted to know who would hold the keys to the emergency access.

Robert Arturi, 163 Gatto Lane, held that the proposed development does not belong in the area. He raised concerns regarding flooding and removal of trees.

Vincent Kissel, 139 Gatto Lane, held that the emergency road should be permanent road, as a continuation of Highland Avenue.

Joanne Johnson, 26 Gatto Lane, held that the proposed development does not fit into the area.

Catherine Carry, 26 May Road, discussed the meaning of 55 and older.

Randolph Johnson, 26 Gatto Lane, held that the area will be flooded and agreed with all other public comments.

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

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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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, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye, and Andrew Andrews, aye; the Board declared itself Lead Agency.

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;
- 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.

On motion by Bruce Bond 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, absent; 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 **Preliminary Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. 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.

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4. On September 13, 2022, the Town Board granted a zone change from the R-40 Zoning District to the R-15 Zoning District and R-15 to PAC Zoning and established the following criteria;

- a) Maximum number of town home style units permitted is 36
- b) The sum \$72,000.00 is to be paid following the granting of final site development plan approval by the Town Planning Board for the PAC development and before the signing of the site plan.
- c) The Petitioner, prior to the issuance of any building permits, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Owners and occupants, restricting the sale, re-sale, rental and occupancy of the units within the PAC development as set forth in the TB resolution.
- d) The applicant must return to the Town Board for review of the proposed plan, to ensure the site plan substantially conforms to the concept plan that is being approved as part of the zone change.

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

6. The Full Environmental Assessment Form (SEAF) appears to be in order.

7. 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.

8. The Emergency Access Road on Grotke Road will be maintained by way of an agreement between the Toll Brothers and Home Owners Association or by another legal document.

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9. The applicant's attorney has provided previously requested documentation demonstrating that Gatto lane, within the Village of Chestnut Ridge, is a public road. The applicant's attorney also provided documentation demonstrating that the Village of Chestnut Ridge denied the applicant's request to improve/ widen Gatto Lane within the Village. Gatto Lane shall be labeled as a public road on the drawings, within the Village of Chestnut Ridge.

10. DEME received a revised SWPPP. A formal review shall be sent to the applicant's engineer under separate cover.

11. Drawing 3 shows improvements to Gatto Lane, in Orangetown (along the southern portion of the lot), that are taking place along the Gatto Lane R.O.W & lot #68.07-2-39 (N/F Wyeth/ Pfizer.) However, the drawings do not show how this work will be accomplished without going on the Wyeth/ Pfizer lot. Also, the Sediment and Erosion Control plan does not show how this work will be controlled from an SESC perspective, i.e. no proposed SESC facilities are proposed to be installed. Lastly, the "Gatto Lane Improvement" profile on drawing 7 shows that, from the proposed new private road heading east, Gatto lane will be filled in for ± 234 linear feet at an average depth of 1.5 to 2 feet. Neither the grading plan (drawing 3) nor the SESC plan (drawing 5) show how the improvement and filling of Gatto Lane will be accomplished, how the change in existing to proposed grade will be tied back into existing grading along the Gatto Lane R.O.W /lot #68.07-2-39 and how all of this work will be done without affecting the neighboring lot not entering onto the neighboring lot. The layout of this work and how it will be accomplished is extremely important and must be clarified. Due to the critical nature of this work and the fact that it is Town of Orangetown property (R.O.W.), DEME recommends that the applicant's engineer provide specific details & drawings for this work prior to receiving preliminary approval. Contrary to the applicant's engineer's letter of 12/19/2, the drawings have not been revised.

12. A profile of the complete improvement to Gatto Lane, within the Town of Orangetown, shall be provided on the drawings. In combination with comment #3 above, the grading plan shall be revised to show all proposed regrading required for the improvement to Gatto Lane. Contrary to the applicant's engineer's letter of 12/19/2, the drawings have not been revised. Also, the proposed stationing for the Gatto Lane Improvement shall be shown on drawings 2,3,5 &11.

13. Drawings 2 thru 6 and 11 shall show the full extent of the improvements to Gatto Lane heading east, including drainage and sanitary improvements. Contrary to the applicant's engineer's letter of 12/19/2, the drawings have not been revised.

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14. The proposed planting zones for the wetland basins, low marsh zones, high marsh zones, the width of the proposed maintenance access paths and dimensions of their respective turn-arounds, plunge pools, micro pools, the elevations of the proposed emergency spillways, etc., shall be **labeled on plan views** on drawing 12. Contrary to the applicant's engineer's letter of 12/19/2, the drawings have not been revised. Also, the west infiltration trench is entering the west basin on the slope between the wet pond and marsh areas. This is not acceptable. The infiltration trench piping shall be relocated to enter the wet pond. Also, rip rap shall be drawn and labeled at all pipe exhaust locations.

15. The wetland basin cross-sections C-C and A-A shall include a representative planting symbols for the high marsh zones.

16. The outlet structure detail on drawing 13 shall be revised to show both front and back (inlet and outlet) elevation views. Also, the plan view shows the reverse pipe on the side of the outlet structure but, as per the plan views, it should be on the same side as the trash rack and undrain piping. The plan view shall be revised.

17. The proposed maintenance access paths for the wetland basin shall be extended **to their respective emergency overflow spillways**. Also, the turn-arounds shall be relocated closer to the ends of the paths. Contrary to the applicant's engineer's letter of 12/19/2, the drawings have not been revised.

18. The following information has shall be added to the plans: pond drains valves, reverse piping, anti-seep collar, low marsh, high marsh, safety bench, aquatic bench, anti-seep collar, labeled minimum flow path of 2:1, etc. These items shall be clearly labeled on the plan and profile view of the stormwater wet ponds on drawing 12.

19. Drawing 13 has a single "Outlet Structure" detail. This is insufficient. Separate details for both proposed wetland basin outlet structures shall be added to the plans. Also, See note 8 above.

20. The required 40-foot wetland pond buffer (25 feet + 15 feet - As per NYSDEC-SMDM, Section 6.2.4) shall be clearly shown (in their entirety around the ponds) and labeled on drawings 3, 5, & 11 and labeled as such on drawing 2.

21. The proposed double field inlets, FI 24 & FI.27 shall be labeled on drawing 11. Similarly, **all** proposed sanitary and drainage structure unique ID names/ numbers shall be added to drawings 5 & 12.

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22. Drawing 3 shows proposed filed inlet FI-18 and 18-inch piping into proposed CB 17. The applicant's letter of 12/19/23 states that this proposed drainage work is to address an existing low spot. However, as per drawing 11, this area is in the Gatto Lane R.O.W. and is to be realigned and new sidewalk put in, thereby eliminating the need for this basin and piping. Therefore, proposed inlet FI-18 and the 18-inch piping connection it to proposed catch basin CB 17 shall be removed from the plans.

23. The profile FI 9 to CB 2D does not match the plan view on drawing 3. Also, there are cleanouts missing along the undrain system from unit #2 to FI 24 at changes in direction. Some of the profiles are missing utility crossings. All plans and profiles shall be coordinated, provide profiles for all new drainage systems, correctly label all drainage structures on all plans, etc.

