

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Meeting of Wednesday, March 13, 2024**

**MEMBERS PRESENT:**

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

**MEMBER ABSENT:** Thomas Warren, Chairman and Denise Lenihan

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

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:

**New Items:**

<b>Boon Center Fence Site Plan</b>		<b>PB #24-15</b>
Critical Environmental Area	<b>Preliminary Site Plan</b>	
Prepreliminary/Preliminary/ Final Site Plan Review	<b>Approval Subject to Conditions</b>	
1 South Boulevard, South Nyack 65.60/1/1; R-18 zoning district	<b>Neg. Dec</b>	

<b>39 Tweed Boulevard Site Plan</b>	<b>Final Site Plan</b>	<b>PB #24-16</b>
Critical Environmental Area	<b>Approval Subject to</b>	
Replacement of Retaining Wall Plan	<b>Conditions</b>	
Prepreliminary/Preliminary/ Final Site Plan Review	<b>Neg. Dec.</b>	
39 Tweed Boulevard, Upper Grandview 71.09/1/40; R-22 zoning district		

<b>59 Tweed Boulevard – Phase 3 Site Plan</b>		<b>PB #24-17</b>
Critical Environmental Area	<b>POSTPONED</b>	
Prepreliminary/Preliminary/ Final Site Plan Review		
59 Tweed Boulevard, Upper Grandview 71.13/1/40; R-22 zoning district		

<b>Caribbean Food Delights Site Plan</b>		<b>PB #24-18</b>
Final Site Plan Review	<b>Final Site Plan</b>	
117 Route 303, Tappan	<b>Approval Subject to</b>	
74.19/1/2; LI	<b>Conditions</b>	
and Rt. 303 Overlay zoning districts		

**March 13, 2024 Planning Board**

**Continued from the June 14, 2023 Meeting:**

**Amazon Site Plan Amendment**

**PB #23-32**

Prepreliminary/Preliminary/  
Final Site Plan Amendment  
and SEQRA Review

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

200 & 400 Oritani Drive, Blauvelt  
65.18/1/1 & 22 and 70.06/1/1.12; LO zoning district

**Other Business:** The Board reviewed a Town Board Referral – Amendment to Town Code Regulations of Parking & Storage of Commercial Vehicles on Residential Lots. The Board had no comments and voted to allow the Town Board to be Lead Agency in SEQRA review. The motion was made by Kevin Farry and second by Lisa DeFeciani, and agreed by all in attendance.

The decisions of the February 15, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Bruce Bond carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Denise Lenihan, absent; Kevin Farry, aye; Bruce Bond, (alternate member), aye; and Lisa DeFeciani, aye.

The decisions of the February 28, 2024 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Andrew Andrews and seconded by Lisa DeFeciani carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, absent; Andrew Andrews, aye; Denise Lenihan, absent; 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 Kevin Farry and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:10 p.m. The next Planning Board meeting is scheduled for March 27, 2024.

**Dated: March 13, 2024**

**Cheryl Coopersmith**

**Town of Orangetown Planning Board**

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TOWN OF ORANGETOWN

**PB #24-15: Boon Center Fence Site Plan      Permit #BLDC-2157-22**  
**Critical Environmental Area**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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**TO:      Motty Neiman, 1 South Boulevard, South Nyack, New York**  
**FROM:   Orangetown Planning Board**

**RE:      Boon Center Fence Site Plan:** The application of Motty Neiman, applicant for Yeshiva Viznitz Dkhal Torath chiam, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as **“Boon Center Fence 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 1 South Boulevard, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.60, Block 1, Lot 1 in the LR-18 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 13, 2024** at which time the Board made the following determinations:

Joseph Chargin appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated February 28, 2024.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated March 8, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated March 12, 2024.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated February 21, 2024.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated February 26, 2024 and Notices signed by Jake Palant, dated January 30, 2024.
6. Letter and Notice from Rockland County Department of Health, signed by Brandon Durant, Ph.D, Assistant Public Health Engineer, dated February 16, 2024.
7. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer I, dated February 26, 2024.
8. Survey Plan prepared by Robert Rahnefeld, PLS dated December 11, 2023.
9. Revised Short Environmental Assessment Form signed by Motty Netman, dated March 11, 2024.
10. Copy of the Building Permit Referral signed by Rick Oliver, Building Inspector.

**PB #24-15: Boon Center Fence Site Plan Permit #BLDC-2157-22  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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The Board reviewed the plans. The hearing was then opened to the Public.

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

There being no one to be heard from the Public, a motion was made by Andrew Andrews and second by Bruce Bond and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, absent; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; 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 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Bruce Bond and seconded by Kevin Farry and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, absent; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Bruce Bond (alternate member), aye; Lisa DeFeciani, aye; and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant’s consultant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building,

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www.townoforangetown.com

**PB #24-15: Boon Center Fence Site Plan      Permit #BLDC-2157-22**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Health, 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 the critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

*[Faint, illegible text, possibly a signature or stamp]*

**PB #24-15: Boon Center Fence Site Plan Permit #BLDC-2157-22  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**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.
4. The sign located at the western entrance shall be removed. In addition, the first section of the fence around the western entrance shall be removed.
5. The applicant installed a 6'-0" tall fence in the front yard along South Highland Avenue. The northwest side of the fence is close to the street and may be impeding the line of site.
6. Per Chapter 43, Article V, Section 5.226, maximum height of fence in front yard is 4 ½ feet with 6 feet existing. A variance is required from the Town of Orangetown Zoning Board of Appeals.
7. Review and approval is from the Town of Orangetown Architecture and Community Appearance Board of Review.
8. The SEAF needs to be revised and resubmitted. Items number 7, 12b and 20 must be YES.

*[Faint, illegible text, possibly a signature or stamp]*

**PB #24-15: Boon Center Fence Site Plan      Permit #BLDC-2157-22**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

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**9.** The Town of Orangetown DEMA reviewed the submitted information and offered the following comment:  
The site distance at the western driveway entrance onto South Highland Avenue, looking east, shall be given on the plan.

**10.** The Town of Orangetown Bureau of Fire Prevention reviewed the submitted site plan and had no further comments.

**11.** Rockland County Department of Planning reviewed the submitted information and offered the following comment. The Planning Board notes that the applicant submitted a revised Short Environmental Assessment Form and this comment no longer applies:

“1. Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The EAF Mapper Application, provided by NYS Department of Environmental Conservation indicates that questions 7, 12b and 20 on the SEAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using NYS database information.”

**12.** The Rockland County Department of Health reviewed the submitted information and noted that there are no Rockland County Department of Health approvals needed for this application.

**13.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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

- Rockland County Sewer District No.1
- Rockland County Department of Planning

**15.** 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.

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

**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.

**PB #24-15: Boon Center Fence Site Plan      Permit #BLDC-.2157-22**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
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**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.

**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.



**PB #24-15: Boon Center Fence Site Plan      Permit #BLDC-.2157-22  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**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.

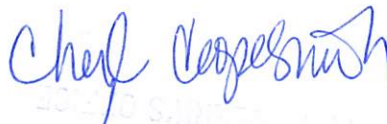
**24.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction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

**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 seconded Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, absent; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member) aye; and Andrew Andrews, aye.

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

**Dated: March 13, 2024**  
Cheryl Coopersmith  
Town of Orangetown

  
2024 MAR 13 10:01 AM  
031324-15-2157-22  
WETLANDS DIVISION

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

**PB #24-15: Boon Center Fence Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Town of Orangetown Planning Board Decision  
March 13, 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: Boon Center 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 1 South Boulevard, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.60, Block 1, Lot 1 in the LR-18 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

**PB #24-16: 39 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDC-4488-23**

**Town of Orangetown Planning Board Decision  
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**TO: Alanna Levine, 39 Tweed Boulevard, Upper Grandview  
FROM: Orangetown Planning Board**

**RE: 39 Tweed Boulevard Site Plan:** The application of Alanna & James Levine, owners, for an Prepreliminary/ Preliminary/ Final Plan Review at a site known as "**39 Tweed Boulevard Retaining Wall Site Plan**", located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 39 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 40 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 13, 2024** at which time the Board made the following determinations:

Alanna Levine and James Levine appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Reports dated February 28, 2024.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated March 8, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated March 12, 2024.
4. Interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated February 21, 2024.
5. Letter from Rockland County Department of Planning, Douglas Schuetz, Acting Commissioner dated March 6, 2024 and a Notice signed by Jake Palant, dated February 20, 2024.
6. Letter and Notice from Rockland County Department of Health, signed by Brandon Durant, Ph.D, Assistant Public Health Engineer, dated February 16, 2024.
7. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 20, 2024.
8. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer I, dated February 26, 2024.
9. Letter from Veolia, signed by Frank McGlynn, dated February 26, 2024.
10. Short Environmental Assessment Form signed by Alanna Levine, MD, dated March 8, 2024.
11. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair, dated February 7, 2024.
12. Plan prepared by Universal Engineering Services, dated December 8, 2023.

**PB #24-16: 39 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDC-4488-23**

**Town of Orangetown Planning Board Decision  
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13. Revised Short Environmental Assessment Form signed by Alanna Levine, dated March 8, 2024.

14. Copy of the Building Permit Referral signed by Rick Oliver, Building Inspector.

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

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

There being no one to be heard from the Public, a motion was made by Andrew Andrews and second by Kevin Farry and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, absent; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; 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 (al) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Kevin Farry and seconded by Bruce Bond and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, absent; Michael Mandel-Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Bruce Bond (alternate member), aye; Lisa DeFeciani, aye; and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

**Town of Orangetown Planning Board Decision  
March 13, 2024  
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and 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: Rockland County Department of Health, Rockland County Planning Department, Rockland County Department of Highways, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of the critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural 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.

**PB #24-16: 39 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDC-4488-23**

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is proposing to install a new retaining wall system to replace a failing retaining wall.
5. Provide an area map, clearly label area of disturbance and provide erosion control measures.
6. Provide written approval from neighbor allowing access through their property and show area of access on the plan.

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7. Proposed drainage needs to clearly be shown on the plan and where they be directed to. Note, no flow can be directed to neighboring properties.

8. The total area od disturbance (a.o.d.) shall be calculated by the applicant's engineer and shown & labeled on the plan view. The applicant's engineer shall provide a separate signed and sealed letter enumerating the breakdown of the total a.o.d.