24. It appears that catch basins 21 & 22 may not be located at the exact low spot of proposed vertical curve at the beginning of the new private road. The applicant's engineer shall verify their location/ station to ensure it is synonymous with the vertical curve's low point. Contrary to the applicant's engineer's letter of 12/19/2, the drawings have not been revised.

25. The applicant's representatives had discussed with Highway Department and DEME the possibility of creating an emergency access easement over the proposed private roadway, from Gatto Lane to Grotke Road. The easement could only be used by the public, the Town and emergency personal in the event that Gatto Lane (within the Village of Chestnut Ridge), became impassible for any reason. It is DEME's understanding that the applicant/ applicant's representatives agreed with this idea. Therefore, a proposed emergency access easement shall be shown and labeled (with metes and bounds) on the drawings. **A written description for this easement shall be submitted to the Town Attorney's office, the Orangetown Highway Department and DEME for review and approval.**

26. 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.

27. The Town of Orangetown Town code has no provisions for any road/ driveway/ emergency access path entering onto an existing road in the middle of the curve, as the current emergency access road is currently shown entering onto Grotke Road. **The design must be reviewed and approved by the Superintendent of Highways in writing, as well as the Town Attorney's office.**

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28. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

29. Sanitary Sewer Note #5, drawing 3, shall be removed.

30. Note Sanitary Sewer Note #6, drawing 3, shall be revised as follows "..., an ~~exterior~~ check valve will be installed on the private sanitary house connection line within the house. The property/ home owner assumes all maintenance and liability for said check valve." The applicant/ applicant's engineer is advised that the installation of private sanitary house connection check valve is not a requirement within the Orangetown Town Code.

31. The following notes shall be added to the Sanitary Sewer Notes, drawing 3:
- a. "All houses and buildings shall be served by gravity sewer connections with a minimum slope of 2%."
 - b. "As-Built sanitary sewer plans and profiles are to be submitted to the Town of Orangetown Sewer Department and the Rockland County Health Department for review and approval upon completion of the improvements."

32. A written description for the proposed utility easement to benefit the Town of Orangetown Sewer Department and Veolia Water Company shall be submitted to the **Town Attorney's office and DEME for review and approval.**

33. 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 site, shall be supplied to the Planning Board and DEME, prior to signing the map.

34. The benchmark identified on note #13 on drawing 1, shall be clearly shown and labeled (with elevation) on drawing 16.

35. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and provided the following comments:
- Show proposed Fire hydrants on the site plan.
 - Fire Access road with a hydrant shall have a minimum road width of 26' – 24' is proposed. D103.1-Figure D103.1

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36. In review of PB #23-03, Gatto Lane Site Plan Consultation, dated January 11, 2023, the Town of Orangetown Parks and Recreation Department recommends, pursuant to Orangetown Zoning Code Section 21-20.E and Town Board Resolution #396 dated May 8, 2006, which sets the amount of \$6,300.00 per lot for single family homes, that the Planning Board waive the requirement for reservation of parkland and condition approval on payment of \$226,800.00 in lieu of parkland.

37. Drainage Review – Collier’s Engineering

The Planning Board Drainage Consultant for the Gatto Lane Site Plan, Colliers Engineering, reviewed the information and provided the following review.

The below comments represent Collier’s Engineering’s professional opinion and judgment, but may not necessarily, in all cases, reflect the opinion of the Planning Board. Overall, the proposed stormwater management plan meets the intent of the regulations, and therefore Colliers’ Engineering recommend the Gatto Lane PAC Site Plan be approved for drainage subject to the following comments.

Please note that this review is of the existing and proposed drainage only and as such, below is a list of comments with respect to the drainage design ONLY. Please provide written responses to the above comments with the next submission indicating how each comment has been addressed.

1. The entire top of berm of the stormwater basin appears to be graded at the same elevation. Grading shall be adjusted and spot shots shown at the emergency spillways to show that stormwater will be directed to the spillways, rather than overflowing elsewhere along the berm. This was revised on the west basin, but not on the east basin. Please confirm and revise for the east basin as necessary.
2. On the Preliminary Gatto Lane Improvement Plan (Sheet 11), the catch basin rim elevations in Gatto Lane do not jive with the contours shown, particularly the 398 contours. Additionally, there appears to be some discrepancies with the contours in this area, as both sides of the 398 contour appear to be higher than 398. Please review the proposed grading in/around Gatto Lane, particularly the 398 contours, and revise as necessary.
3. In the northern portion of the site where the pavement meets the grass pavers, the 423.05 spot shot appears to be a low point where water would pond. Please revise as necessary to ensure ponding in the pavement area will not occur.
4. Please provide a second test hole at the north end of the east infiltration pipe system to ensure 3-foot separation to groundwater is maintained.

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Continuation of Condition #37...

5. The west infiltration trench detail shows 24" pipe diameter pipe, whereas the plans and SWPPP state 30" diameter pipe. Please revise for clarity.
6. The pipe running from CB 6A to 6C and then into the east infiltration system has a downstream invert (403.55) that is lower than the invert of the east infiltration system (404.25). Please confirm is this is correct and either explain how this will work or revise accordingly.
7. On the outlet structure detail, the linework for the 10" wide by 4" high orifice appears to be missing. Please revise for clarity.
8. The rim elevation of FI-4 should be lower than 410 to ensure positive drainage in the swale to the inlet.
9. The rim elevation of FI-5 should be lower than 410 to ensure positive drainage in the swale to the inlet. The invert out should be adjusted accordingly to provide adequate cover.
10. The rim elevations of CB-2 and CB-3 do not jive with the location of the 404 contour. Please revise as necessary.
11. Please review the pipe inverts leaving CB-3 and CB-6B and confirm adequate cover is provided.

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

- An updated review of the December 19, 2023 site plan must be completed by the Rockland County Department of Health and all concerns addressed.
- An updated review of the December 19, 2023 site plan must be completed by the Rockland County Sewer District No.1 and the Sewer District shall be satisfied with the responses from Brooker Engineering in their letter of December 19, 2023.
- The Orangetown Fire Inspector must be satisfied with the responses in the letter from Brooker Engineering dated December 19, 2023. In addition, the County of Rockland Office of Fire and Emergency Services or the Pearl River Fire District shall be given the opportunity to review the Preliminary Fire Truck Maneuverability Plan to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- The Village of Chestnut Ridge is the reason this proposal was referred to DEME for review. The municipal boundary is adjacent to the western property line of the site. The Village of Chestnut Ridge Planning Board previously reviewed the September 20, 2023 site plan at their meeting of December 4, 2023 and offered several comments regarding this proposal, primary with regards to traffic. The Village of Chestnut Ridge shall be given the opportunity to review December 19, 2023 site plan and all comments shall be addressed.

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Continuation of Condition #38....

- The December 11, 2023 letter from DEME acknowledges that the Village of Chestnut Ridge has denied the applicant's request to widen Gatto Lane within the Village. The applicant must satisfy all other comments provided by DEME.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for this steep site. These measures must meet the latest edition (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The Stormwater Pollution Prevention Plan (SWPPP), revised June 16, 2023, must conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances. Furthermore, the Town must be satisfied that the site's stormwater management system is adequately designed so that water flow does not impact Gatto Lane or nearby properties.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- The Planning Board shall be satisfied that the proposal meets the additional requirements for the PAC floating zone outlined in Section 4.610 of the Town of Orangetown Zoning Code.
- The parking area is located at the northern end of the internal roadway, which will be inconvenient for visitors of the units further to the south, especially due to the incline of the roadway that they must traverse. Visitors may park along the internal roadway to avoid this inconvenience; however, this roadway is 24-feet in width and does not provide sufficient space for alternative visitor parking. It is recommended that the parking area be relocated to a more centralized location or divided into multiple areas dispersed evenly throughout the site.

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- The mailbox pavilion is also located at the northern end of the site, rendering it difficult for residents to access, particularly those living within the southern portion of the development and/or with disabilities. The Planning Board must be satisfied that there is no alternative location for the mailboxes where they can be more conveniently and safely accessed by their respective tenants.
- The walking path only includes direct access along the northern and southern ends of the complex. It is recommended that additional access points to the walkway are added throughout the site so that it can be safely and conveniently accessed by each resident.
- 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 Multiple Dwelling Rental Registry 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.

39. The Rockland County Department of Health (RCDOH) reviewed the information and offered the following comment;

- Application is to be made to the RCDOH for sanitary sewer extension approval. Sewer capacity analysis is to be included.
- Application is to be made to the RCDOH for water main extension approval.
- Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.
- In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from RCDOH Rockland Codes Initiative (RCI) prior to occupancy.

40. Veolia Water is in receipt of the review of the information and provided the following comments:

- Veolia Water New York has no objections to the proposed property change.
- Veolia Water New York requests the applicant to submit a Willingness to Service Application. The documents requires the applicant list the proposed water demands for the property to ensure Veolia can adequately serve the property.

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41. The Rockland County Sewer District No. 1 reviewed the site plan and provided the following comments:

- The continuation of the District's 14-inch cast iron sanitary force main has been added to the updated drawing set (drawings 3,11 and 16)
- The Rockland County Sewer District No.1 "Utility Crossing Detail" for utility crossings has been added to the updated drawing set (drawing 14).
- The District takes no exception to the drawings submitted.

42. Orange and Rockland Utilities reviewed the submitted information and offered the following comments:

The proposed work along Grotke Road may be in conflict with the existing gas main. Please contact O&R's new business department for any gas tie ins. All code 753 rules must be followed.

43. The Village of Chestnut Ridge reviewed submitted information and offered the following recommendations:

The Village of Chestnut Ridge offered the following comments which it would like to be entered into the record of upcoming January 24, 2024 Project Review Committee and into the record of the February 15, 2024 Planning Board meeting:

1. This application received a new GML review from the Rockland County Department of Planning, dated December 4, 2023, which stamped as received by the Town of Orangetown on December 11, 2023. In item 2, the GML review letter required the following:

"On August 17, 2023, the Village of Chestnut Ridge unanimously denied the Gatto Lane Street Improvement Application. The current submission of this proposal has omitted all off-site road improvements in the current site plan. The Planning Board shall be satisfied that, despite being strongly recommended by the Town of Orangetown, the Gatto Lane street improvements are not necessary for the project to continue."

2. Despite this denial by the Village of Chestnut, in the current plans submitted by Toll Brothers that were preliminarily approved on December 13, 2023, the proposed main entrance to the Toll Brothers site is still located off Gatto Lane, approximately 200 feet east of the Village of Chestnut Ridge boundary, without any improvements proposed.

3. The site is adjacent to Chestnut Ridge and 100% of all traffic entering and exiting the site will travel into and out of Chestnut Ridge on this substandard road, as there is no access to the Town of Orangetown from the site.

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4. Gatto Lane is not wide enough to handle the traffic from the main entrance and egress for this proposed townhouse development of 36 dwelling units. It has no sidewalks, minimal shoulders and has many trees near the edge of pavement. Both the Town of Orangetown Planning Board and the Rockland County GML Review required the applicant to widen the portion of Gatto Lane within the Town of Orangetown, as well as the portion within the Village of Chestnut Ridge, to make this project viable.

5. As proposed, the northwest corner of the site also is connected by a "grasspave" gated emergency access road to Grotke Road, at its intersection with Highland Avenue in the Village of Chestnut Ridge. This proposed emergency access connection to Grotke Road is at a curve where its travel way curves northward and becomes Highland Avenue.

6. Toll Brothers has simply removed the proposed widening of Gatto Lane from its site plan set, without addressing this serious access problem. The Village of Chestnut Ridge repeats its recommendation of December 4, 2023, that without the ability to widen Gatto Lane, Toll brothers should redesign its main access to its proposed project to come from the north side of the site. The Village of Chestnut Ridge would recommend that the northern "emergency access" be redesigned as a full road access for the proposed PAC development, as it connects to Grotke Lane/Highland Avenue which has a full 50-foot right-of-way and is less overgrown than Gatto Lane's substandard 41.5-foot right-of-way. The current sharp curve where Grotke Lane abruptly swings northward and becomes Highland could be redesigned as a T intersection. The northern access to the project would then become its main road access, which would be an extension of Highland Avenue into the project site. This would direct traffic immediately northward into the Town of Orangetown onto Highland Avenue, which has good straight geometry with only slight vertical and horizontal curves and would provide safe access for the Toll Brothers residents to the rest of Orangetown. The Village of Chestnut Ridge believes this would provide a much safer alternative than using Gatto Lane, which would send all residents of the Toll Brothers site onto North Highland Avenue, which cannot support the additional traffic.

7. In any situation where pedestrian and/or vehicular traffic generated in an area adjacent to the Village of Chestnut Ridge boundary is expected to flow into the Village, whether on the north or south side of this site, any streets or drives extending into Chestnut Ridge should be provided with adequate lighting and sidewalks.

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8. In the Village of Chestnut Ridge three previous memoranda sent to the Town of Orangetown, the Village raised its concerns about the inadequacy of Gatto Lane and North Highland Avenue to receive additional traffic. Unfortunately, the Village concerns raised previously have not been addressed.

9. The Village of Chestnut Ridge recommends that the response to the County GML comment 2 should be to require the developer to design a fully functioning northern connection to Highland Ave as described in the Village's comment 6 above, and use Gatto Lane in its unimproved state as a secondary access for the project.

44. 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
- Town of Orangetown Zoning Board of Appeals

45. 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.

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

47. 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.

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48. 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.

49. 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.

50. 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.

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

52. 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).

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

54. 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

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

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Overrides

The Board made motions to override Comments #3 and 5 of the February 5, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- “#3. An updated review of the December 19, 2023 site plan must be completed by the Rockland County Sewer District No.1 and the Sewer District shall be satisfied with the responses from Brooker Engineering in their letter of December 19, 2023.”

The Board held that Comment #3 is a repeat of Comment #2.