9. In connection with comment #8, sheet 2 of 3 states "*Access to be provided via agreement with neighbor, extend silt fence as required.*" The plans shall include and accurately (through survey or other official method) show the neighboring property indicated in this note. The entire path of the construction vehicles, from Tweed Boulevard to the construction site, shall be shown. Also, the applicant's engineer is reminded that the construction and restoration of said construction access must be included in the calculation of the total a.o.d.

10. The drawings shall clearly state and show specifically how the proposed construction access across the neighboring property is to be initially constructed and restored upon completion of construction.

11. A copy of the aforementioned agreement between this applicant and their neighbor shall be supplied to the Planning Board. This agreement should spell out specific purpose/ intention, responsibilities, remedies etc. for both parties to the agreement. It is **strongly** recommended that the applicant seek legal advice and input for this agreement.

12. The sequence of construction of the two retaining walls shall be added to the drawings.

13. Sheet 2 of 3 shows an existing 4-inch PVC pipe at the northern end of the proposed retaining walls. A note to it states "Contractor to relocate pipe outside proposed new retaining wall." First, the drawing shall show and state where this pipe is coming from and what flow it is carrying. Second, the drawing shall show where this pipe is to be relocated.

14. The retaining wall detail on sheet 3 of 3 shows 4-inch drain pipe to be installed behind the proposed walls. These pipes shall be shown on the plan view. sheet 2 of 3. The location of the exhaust of these pipes shall also be shown on the plan view.

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**15.** Top and bottom elevations, along various locations, shall be added to the plan view, sheet 2 of 3 for both proposed retaining walls.

**16.** The existing grading, east of the proposed lower retaining wall, shall be added to the plan view, for at least the larger of either the total a.o.d in the area or 10 LF.

**17.** All proposed grading shall be shown on the plan view. For example, what is the finished elevation behind the lower wall and in front of the upper wall?

**18.** Sheet 2 of 3 notes that the "Total length of new retaining walls = 57 feet." However, upon scaling them out ( $1/8" = 1'$ ), the upper wall is 60 LF and the lower is 52 LF.

**19.** The retaining wall detail shall be revised to show/ state what material is to be used for the retaining wall footings. Also, these footings shall be shown on the plan view.

**20.** The location of the existing septic system leach field (drain field) for this lot shall be shown on the plan view.

**21.** A soil erosion and sediment control (SESC) plan and details shall be added to the drawing set for review and approval. The applicant's engineer is reminded that SESC features must be shown, dimensioned and labeled on the neighbor's property in the location of the proposed construction access path/ area. Also, the plan view, sheet 2 of 3, appears to show silt fence running through the middle of the retaining wall layout. This shall be removed.

**22.** The Town of Orangetown Bureau of Fire Prevention reviewed the submitted site plan and had no further comments.

**23.** Rockland County Department of Planning reviewed the submitted information and offered the following comments:

1. The site plan provided does not illustrate the entire lot, making it unclear how far the proposed retaining wall is from the rear property line. All boundaries of the property and existing lot lines by metes and bounds must be provided on the site plan in accordance with Section 21A-13B of the Town of Orangetown regulations.



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

2. The February 20, 2024 letter from the Rockland County Highway Department indicates that they believe the proposed work will have no significant effects upon the adjacent County Road. However, any required permits for the proposed work must be obtained.

3. Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the NYS Standards for Urban Erosion and Sediment Control.

4. There shall be nonet increase in the peak rate of discharge from the site at all design points.

6. Retaining walls shall be designed by a licensed NYS PE and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the Licensed PE.

24. The Rockland County Department of Health (RCDOH) reviewed the submitted information and held that there are no RCDOH approvals needed for this application.

25. The Rockland County Highway Department (RCHD) reviewed the submitted information and held the following:

- The proposed work have no significant effects upon the adjacent County Road(s) and has no further comments.
- A road work permit shall be obtained from the RCHD prior to the starting any construction work in the property if the proposed plan is approved by the Town.

26. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

27. Veolia Water New York reviewed the submitted information and had no objections to the proposed property change.

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

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

**PB #24-16: 39 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
  - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

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

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

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

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

**Override**

The Board made motions to override Condition #5 of the March 6, 2024 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#5. Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The EAF Mapper application, provided by the NYSDE indicates that questions 12b, 15 and 20 should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using NYS database information.”

The Board held that they do not see this comment as necessary since a revised EAF was submitted.

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

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

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

**Dated: March 13, 2024**  
Cheryl Coopersmith  
Town of Orangetown



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

**PB #24-16: 39 Tweed Boulevard Site Plan  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #BLDC-4488-23**

**Town of Orangetown Planning Board Decision  
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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: 39 Tweed Boulevard 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 39 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 40 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

**PB #24-18: Caribbean Food Delights                      Permit #BLDC-2833-23**  
**Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**  
**March 13, 2024**  
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**TO:                      Donald Brenner, 4 Independence Ave., Tappan, New York**  
**FROM:                  Orangetown Planning Board**

**RE:                      Caribbean Food Delights Site Plan:** The application of Caribbean Food Delights, applicant, for 117 Route 303 LLC, owner, for Final Site Plan Review for additional office space and grease trap at a site known as “**Caribbean Food Delights Site Plan**” in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 117 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 13, 2024** at which time the Board made the following determinations:

Donald Brenner, Sabina Hosan Jordan and Michael Raberg appeared and testified.

The Board received the following communications:

1. Project Review Report dated February 28, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated March 11, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management dated March 12, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 21, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 13, 2024.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 5, 2024 and Notice from Jake Palant dated January 31, 2024.
7. Letter and Notice from Rockland County Department of Health, dated September 8, 2023, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer.
8. Letter from Rockland County Drainage Agency, signed by Liron Derguti, Engineer I, dated August 14, 2023.
9. Email from the Palisades Interstate Park Commission, dated January 31, 2024.

**PB #24-18: Caribbean Food Delights      Permit #BLDC-2833-23**  
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10. Site Improvement Plan for Caribbean Food Delights", prepared by RETTEW Associates, Inc, Sheets 1-8, last revised 01/19/2024, signed and sealed by Joseph A. Mina, PE.
11. Narrative Response to comments, prepared by RETTEW Associates, Inc, dated September 21, 2023
12. Caribbean Food Delights Soil Analysis, prepared by Fairway Testing, signed and sealed by Gabriel J. O'Connell, PE, dated November 16, 2023 (new for this submission)
13. Building Permit Referral dated February 27, 2023, signed by Rick Oliver, Building Inspector.

The hearing was then opened to the Public.

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

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

**Reaffirmation of SEQRA**

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

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

**PB #24-18: Caribbean Food Delights**  
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Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District #1, Rockland County Department of Planning, Rockland County Department of Health, Rockland County Highway Department, and Palisades Interstate Park Commission, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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



**PB #24-18: Caribbean Food Delights                      Permit #BLDC-2833-23**  
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**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.
- 4.** The applicant has submitted a drawing indicating temporary job site trailer and fencing location for the board's review. These items are already installed at the site.
- 5.** Applicant indicated during the Project Review Committee meeting that they intend to replace equipment within the existing building. A separate permit application shall be submitted for that proposed scope of work and Industrial Use Committee (IUC) review and approval will be required.
- 6.** 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.

**PB #24-18: Caribbean Food Delights                      Permit #BLDC-2833-23**  
**Final Site Plan Approval Subject to Conditions**

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**7. The applicant still needs to comply with PB#23-43, condition #14:**

- 14. A post construction stormwater maintenance agreement for all of the existing and proposed stormwater facilities/ infrastructure 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.

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

**9. Drainage Review - Brooker Engineering Recommendation**

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering recommends that the Caribbean Foods Delights Site Plan be approved for drainage subject to the following Project Comments.

**Project Description**

This is the fourth drainage review report for this project; the last drainage review was dated October 5, 2023. The proposed action consists of the construction of a new 1,939 square feet building addition on the northwest corner of the existing building with new sidewalks around the addition. The improvements are over an existing grass area and stormwater runoff flows northwest, toward Route 303, in the area of disturbance.

The initial site plan application did not provide stormwater mitigation methods; typically increases in impervious areas greater than 400 square feet are determined to have potential significant impacts with respect to drainage that require mitigation. The revised submission provides an on-site berm to create a rain garden depression to receive stormwater runoff from the new 1,939 SF addition. The berm provides 2,045 CF of stormwater storage, which translates to storage of 12.65 inches of rainfall runoff over the new impervious area. This exceeds the 24-hour rainfall total for the area.

**Continuation of Condition #9...**

**Project Comments**

1. As per the October 5, 2023, September 27, 2023 and August 21, 2023 drainage review reports, show and quantify existing and proposed impervious surfaces.

2. As per the October 5, 2023 and September 27, 2023 drainage review reports, the drainage calculations shall include subarea maps that show the hydrologic point of interest, the subarea directed to the proposed stormwater management facility, and ground cover breakdown for existing and proposed conditions.

3. As per the October 5, 2023 and September 27, 2023 drainage review reports, the Site Plan shall provide details for the control structure and overflow drainage paths.

4. As per the October 5, 2023 and September 27, 2023 drainage review reports, the Site Plan shall show how the depression will drain after rainfall events.

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

1. The Town shall be satisfied that the proposed site plan is compliant with all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Sec. 13.10B of the Town Code.

2. An updated review of the January 19, 2024 Site Plan must be completed by the New York State Department of Transportation and any outstanding concerns addressed.

3. The subject parcel encroaches into the Sparkill Creek. An updated review of the January 19, 2024 site plan must be completed by the County of Rockland Drainage Agency and all comments addressed, including any outstanding concerns in their August 14, 2023 letter.

4. An updated review of the January 19, 2024 site plan shall be completed by the Palisades Interstate Park Commission and all comments addressed, including any outstanding concerns in their email of August 7, 2023.

5. An updated review of the January 19, 2024 site plan must be completed by the Rockland County Department of Health and all comments addressed, including any outstanding concerns in their letter of September 8, 2023. In addition, an application is to be made to the Department of Health for review of the stormwater management system to ensure compliance with Health Department to ensure compliance with the Mosquito Code of the Rockland County Sanitary Code.