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

- “#5. The Village of Chestnut Ridge is the reason this proposal was referred to DEME for review. The municipal boundary is adjacent to the western property line of the site. The Village of Chestnut Ridge Planning Board previously reviewed the September 20, 2023 site plan at their meeting of December 4, 2023 and offered several comments regarding this proposal, primary with regards to traffic. The Village of Chestnut Ridge shall be given the opportunity to review December 19, 2023 site plan and all comments shall be addressed.”

The Board held that the Village of Chestnut Ridge voted and the Town of Orangetown took their comments into consideration. The Board noted that the development was made by the Orangetown Town Board as a Planned Adult Community (PAC).

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

The foregoing Resolution was made and moved by Bruce Bond and seconded Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; 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: February 15, 2024

Cheryl Coopersmith, Town of Orangetown Planning Board

Cheryl Coopersmith
TOWN OF ORANGETOWN
FEB 15 2024

**Town of Orangetown Planning Board
State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
PB #23-22: Gatto Lane Site Plan
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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: Gatto Lane 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 Gatto Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section; 68.07, Block 2, Lot 1 in the R-15/ PAC 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

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PB #23-40: Aluf Chiller Site Plan BLDC #Permit #2697-23
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TO: Bart Rodi, 234 South Grant Avenue, Congers, New York
FROM: Orangetown Planning Board

RE: Aluf Chiller Site Plan: The application of Bart Rodi, applicant, for Aluf Rel Property, Inc. owner, for Prepreliminary/ Preliminary/ Final Site Plan, for review of a chiller plan, the site is known as “**Aluf Chiller 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 Planning Board will also 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 2 Glenshaw Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15; in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 13, 2023 and Thursday, February 15, 2024**, at which time the Board made the following determination:

September 13, 2023

Bart Rodi and Billy Gaddam appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated August 30, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated September 7, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 1, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated August 25, 2023.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 25, 2023.
6. Notices from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 30, 2023.

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7. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer I, dated August 25, 2023.
8. Email from Orange & Rockland Utilities, from Alfred Gaddi, dated June 22, 2023.
9. Email from CSX Railroad, from Michael Sliper, Project Manager II, dated July 5, 2023.
10. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated July 5, 2023.
11. A Short Environmental Assessment Form, signed by Bart Rodi, PE, Christopher Smith, dated April 4, 2023.
12. A copy of the Town of Orangetown Building Permit Referral signed by Rick Oliver, Building Inspector, dated January 27, 2023.
13. Email from Bart Rodi, dated May 31, 2023.
14. Plans prepared by Bart Rodi, PE, dated May 2023.

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

The meeting was open to the Public, a motion was made to open the Public Hearing portion of the meeting by Andrew Andrews and seconded by Michael Mandel, Vice Chairman carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman-aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye, Tara Heidger, (alternate member), not voting and Andrew Andrews, aye.

Public Comment:

Liz Dudley, 250 South Greenbush Road, Orangeburg, shared history of air quality and wants to prevent future issues. She asked when the last inspection was from the Town and NYSDEC was done at the site.

Heather Hurley, 160 West Crooked Hill Road, Pearl River, raised concerns regarding an extruder, and if the applicant is adding extruders.

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

The applicant requested a **CONTINUATION**.

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Bart Rodi appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 24, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated February 9, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 12, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated January 22, 2024.
5. Site Plan prepared by Bart Rodi, PE, last revised December 28, 2023.
6. Email from Elizabeth Dudley, dated February 13, 2024.
7. Letter from Bart Rodi, PE, dated January 3, 2024.
8. Revised Short Environmental Assessment Form, dated January 3, 2024, signed by Bart Rodi.
9. Email from Elizabeth Dudley, dated February 13, 2024.

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

Public Comment:

Heather Hurley, 160 West Crooked Hill Road, Pearl River, raised concerns regarding emissions and if DEC needs to review the site plan. She also wanted to know if the broken chiller was removed, the vent line to the atmosphere.

Liz Dudley, 250 South Greenbush Road, Orangeburg, wanted to know when the site was last inspected and questioned the need for an additional cooling tower. She shared photographs of the site. Ms Dudley also raised concerns with the Sparkill Creek flooding.

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There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond 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, absent; Lisa DeFeciani, aye, Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

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.

On motion by Andrew Andrews 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, absent; Lisa DeFeciani, aye; Bruce Bond (alternate member), aye, and Andrew Andrews, aye; the Board declared itself Lead Agency.

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:

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

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

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is proposing a new chiller. Size of proposed chiller is 18'-4" x 40'-0" and 12'-0" tall.
5. The Short Environmental Assessment Form appears to be in order.
6. Applicant must obtain approval from the Town of Orangetown Industrial Use Committee (IUC).
7. Full construction details for the proposed slab and all utilities must be clearly shown on the plans for review and approval. Also, construction details are required for concrete chiller shall be shown on the plans.
8. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.
9. The page and liber (instrument #), metes and bounds, utility location and ownership for **ALL** easements and dedications shall be given on the plan.
10. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information had no comments at this time

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11. The Rockland County Sewer District No.1 (District) had the following comments:

1. Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency in this review.

2. The District; does not object to the plan as shown. This project does not affect any sanitary sewers belonging to the District. This facility no longer discharges into the Rockland County Sewer District No. 1 collection system. Please inform the District if the location of the proposed chiller changes.

3. The District owns and maintains two (2) interceptor sewers in an easement on the property. Although this project does not affect the sewers, the District would like to state the following for the record:

a. No permanent structures may be built within its easements. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.

b. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regarding, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easements. The District must approve any construction to be done within its easements.

c. Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No.1 from any claims arising from work performed within its easement.

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

Based on its maps, it does not look like the proposed work will be in conflict with the gas facilities. Please contact O&R's new business department for any load increase or additional connections. All code 753 rules must be followed.

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13. The CSX Railroad reviewed the submitted information and offered the following comments:

1. Provide CSXT a letter authorizing CSXT to incur cost and bill up to \$5000 for work performed in advance of a fully executed agreement, after which CSXT will prepare an estimate and the agreement. The authorization to incur cost must be on Agency letterhead for the public agency providing the maintenance responsibilities, identifying the project location and scope of work and authorize CSXT to initiate a project and submit invoices for all costs incurred prior to the full execution of the agreement.
2. Complete the attached funding form and return with the above referenced letter.
3. The estimated costs (within the agreement) required to complete the project will be paid by check in advance. Any unused funds will be refunded. If additional funds are needed an amendment will be issued to increase the budget and additional deposits will be required.
4. CSXT will not be contributing financially or otherwise to the project.
5. CSXT flagman will likely be required (\$1500 per day approx.) for each day the contractor is on CSXT property or has the potential to foul the tracks.
6. The contractor selected to perform the work will be required to obtain insurance in accordance with the attached insurance requirements document.

14. 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 Drainage Agency
Rockland County Planning Department
Rockland County Department of Highway
Rockland County Sewer District #1

15. 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.

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

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17. 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.

18. 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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19. 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.

20. 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.

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

22. 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).