**Continuation of Condition #10...**

6. The applicant must comply with the Town of Orangetown fire Inspector's letter of September 8, 2023. In addition, the County of Rockland Office of Fire and Emergency Services or the Tappan Fire District shall be given the opportunity to review the site plan to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.

7. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the site that meets the latest edition (November 2016) of the NYS Standards for Urban Erosion and Sediment Control.

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

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

10. The individual loading bays should be delineated on the site plan drawing to demonstrate that there are sufficient loading docks available, as indicated under the Loading Dock Calculations.

11. If any lighting is proposed, a lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

12. All proposed signage conform to the sign ordinance in Chapter 31C of the Town of Orangetown Code.

11. The Rockland County Department of Health (RCDOH) reviewed the submitted information and found that application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

**12. Rockland County Drainage Agency (RCDA) reviewed the submitted information and offered the following comment:**

- 1. The project is within the jurisdiction of the RCDA, pursuant to the County Stream Control Act, and a Stream Control Act is required for the current proposal. Please have the applicant submit an application to RCDA directly.**
- 2. The project is fully/partially within a designated State and County Wetland(s). Therefore, the applicant is required to contact the NYS Department of Environmental Conservation for any required permits/approvals. Please have the applicant provide a copy of the NYSDEC wetlands permit or other determination to the RCDA.**
- 3. The project is fully/partially within a designated Federal Wetland. Therefore, the applicant is required to contact the US Army Corps of Engineers for any required permits/ approvals.**
- 4. All future development proposals for this site will require a review and a written determination from the RCDA as to whether a permit is required. RCDA recommends that the municipal departments ensure the site has no outstanding violations and the applicant has secured the required permits rom RCDA, prior to granting development permits.**
- 5. The parcel ID referenced in this proposal has an expired RCDA permit No. 04-30 that must be closed prior to any new approval. Please have the applicant provide the required documentation to close out the permit and have them contact the RCDA.**

**13. The Palisades Interstate Park Commission reviewed the submitted information and noted that it does not have comments at this time.**

**14. 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.**

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

**16. 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.**

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

- a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
  - 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.

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

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

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

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

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

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

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

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

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

**Dated: March 13, 2024**  
**Cheryl Coopersmith**  
**Town of Orangetown Planning Board**



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**TO: CESO, Inc., 1323 Brookhaven Drive, Orlando, Florida 32803**

**FROM: Orangetown Planning Board**

**RE: Onyx Management/ Amazon Delivery Center Plans –**

**Amendment Plans:** The application of Amazon Services, Inc., applicant, for an amendment to the filed Site Plan at a site known as “**Amazon Delivery Center Plans – Amendment Plans**”, 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 877 Western Highway & 200 & 400 Oritani Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 1 & 22 and Section 70.06, Block 1, Lot 1.12 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, June 14, 2023 and March 13, 2024** the Board made the following determinations:

**June 14, 2023**

The Board received the following communications:

1. A PRC memorandum dated May 31, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated June 8, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 9, 2023.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated May 19, 2023.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 6, 2023.
6. Letter and notice from the Rockland County Planning Department, signed by Douglas Schuetz, Acting Commissioner dated May 23, 2023 and Jake Palant, dated April 26, 2023.
7. Notice from Rockland County Highway Department, signed by Dyan Rajasingham, PE, dated May 18, 2023.
8. Notice from Rockland County Health Department, signed by Elizabeth Mello, PE., dated May 26, 2023.
9. Letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated May 24, 2023.

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10. Notice from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated May 3, 2023.
11. A Short Environmental Assessment Form.
12. Letter from CESO signed by Joseph Jorge, Project Manager, dated April 27, 2023.
13. Site Plans prepared by CESO.CO, last revised February 17, 2023, unless noted:

- C1.0: Cover
- C2.0: General Notes
- C3.0: Demo Plan
- C4.0: Overall Site Plan
- C4.1: Site Plan – West
- C4.2: Site Plan – Parking Middle
- C4.3: Site Plan – Parking South
- C4.4: Site Plan – Parking North
- C5.0: Grading Plan
- C5.0A: Grading Plan
- C5.1: Utility Plan - Storm
- C5.2: Utility Plan – Sanitary & Water
- C5.3: Storm Profiles
- C5.4: Storm Profiles
- C5.5: Sanitary Profiles
- C5.6: Stormtech Details
- C5.7: Stormtech Details
- C6.0: SWPPP Notes
- C6.1: SWPPP Plan
- C6.2: SWPPP Plan 2
- C6.3: SWPPP Details
- C6.4: SWPPP Details
- C7.0: Construction Details
- C7.1: Construction Details
- C7.2: Construction Details
- C7.3: Construction Details
- C7.4: Construction Details
- C7.5: Construction Details
- C7.6: Construction Details
- C8.0: Signage Plan – Overall
- C8.1: Signage Plan – West
- C8.2: Signage Plan – Parking Middle
- C8.3: Signage Plan – Parking South
- C100.0: Circulation Plan
- C10-1: Line of sight – North Property
- C10-2: Line of sight – South Property
- L1.0: Landscape Plan
- L2.0: Landscape Details and Notes

TOWN OF ORANGETOWN  
PLANNING BOARD  
APPROVED  
MAY 13 2024

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14. Delivery Station Expansion drawing package as prepared by CESO, last revised 2-17-2023 and narrative and binder as prepared by Cuddy + Feder, dated March 31, 2023.

- RW 1.01: Cover Sheet
- RW 2.01: Specifications
- RW 3.01: Plan View
- RW 4.01: Elevation & Cross Section
- RW 5.01: Details

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

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

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

**The applicant requested a CONTINUATION.**

**March 13, 2024**

The Board received the following communications:

1. A PRC memorandum dated February 28, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated March 11, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 12, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 21, 2024.

APPROVED  
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5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 12, 2024.
6. Letter and notice from the Rockland County Planning Department, signed by Douglas Schuetz, Acting Commissioner dated March 5, 2024 and Jake Palant, dated February 1, 2024.
7. Letter and Notice from Rockland County Health Department, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer, dated February 16, 2024.
8. Narrative summary, prepared by Cuddy + Feder, LLP, dated January 18, 2024
9. The following plans and information was submitted:
  - "Delivery Station Expansion Exterior Improvements", prepared by Ceso Co., signed and sealed by Jeffrey A.
  - Tibbits, PE, Drawings G0.01 – E8.03-BP-1 (6 drawings), drawing lists on G0.01, Revision "Permit Set Resubmit" dated 10/27/2023
  - "Delivery Station Expansion Exterior Improvements", prepared by Ceso Co., signed and sealed by Jeffrey A. Tibbits, PE, Drawings G0.01 – E8.03-BP-0 (31 drawings), drawing lists on G0.01 and G0.00-BP-0, Revision "Permit Set Resubmit" dated 10/27/2023
  - "Electric Vehicle Charger Installation DXY4 Delivery Station", prepared by Civil & Environmental Consultants of New York, Inc., signed and sealed by Eduardo J. Intriago, PE, Drawings G0.01 – E8.03-BP-0 (20 drawings), drawing list on G0.01, Revision "Permit Drawing Set" dated 10/02/2023

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

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

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

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**SEQRA**

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

On motion by Michael McCrory and seconded by Kevin Farry and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, absent; Kevin Farry, aye; Bruce Bond, (alternate member), aye; and Lisa DeFeciani, aye. the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: New York State Department of Transportation, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Sewer District No.1, Rockland County Department of Health and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

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

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

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

4. All pertinent and applicable conditions of PB #20-19: Onyx Management/ Amazon Delivery Center Plans, Final Site Plan Approval Subject to Conditions/ Neg. Dec., dated July 8, 2020, and PB #21-24: Onyx Management/ Amazon Delivery Center Plans, Amendment to Filed Site Plan Approval Subject to Conditions dated April 28, 2021 shall apply to this site plan amendment.

5. The applicant shall preform a flow test for the new hydrant. A minimum of 2 hydrants shall be on the parking plan, 1 existing and a minimum of 1 to be added.

6. The applicant's narrative states that the applicant has opted to abandon its proposal to occupy the remaining 24,459 square feet, however the plans are titled "DELIVERY STATION EXPANSION". Drawings must be revised.

7. The previously approved site plan from June, 2021 had 239 proposed exterior van spaces and this current application proposes a total of 481 exterior van spaces.

8. On Sheet AS1.11, there is a very long legend list of signage, however it appears that only 8 signage types are proposed. Applicant must clarify. Signage that is not proposed should be eliminated from the legends.

9. A pylon sign of 30 square feet is proposed and in compliance with Table 3.11, LO District, Column 5, no.11.

10. There are also (2) AS-39 Parking lot designation signs and (21) S-95 Stall wayfinding signs that measure 18"x36", which are 8'-0" tall overall proposed. These proposed signs are quite large and result in 103.5 (4.5 square feet x 23) square feet for a total of 133.5 of proposed signage. A Variance is required from the Town of Orangetown Zoning Board of Appeals.

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- 11.** No details are provided for S-1, S-3, S-5 AND AS-14. Details must be provided in order to determine the effect on the OVERALL signage square footage for the site.
- 12.** Review and approval is required from the Town of Orangetown Architecture and Community Appearance Board of Review.
- 13.** The property lines shall be clearly labeled on the photometric site plan.
- 14.** 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.
- 15.** The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted the following comments:
  - 1.** The previously mentioned drainage manhole/ Town sanitary main conflict, that arose during the initial construction, has been straightened out. The applicant is in the process of finalizing the As-Builts for the revised drainage work. Therefore, this issue has been resolved.
  - 2.** The revised SWPPP is under review. Below is a tentative list of corrections/ additions needed:
    - a.** The cover memo provided with the SWPPP shall indicate that the proposed Site Plan Amendment #2 is to be broken up into 2 phases (listing the Phase letters.)
    - b.** The phases proposed are listed as 0 and 1. However, the original SWPPP already contained phase numbers 1 & 2. New phase numbers shall be proposed.
    - c.** The total area of disturbance (a.o.d.) listed in the cover memo differs slightly than the a.o.d. listed on drawing C1.00-BP0. The a.o.d. shall be coordinated throughout the SWPPP and all of the drawings. The applicant's engineer is reminded that all proposed demolition must be included in the total a.o.d.