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

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24. 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

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

The foregoing Resolution was made and moved by Andrew Andrews 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, absent; 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: February 15, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board
Attachment



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

**PB #23-40: Aluf Chiller Site Plan BLDC #Permit #2697-23
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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: Aluf Lane Site Plan

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

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions

LOCATION: The site is located at 2 Glenshaw Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15; in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

TOWN CLERK'S OFFICE
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**PB #24-12: Bright Path Kids Site Plan
(Safe N Sound Child Care Site Plan)**

Permit #49227

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

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**TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983**

FROM: Orangetown Planning Board

RE: Bright Path Kids Site Plan: The application of Bright Path Kids, applicant for 247-249 North Middletown Road, LLC, owner, for an Amendment to PB #22-13, Preliminary Site Plan Approval, previously known as Safe N Sound Site Plan, at a site to be known as "**Bright Path Kids 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 249 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 27 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 26, 2020, July 28, 2021 (Consultation), April 13, 2022** and **February 15, 2024** at which time the Board made the following determination:

February 26, 2020

Donald Brenner, Jay Greenwell, Sean Quinn, Geraldine Josephson and Blythe Yost appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated February 21, 2020.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated February 26, 2020.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 24, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 26, 2020.
5. Letters from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 5, 2020 and Michael Kezner, dated January 24, 2020.
6. Letters from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 5 & 6, 2020.
7. A letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated February 21, 2020.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated January 22, 2020.

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9. Site Plans prepared by Jay Greenwell, PLS and Civil Design Works, Glenn McCreedy, P.E.:
- Sheet 1: Site Development Plan, dated March 8, 2019,
 - Sheet 2: Grading, Drainage and Utility Plan, dated July 29, 2019; revised January 10, 2020
 - Sheet 3: Tree Removal & Erosion Control Plan, dated July 29, 2019
 - Sheet 4: Detail Sheet, dated July 29, 2019
 - Sheet 5: Storm Trap Detail Sheet, dated September 17, 2019
 - Sheet 6: 200-foot Radius Exhibit, dated December 4, 2019
10. Plans prepared Yost Design Landscape
- CP-101: Landscape Conceptual Plan, dated August 16, 2019, revised December 13, 2019
 - L-601: Lighting Plan, dated August 16, 2019
11. Architectural Plans prepared by D & B Architects, dated January 10, 2020:
- A-200: East and South Elevations
 - A-201: West and North Elevations
12. A Short Environmental Assessment Form, dated September 12, 2019, signed by Donald Brenner.
13. A Drainage Analysis of Safe 'N' Sound Child Care, prepared by Glenn McCreedy, P.E., dated August, 2019.
14. A copy of the Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector, dated August 16, 2019.

The Board reviewed the plans.

Public Comments:

Helen Telesmanic, 132 Nepute Drive, Monroe, New York; noted that she had lived in Pearl River, and has worked for 9 years at Safe N Sound. She is now the Director of Infant Care. Ms Telesmanic held that the program gives joy and education to the children, however, the facilities are old and need an upgrade.

Bridget Georgakopoolus, 53 East Lewis Avenue, raised concerns regarding access of buses and cars onto Lewis Avenue.

Heather Hurley, 202 Hobart Street, noted that she spoke with someone living on Lewis Avenue who is not happy. She spoke about the location of the proposed driveway access and impact of the development to the neighborhood. She requested that a Traffic Study be conducted to review the increased traffic to the area. Ms Hurley held that the same situation occurred on Forest Avenue with the development of the 7-11 store. She pointed out issues with the submitted EAF that need to be revised. Lastly, Ms Hurley requesting information on the proposed landscaping and chain link fence.

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**PB #24-12: Bright Path Kids Site Plan
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Christine Orfanoudakis, 129 East Lewis Avenue' raised concerns regarding the Increase in traffic and all of the children playing in the street and dog walkers. She wanted information regarding the number of busses to the site as the result of the new development. Ms Orfanoudakis noted that there will be an increase in noise, air quality during construction, drainage to the area and property values. The applicant wants to place a commercial driveway on a residential street.

Christine Hammessy, Pearl River resident, wanted to know if applicant was a school or daycare. She raised concerns regarding the children in the neighborhood and timing of when the busses will be coming and leaving the site. Also, the dumpster is near her house and wanted it placed in another location.

Maryjoe Callahan, 11 East Lewis Avenue; had issues with the entrance and exit on Lewis Avenue. She raised concern that if the new site will double in the number of children attending, the traffic will be increase. Ms Callahan requested a traffic study to be done.

John Balison, P.E., noted that he was involved in a sidewalk study of Middletown Road. He raised concerns regarding he number of available parking spaces on site and circulation through the property. Mr. Balison noted that there would probably two hours in the morning and evening when the traffic would increase. Currently, it is difficult to make a left out of Lewis Avenue and the proposal have a primary access point on Lewis would be difficult. Also, he noted that as the site plan presently reads, it would be difficult to have a turn around on the site.

Chris Sweeney, Hobart Street, Pearl River main concern was the driveway access onto Lewis Avenue.

Renie Spadaccini, 168 East Lewis Avenue, Pearl River, the traffic from the proposed exist/entrance on Lewis is near her property and there are a ton of children on the street, this is a dangerous situation.

A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, absent; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye, Michael McCrory, aye, Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

The applicant requested a **CONTINUATION**.

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July 28, 2021 (Consultation)

Donald Brenner, Jay Greenwell, Sean Quinn, Geraldine Josephson and Blythe Yost appeared and testified for the applicant. AKRF Consultant Elene Du.

The Board received the following communications:

1. A Project Review Committee Report dated July 21, 2021.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated July 28, 2021.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 23, 2021.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated July 14, 2021.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 27, 2021.
6. Letter from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 16, 2021.
7. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 15, 2021.
8. Letter from the Rockland County Department of Health, signed by Elizabeth Mello, PE, dated July 7, 2021.
9. Email from Orange & Rockland Utilities from Alfred Gaddi, PE, dated June 2, 2020.
10. Traffic Study prepared by Maser Consulting, dated March 16 and July 20, 2021.
11. A Traffic Impact Study Review and letter prepared by the Planning Board Traffic Consultant, AKRF, dated July 14 & 28, 2021.
12. A Response to Comments to AKRF from Maser Consulting (Colliers Engineering & Design) dated July 20, 2021, attachment of a site plan prepared by Jay Greenwell, PLS, entitled "Vehicle Turning Movements", dated February 6, 2020, revised July 20, 2021.
13. Letter from Kimberly & Mark Rooney, 49 North William Street, Pearl River, dated July 20, 2021.
14. Email from Christina & Brian Hennessy, dated July 23, 2021.