*[Faint, illegible text, likely a stamp or signature]*

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**Continuation of Condition #15...**

- d. The SWPPP project narrative shall be revised to spell out exactly what work (including demolition) is to take place in the two proposed phases (again, list the phase letters.)
- e. Section 2.2 shall be revised to include the proposed new construction phases and shall list the specific work to be completed in each (including demolition) as well as provided an approximate timeframe for said work. As previous requested, all new revisions/ additions to the original SWPPP shall be printed in red.
- f. The half-scale drawings provided in the SWPPP (for example Appendices A & H) as well as the full-size drawings provided with the application shall show and label the revised drainage layout (including id names/ numbers, top and invert elevations, etc.) just completed at the site.
- g. Appendix G shall be revised to include this proposed amendment (#2.) The table of contents shall also be revised to show this revision in red.
- h. The NOI in Appendix D shall be revised to reflect the proposed / updated a.o.d. The table of contents shall also be revised to show this revision in red.
- i. The drainage report, Appendix N, shall be revised so that all items added to it as part of SWPPP amendment #1 shall be shown in black lettering (change from red as they are not part of the current Amendment.
  
- j. Qualified Inspector and Contractor Certifications are needed in the Appendix R. Also, contractor's proof of completion for the required NYS DEC Endorsed 4-Hour Erosion and Sediment Control Course must also be supplied with the SWPPP. The owner/ owner's engineer is advised that **NO** construction what-so-ever (including pre-construction SESC installation, demolition, etc.) can begin on the project until these signed certifications and proof of NYSDEC training have been provided to this Department and made part of all official SWPPPs (Town Copy, field copy, etc.)
- k. The Contractor, Sub-Contractor, Qualified Inspector, SWPPP preparer information shall be provided under Section 1.2 – page 8 of the SWPPP.
- l. Updated Owner and SWPPP preparer SWPPP certifications shall be added to Appendix R.
- m. The SWPPP shall be **signed** and sealed by the applicant's engineer.
- n. Labeled separation tabs shall be included in the SWPPP.
- o. A cover page shall be added to the SWPPP.

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**Continuation of Condition #15...**

3. The drawing sets title pages and title blocks shall include the words "Site Plan Amendment #2 or similar.

4. The project description on drawing G0.00-BP0 shall be revised to include the proposed restriping, signage installation, etc. that is to take place under that phase of work.

5. Prior to the start of any construction, a pre-construction meeting shall take place at the site. The applicant shall be responsible for the coordination of said meeting

6. The applicant/ applicant's engineer is reminded that immediately upon commencement of the proposed work, weekly SWPPP inspections shall begin again. The Qualified Inspector shall utilize the inspection checklist forms provided in Appendix E of the SWPPP. Separate checklists for each and every drainage structure shall be filled out at every SWPPP inspection.

7. In connection with comment #5 above, the applicant/ applicant's engineer, applicant's qualified inspector is reminded that, in compliance with SWPPP section 1.2, digital copies of all SWPPP inspections shall be sent to the Town ([bpeters@orangetown.com](mailto:bpeters@orangetown.com)) along with hard copies being placed onsite as well as hard copies being added to all other official SWPPPs.

8. In connection with comment #5 above, the applicant/ applicant's engineer/ applicant's qualified inspector is reminded that all SWPPP inspections must include the required information as specified in Part IV-C-4 (a through i) of the *NYSDEC SPDES General Permit for Stormwater Discharges for Construction Activity* – Permit NO. GP-0-20-001. Also, a map shall be provided with each required SWPPP inspection which depicts; area of site under construction at time of inspection, a.o.d. at time of inspection, location & direction of all photographs taken during inspection, etc.

9. The total area of disturbance shall be listed on drawings G0.01, G0.00-BP0, C1.00-BP0, & C9.00-BP0. The Phase 1 "mirror" drawings shall state that no disturbance is proposed under said phase.

10. The plans and details shall clearly show, label and dimension all proposed disturbances (excavations, demolitions, etc.) and calculate a total. For example, drawing C9.00-BP0.

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**Continuation of Condition #15...**

11. Drawings G0.01, G0.00-BP0, C1.00-BP0, & C9.00-BP0 shall show clearly show and label the limit of disturbance.

12. The drawings shall contain a table showing the breakdown of all existing and proposed pervious and impervious surfaces for this proposed project.

13. The soil erosion and sediment control plan, drawing C9.00-BP0, shall be revised to depict inlet protection at all existing catch basins "downhill" of the proposed disturbances.

14. The drawings shall clearly show all existing sanitary & storm sewer mains, catch basins, manholes, etc. with top and invert elevations. The drawings shall also indicate ownership for each main.

15. All existing easements shall be shown on the plan, including page and liber or instrument number, purpose, metes & bounds, utility within said easement and ownership.

16. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comment:

A letter from Daniel Patrick, on behalf of the applicant, dated January 18, 2024 was submitted in response to fire safety concerns and comments among other comments from the board. On page 3 the applicant refers the Town to International Association of Fire Chiefs protocol for fighting EV fires which include using 3000 to 8000 gallons of water. What is the distance from the closest hydrant to the furthest vehicle charging state and is this hydrant capable of production the volume of water needed to fight this fire using this protocol? (3000 to 8000 gallons)

TOWN OF ORANGETOWN  
2024 MAR - 13 10:02  
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision  
March 13, 2024  
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**17. Drainage Review Recommendation: Brooker Engineering**

The proposed action has provided sufficient drainage information that demonstrates that there are no potential significant adverse impacts with respect to drainage that require mitigation. Brooker Engineering, the Planning Board's Drainage Consult therefore recommends be approved for drainage subject to no conditions.