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15. Site Plans prepared by Jay Greenwell, PLS and Civil Design Works, Glenn McCreedy, P.E.:

- Sheet 1: Site Development Plan, dated March 8, 2019, last revised April 3, 2021
- Sheet 2: Grading, Drainage and Utility Plan, dated July 29, 2019; revised April 3, 2021
- Sheet 3: Tree Removal & Erosion Control Plan, dated July 29, 2019, last revised April 3, 2021
- Sheet 4: Detail Sheet, dated July 29, 2019, last revised April 3, 2021
- Sheet 5: Storm Trap Detail Sheet, dated September 17, 2019
- Sheet 6: 200-foot Radius Exhibit, dated December 4, 2019, last revised April 3, 2021

16. Plans prepared Yost Design Landscape

- CP-101: Landscape Conceptual Plan, dated August 16, 2019, last revised April 28, 2021
- L-601: Lighting Plan, dated August 16, 2019, last revised April 28, 2021

17. Architectural Plans prepared by D & B Architects, dated January 10, 2020:

- A-200: East and South Elevations
- A-201: West and North Elevations

AKRF consultant, Elaine Du, presented its findings on the Traffic Report, prepared by Colliers Engineering.

The Board reviewed the plans.

Public Comments:

Dan Rogawski, 146 East Lewis Avenue, Pearl River, raised concerns regarding additional cars using Lewis Avenue, requested that the roadway have speed bumps.

Bruce Fox, 180 East Lewis Avenue, Pearl River, expressed concerns regarding cars racing down the street.

Paul Crow, 50 East Lewis Avenue, Pearl River, noted that traffic in Pearl River has increased and that Lewis Avenue has become a through street. He raised concerns regarding Fire Truck safety.

Paul Spadacci, 168 Lewis Avenue, Pearl River, noted the road is currently like a speedway and placing an additional access will be a problem.

Mary Jo Callahan, 11 East Lewis Avenue, Pearl River, noted her children ride their bikes on Lewis Avenue. She wanted to know when the traffic study was done. In addition, she raised concerns that the small roadway will be overburden.

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John Ballison, 2 Glenn Court, Pearl River PE, designed the Pearl River Pedestrian Access Study, noted the following issues: the traffic study relies on assumptions, the study disregards use of the for after school programs, the trip generation is not correct, the study was done during the pandemic and looks at the roadway intersections in a vacuum.

Christian Orfanoudakis, 129 East Lewis Avenue, Pearl River, noted that East Lewis is a cut through road and cars speed creating dangerous situation. She wanted to know if the maximum enrollment would be 128 children or will the student population grow.

The applicant requested a **CONTINUATION**

April 13, 2022

Donald Brenner, Jay Greenwell, Sean Quinn, Geraldine Josephson and Blythe Yost appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated March 30, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated April 11, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 8, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated April 11, 2022.
5. Letter from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 16, 2022.
6. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated June 15, 2021.
7. Letter from the Rockland County Department of Health, signed by Elizabeth Mello, PE, dated March 15, 2022.
8. Site Plans prepared by Jay Greenwell, PLS, dated January 5, 2022:
 - Sheet 1: Site Development Plan
 - Sheet 2: Grading, Drainage and Utility Plan
 - Sheet 3: Tree Removal & Erosion Control and Limit of Disturbance
 - Sheet 4: Detail Sheet
 - Sheet 5: Storm Trap Detail Sheet
 - Sheet 6: 200-foot Radius Exhibit

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9. Plans prepared Yost Design Landscape, dated April 28, 2021, last revised January 25, 2022:
- L-701: Conceptual Planting Plan
 - L-601: Lighting Plan
10. A copy of the Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector, dated August 16, 2019.
12. Drainage Analysis prepared by Civil Design Works, dated February, 2022. The Board reviewed the plans. The hearing was then opened to the Public.

A motion was made to open the Public comment portion of the hearing by Andrew Andrews and second by Michael McCrory and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) not voting; Michael McCrory, aye; and Andrew Andrews, aye.

Public Comments:

Christina Orfanoudakis, 129 East Lewis Avenue, Pearl River, raised concerns regarding flooding and sewage capacity.

Umcenza Pondero, 93 East Lewis Avenue, Pearl River, raised concerns regarding access for fire trucks on the narrow road.

Jeanette Considine, 8 Charles Street, Pearl River, expressed concerns regarding drainage impact.

Juan Derarta, 130 Carrol Street, Pearl River, held that the traffic would increase to the area.

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A motion was made to close the Public comment portion of the hearing by Andrew Andrews and second by Michael McCrory and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, (alternate member) aye; Michael McCrory, aye; and Andrew Andrews, aye.

The applicant requested a CONTINUATION.

February 15, 2024

Donald Brenner, Jay Greenwell, and Glenn McCreedy appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 24, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, (OBZPAE) Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated February 9, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 12, 2024.
4. Interdepartmental memorandum from the Town of Orangetown Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated January 22, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated February 13, 2024.
5. Letter from Rockland County Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 26, 2024.
6. Letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 23, 2024.
7. Letter and notice from the Rockland County Department of Health signed by Brandon Durant, Assistant Public Health Engineer, dated January 26, 2024.
8. Site Plans prepared by Civil Design Works, last revised December 12, 2023.
9. Plans prepared Yost Design Landscape, dated April 28, 2021, last revised January 25, 2022:
 - L-701: Conceptual Planting Plan
 - L-601: Lighting Plan
10. Email to Donald Brenner from Katlyn Bettmann, Town of Orangetown, dated February 9, 2024.
11. A copy of the Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector, dated August 16, 2019.

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12. Drainage Analysis prepared by Civil Design Works, dated February, 2022.
13. Site Development Plans as prepared by Civil Design Works and Jay Greenwell, PE, Sheets 1-10, last dated 12-12-23.
14. Revised Short Environmental Assessment Form, dated February 24, 2024, signed by W. Scott Curti.
15. Copy of Zoning Board of Appeals Decision #22-46, Use Variance Approved, dated July 6, 2022 and Planning Board Decision #20-13, dated April 13, 2022, Preliminary Site Plan Approval Subject to Conditions.

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

The meeting was open to the Public, a motion was made to open the Public Hearing portion of the meeting by Kevin Farry 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, absent; Lisa DeFeciani, aye, aye Bruce Bond, (alternate member), aye and Andrew Andrews, aye.

Public Comment:

Jeanette Considine, 8 Charles Street, Pearl River, raised concerned with the tall Trees on site and if they fell down, who would be responsible. She also raised concerns with lighting spilling off the site and drainage due to construction. Tom Healy, 117 East Lewis Avenue, Pearl River, raised issues with sewage, and Flooding. Christina Orfanoudakis, 129 Lewis Avenue, Pearl River, concerned with flooding and impact to sewage, traffic to the area.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews 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, absent; Lisa DeFeciani, aye, Bruce Bond, (alternate member), aye; and Andrew Andrews, aye.

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by 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; Michael McCrory, absent; Lisa DeFeciani, aye, Bruce Bond, (alternate member), aye; and Andrew Andrews, aye, the Board declared itself Lead Agency.

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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: Rockland County Health Department, - Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department and 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;

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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.

On motion 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; Michael McCrory, absent; 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 **Preliminary Site Plan Amendment 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.

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4. The existing conditions plan shall be revised to clearly indicate what elements are being removed. The drawing is all one line-weight and difficult to read.

5. Designated snow storage areas shall be indicated.

6. The designated street line for Lewis Avenue shall be shown on the site plan.

7. The application shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR).

8. A revised Short Environmental Assessment Form (SEAF) per the memorandum from Jane Slavin, Director OBZPAE, dated April 11, 2022 and condition number 12 of PB #20-13 preliminary site plan approval has not been received. Applicant **MUST** submit a revised SEAF as follows;

Part 1 – number 2, list Zoning Board, Rockland County Highway, Town of Orangetown Highway, Building Permit.

Part 1 – number 3.b. – note amount to be physically disturbed.

Part 1 – number 18, shall be revised to state underground “STORM” water facility. Not stream.

9. Although this project is listed as an Amendment to PB# 22-13, the current plans now show a “Proposed Future Lot Line” running north/ south through the middle of the site. What is the purpose of this future Lot line? What is the intended use for this proposed Lot?

10. A revised full SWPPP is required for the project. The applicant’s engineer shall include the infiltration testing results/ report in the SWPPP. Also, because the stormwater management system has changed, revised pre and post construction drainage calculations, incorporating the infiltration testing results, are required.

11. The current plans indicates that the proposed stormwater infiltration system is only ±18 feet away from the proposed building. As per the *New York State Stormwater Management Design Manual (NYS-SMDM)*, the proposed infiltration system must have a 25-foot separation from any structure. The system shall be relocated to meet this requirement.

12. In compliance with the required elements of the NYS-SMDM, Section 6.3.4, bullet point 2, language/ note shall be added to the required Construction Sequence (and sheets 2, 3 & 4) stating that – No stormwater runoff shall be directed to the plunge pool/ infiltration basin unless and until the infiltration basin, basin bottom, basin slopes, plantings, etc. have achieved 100% stabilization **AND** all upstream areas have achieved 100% stabilization.

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13. Because the project proposes to utilize an infiltration basin, the SWPPP project narrative and drainage calculations shall clearly verify that the required WQv for the project will infiltrate/ dewater within 48 hours.

14. 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.

15. 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 each area with a grand total. How the sub totals were determined shall be part of the calculations section of the SWPPP.

16. The access/ inspection ports for the proposed subsurface Stormtech stormwater management system will be in the "Play Area." This could be an attractive nuisance as well as being a possible safety issue. The applicant's engineer shall investigate relocating/ shifting the subsurface stormwater system to move the inspection ports outside of the play area.

17. "Blow-ups" of all of the proposed stormwater systems shall be provided on the drawings. Cross-sections, storage volume for given design storms and elevations, underdrain, emergency overflow with elevations, etc.

18. As per the NYS – Stormwater Management Design Manual (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.

19. The proposed stormwater quality structure (ADS "Bayfilter" system) shall be designed for HS20 loading. Also, all pertinent top and invert elevations for the structure shall be added to the structure detail. Lastly, the "Bayfilter" detail shows only one access manhole, but the stormwater management plan shows two access points. The detail shall match the stormwater design plans.

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20. The applicant's engineer shall evaluate and consider designing a porous pavement (or similar permeable surface) for the driveway circle's center island. This would help reduce the impervious area of the site as well as reducing the subsurface storm system.

21. Material specifications, installation, maintenance and post construction inspection details, requirements and inspection checklists for the proposed subsurface water quality and quantity structures shall be included in the SWPPP, in their own separate appendices.

22. An emergency overflow shall be designed and depicted in the SWPPP and on the plans for the proposed subsurface ADS stormwater system.

23. Additional catch basins and drainage piping shall be proposed and shown along the driveway from Old Middletown Road, at all of the low point corners of the east side parking lot, and around/ in the driveway circle.

24. As-Builts shall be submitted to the DEME for review and approval for the proposed stormwater management systems.

25. The grading plan indicates regrading to happen outside of the site, on the Town Right of Way. This is not acceptable. all proposed grading shall happen with the site's property.

26. The proposed disturbance limit line (DLL), shown on sheet 4, does not appear to fully encompass the existing "play area" - south of the existing 1 ½ story building on the site, that is labeled to be removed. The applicant's engineer is reminded that the limit of disturbance [DLL] must encompass all proposed site disturbances. Also, all existing structures/ site features that are to be removed as part of this site plan, must be shown on sheet 4.

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27. The applicant still needs to comply with PB Decision # 20-13, conditions:
- 17. Because the application is proposing infiltration, adherence to NYSDEC – SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snowpack treatment, Rain - on-snow events, etc.
 - 18. The total area of disturbance shall be listed in the SWPPP introduction and provided on the drawings **(2 & 8.)**
 - 23. A detail for the proposed outlet structure shall be added to the plans.
 - 28. The plans shall clearly indicate the type of “final cover” that will be applied to the areas where the existing structures are to be removed.
 - 30. Concrete curbing and sidewalks shall be shown and labeled along Lewis Avenue, for the length of the site. A detail for same shall be added to the plans.
 - 33. Profiles for all proposed sanitary and storm sewer piping shall be added to the drawings.
 - 34. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town Attorney’s office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
 - 37. The plans currently show the existing sanitary main, running from the manhole along the northwest side of the property to the southwest side of the property being removed. The existing manhole at the northwest side and the piping heading north from said manhole, toward lot 68.12-3-25 shall also be labeled as to be moved, up to the northern property line.
 - 39. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
 - 41. The metes and bounds, instrument number/ page & liber and ownership for all existing and proposed easements and dedications shall be added to the drawings. **For example, parking and access easement need for Lot 68.12-3-26.**
 - 42. Iron pins shall be drawn and labeled at each property corner.
 - 43. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)
28. The driveway openings at North Middletown Road & Louis Avenue are too wide. The maximum driveway width is 30 feet. The drawing shall be adjusted accordingly.

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29. The plans propose to use the existing private sanitary sewer line running along the western side of the lot. In order for the Town of Orangetown Sewer Department to consider allowing the use of the existing connection, the connection shall be tv'd by the applicant/ applicant's contractor and witnessed by the Orangetown Sewer Inspector. A determination will then be made by the Orangetown Sewer Inspector. If it is determined that the existing building connection cannot be used, a new 6-inch lateral shall be installed for building. A note shall be added to the plan stating that the existing sanitary building connection shall be tv'd by the applicant and witnessed by the Town Sewer Inspector. The Town Sewer Inspector will decide if the existing sanitary lateral can be used for proposed building.

30. The sanitary building connection for the existing 1 ½ story frame building onsite that is labeled TBR (to be removed) was shown on the previously submitted drawing set AND it was labeled as to be removed. The current plans do not have this connection called out as to be removed. This sanitary building connection shall again be labeled as to be removed. Also, as previously requested, this line shall be labeled and shown to be removed in its entirety to the main in North Middletown Road, including cutting and capping the connection at the main.

31. Sewer note #1 under Sewer Notes, sheet 2, shall be revised as follows:
"...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."

32. 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 site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.

33. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments:

Site Development Plan:

1. Will a Fire Apparatus Access Road be able to drive straight through the traffic circle? Curbs, Signs, etc.
2. 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. IFC D105.5

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 standard
- Installation of a key lock box.