**Project Description**

This is the second drainage review report for this amended site plan application; Brooker Engineering previously reviewed this amended site plan application in the letter dated June 6, 2023 and approved the overall original site plan for drainage with no conditions in the January 11, 2020 letter. The site is located in Bradley Industrial Park, along the west side of Oritani Drive. As part of the original site plan, two existing buildings at 200 and 400 Oritani Drive were to remain and be used as warehouses. A building expansion over the existing parking lot was proposed at the southern building. A new stormwater management underground infiltration basin was proposed north of the building expansion. For the current amended site plan, the proposed action consists of installation of a phased network of 98 charging stations for electric vehicles (previous application proposed 157 charging spaces). Earthwork is required for installation of new utilities, and the charging stations are located in the existing parking lots with no new impervious areas. The proposed work does not result in any grading changes or new impervious areas, and existing runoff rates will be maintained with no change in drainage patterns.

**Project Comments**

1. Provide the updated SWPPP to Brooker Engineering.

**18. Rockland County Department of Planning reviewed the submitted information and offered the following:**

- A review must be completed by the Rockland County Department of Highways and all required permits obtained.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Blauvelt Fire Department to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles and charging stations on this site.

ROCKLAND COUNTY DEPARTMENT OF PLANNING  
MARCH 13 2024  
12:00 PM

**PB #23-32: Amazon Delivery Site Plan Amendment  
Amendment to Filed Site Plan  
Preliminary Site Plan Approval Subject to Conditions**

**Permit #2843-23**

**Town of Orangetown Planning Board Decision  
March 13, 2024  
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**Continuation of Condition #18...**

- The subject site abuts property owned by CSX railroad, with the charging stations proposed in close proximity to the adjoining property line. The November 7, 2023 letter from CESO response to Rockland County Planning May 23, 2023 GML Review indicates that Civil and Environmental Consultants and CESO have been in communication with CSX and an email correspondence was included, however, no such correspondence was received with the application materials provided to the RC Planning Department with this referral. The email correspondence should be provided and the Planning Board shall be satisfied with CSX's response.
- The cover letter from Cuddy & Fedder indicates that the first phase (Phase0) of the proposal will include the installation of 58 charging stations. However, the site plan indicates that Phase 0 will include 58 level 2 charging stalls and 4 level 3 charging stalls, totaling 62 charging stalls. This discrepancy must be resolved, and all application materials must contain consistent and accurate information.
- This application proposes the installation of at least 99 electric vehicle charging stations, using Level 2 and 3 chargers. Details on energy usage have been provided on Sheets E6.00BPO and E6.00 BP1. According to the November 7, 2023 letter from CESO to the County Planning Department, Orange and Rockland Utilities have been provided with the usage totals for the previous proposal, and was satisfied. The Planning Board shall be satisfied that it has a clear understanding of the energy demand for this project and what that may mean for the local utility grid.
- The GML referral form and cover letter from Cuddy & Fedder indicate that part of the development site includes tax lot 65.18-1-18 instead of 65.18-1-22 as indicated on the site plan and page 1 of the application form. This discrepancy must be resolved.
- The proposed electric vehicle charging stations help to advance the goals of NYS Climate Leadership and Community Act (CLCPA) and the draft Orangetown Comprehensive Plan, last revised September 2022. With increase in electric vehicle charging stations being installed throughout Orangetown, Rockland County Department of Planning urges the Town to consider revising its local zoning regulations to establish specific standards in relation to this use.

2024 MAR 13 10:01 AM  
TOWN OF ORANGETOWN  
PLANNING BOARD

**PB #23-32: Amazon Delivery Site Plan Amendment  
Amendment to Filed Site Plan  
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**Permit #2843-23**

**Town of Orangetown Planning Board Decision  
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**19.** The Rockland County Department of Health held that based on the information provided, there are no Rockland County Department of Health approvals needed for this application.

**20.** Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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

- Rockland County Health Department
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- Rockland County Department of Planning

**22.** 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.

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

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

EMILIO SANCHEZ III  
92-10-17-2024  
PLANNING BOARD

**Town of Orangetown Planning Board Decision**

**March 13, 2024**

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25. 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).

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

27. 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

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

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

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

**Dated: March 13, 2024**  
**Cheryl Coopersmith**  
**Town of Orangetown Planning Board**



TOWN CLERK'S OFFICE  
2024 APR -5 A 9 37  
TOWN OF ORANGETOWN

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

**PB #23-32: Amazon Delivery Site Plan Amendment  
Amendment to Filed Site Plan  
Preliminary Site Plan Approval Subject to Conditions**

**Permit #2843-23**

**Town of Orangetown Planning Board Decision  
March 13, 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: Amazon Delivery Site Plan Amendment - Amendment to Filed 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 877 Western Highway & 200 & 400 Oritani Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 1 & 22 and Section 70.06, Block 1, Lot 1.12 in the LO 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:

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

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