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34. Drainage Review Recommendation – Brooker Engineering

The proposed action has provided sufficient drainage information that demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board’s Drainage Consultant therefore recommends that the Bright Path Kids Site Plan be approved for drainage subject to the following project comments.

This is the third drainage review report for this application; the last review was dated April 11, 2022. The property is located at west side of North Middletown Road, and has frontage along the north side of Lewis Avenue. There is an existing building and turfed play areas located in the center of the parcel. The west side of the parcel is undeveloped and moderately wooded. The site has driveway access via North Middletown Road. The majority of stormwater runoff flows west towards the downhill embankment along the west property line, which abuts a single-family residential development.

The proposal consists of the removal of the existing building and play areas and construction of a new building along the western portion of the site. A new access driveway will be provided that also provides new egress to Lewis Avenue. Stormwater runoff from the new parking areas, driveway, and building will be directed to an underground stormwater management facility on the south side of the property. This facility will discharge to an extension of an existing storm drainage system along the north side of Lewis Avenue. There is a net increase in 21,885 new impervious area to be mitigated.

Project Comment

1. As per the April 11, 2022, July 27, 2021 and February 26, 2020 drainage review reports, the ground cover for the “Play Area with Patio” noted on the northwest side of the new building should be provided. Brooker Engineering notes the calculations show this is pervious area, which is important as this location bypasses the detention facilities.
2. As per the April 11, 2022 drainage review report, there is only 582 Sf of impervious area in in subarea “PR DA 1 Bypass to POI A”, which is a significant reduction from the previous submission. The site plans shall document the proposed ground cover in this area for ease of construction inspection.
3. As per the April 11, 2022, July 27, 2021 and February 26, 2020 drainage review reports, provide a plan view of the stormtrap underground detention facility with the number of individuals units, connector pipes with inverts, overall excavated envelope, etc.
4. As per the April 11, 2022, July 27, 2021 and February 26, 2020 drainage review reports, show how access for inspection and maintenance for the storm trap units will be achieved.

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

- Applicant must comply with the conditions of the Rockland County Highway Department, in its letter of January 23, 2024 and all required permits obtained.
- An updated review of the December 12, 2023 site plan must be completed by the Rockland County Department of Health, and an application is to be made to the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- The County of Rockland Office of Fire and Emergency Services or the Pearl River Fire Department shall be given the opportunity to review the proposed site plan to ensure that the site is designed in a safe manner and there is sufficient maneuverability on site for emergency vehicles. In addition, the applicant must satisfy the comments made by the Town of Orangetown Bureau of Fire Prevention as part of the Planning Board Decision made on April 13, 2022.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Being the stormwater system has completely changed, an updated Stormwater Pollution Prevention Plan (SWPPP) should be provided. The SWPPP shall conform to the current regulations, including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.
- 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 the Towns, Villages, 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 Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

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Continuation of Condition #35...

- Map Note 24 indicates that the existing childcare facility is to remain until the proposed building is complete and shall then be removed. An active construction site and a childcare facility are incompatible land uses. The site plan materials do not address the safety issues posed by this arrangement. Appropriate safety measures must be in place to separate the construction activity from the existing childcare facility.
- Based on the Planting Plan, it appears a significant number of large deciduous trees are to be removed. The Planting Plan does not call for the replacement of any of the lost native deciduous trees. It is recommended that the Planting Plan provide a table that more clearly identifies the type, size, health and number of trees to be removed. It is also recommended that a greater diversity of trees species be planted to better mitigate the loss of diversity resulting from this development. The Planning Board should be satisfied that the planning plan adequately addresses all code requirements for tree preservation and replacement and any required local permits are obtained.
- The Town Board recognizes in Chapter 35 of the local code that development has resulted in the rapid loss of native trees and shrubs. Therefore, 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 in local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that list native species and the environments in which they can grow can be found on the NYS DEC website.
- Areas designated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow piles and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant by staff and parents.

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Continuation of Condition #35...

- All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- Retaining walls shall be designed by a licensed NYS Professional Engineer and be in compliance with NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the Licensed NYS Professional Engineer.
- The lighting plan indicates that the intensity of the lighting will extend across the southern property line into the Lewis Avenue right of way. The lighting plan must be revised so that the lighting intensity does not exceed 0.1 lumens along any property lines.
- The Designated Street Line (DSL) for Lewis Avenue must be indicated on the site plan. Per Chapter 43, Article V, Section 5.111 of the Orangetown Code, measurements of the front yard and maximum height requirement shall be to the DSL. The appropriate lot area deductions must also be indicated. Any additional variances required due to a change in measurement must be submitted for review to Rockland County Department of Planning, as required by NYS General Municipal Law, Section 239-m(3)(a)(v).

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

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

37. Rockland County Highway Department (RCHD) reviewed the submitted plans and offered the following comments:

- As proposed, a portion of area in the property along North Middletown road should be gratuitously dedicated to the County of Rockland for inclusion in the County Highway system prior to applying for a road work permit from the RCHD, if the proposed action is approved by the Town.
- Permanent easements for access, drainage and underground facilities shall be prepared and recorded with the County Clerk's Office prior to applying for a road work permit from the RCHD.
- The curb radii appears to be wide. The applicant shall consider reducing the curb radii and increasing the effective radii by extending the asphalt shoulder width. The sidewalk shall be realigned with the existing adjacent sidewalks.
- The driveways requires a stop bar and a stop sign.
- A road work permit shall be obtained from the RCHD prior to starting any construction work in the property, if the proposed plan is approved by the Town.

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38. The proposed lot line on the drawing is not approved and needs to be removed from the plans.

39. The existing fence on the west side of the property is falling down and shall be removed and trees shall be planted in the location where the fence is removed.

40. Orange & Rockland Utilities reviewed the submitted information and offered the following: O&R has an existing service feeding 247 & 249 North Middletown Road (from North Middletown Road) O&R's new business must be notified for any terminations, re-connects, or gas load changes. All code 753 rules must be followed.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Highway Department
- Rockland County Planning Department

42. 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.

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

44. 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 #44...

- 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.

45. 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.

46. 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.

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

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48. 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).

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

50. 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

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

52. 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.

Override

The Board made motions to override Condition #7 of the January 26, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#7. For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

The Board held that there is a simple connection and it already is existing.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB #24-12: Bright Path Kids Site Plan
(Safe N Sound Child Care Site Plan)**

Permit #49227

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

**Town of Orangetown Planning Board Decision
February 15, 2024
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A motion to override the condition was made and moved by Denise Lenihan and seconded by Kevin Farry 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, absent.

The foregoing Resolution was made and moved by Bruce Bond, and seconded by Andrew Andrews 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, absent.

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: February 15, 2024
Cheryl Coopersmith
Attachment



TOWN OF ORANGETOWN
2024 MAR 26 P 1:20
TOWN CLERK'S OFFICE

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
PB #24-12:
(Safe N Sound Child Care Site Plan)
Preliminary Site Plan Amendment Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 15, 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: Bright Path Kids Site Plan (Safe N Sound Child Care 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 249 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 27; in the CO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERK'S OFFICE
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