

**PB #24-08: Onyx Equities Site Plan
Preliminary Site Plan Approval Subject to Conditions**

Permit # BLDC 3812-23

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**TO: Seth Mandelbaum, McCullough, Goldberger & Staudt, 1311
Mamaroneck Avenue, #340, White Plains, New York 10605**

FROM: Orangetown Planning Board

RE: Onyx Equities Site Plan: The application of Onyx Management Group, LLC, applicant for PG-OE 64 Leber Road Owner LLC and PG-OE 140 Leber Road Owner LLC, owner, for Prepreliminary/ Preliminary/Final Re-Subdivision Plan at a site to be known as “**Onyx Equities 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 64 & 140 Leber Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4 and 47 in the R-40 and LO zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **January 24 and March 27, 2024** at which time the Board made the following determinations:

January 24, 2024

Seth Mandelbaum, Robert Freud, James Perry and Cory Chase appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated January 10, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated January 19, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 23, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated January 9, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE dated January 22, 2024.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated January 18, 2024 and a notice signed by Jake Palant, dated December 27, 2023.

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7. Letter and Notices from the Rockland County Department of Health, signed by Elizabeth Mello, PE, dated January 8, 2024.
8. Letter from the Rockland County Sewer District No. 1, signed by Nicholas King, Engineer I, dated December 8, 2023.
9. Notices from Rockland County Department of Highways, signed by Dyan Rajasingham dated December 5, 2023.
10. Notices from the Town of Orangetown Zoning Board of Appeal, signed by Dan Sullivan, Chair, dated December 6, 2023.
11. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated November 20, 2023.
12. Letter from Seth Mandelbaum, dated October 18, 2023.
13. Memorandum in Support of Application for Pre-Preliminary, Preliminary and Final Site Plan and Resubdivision Approval, dated October 18, 2023, prepared by McCullough, Goldberger & Staudt.
14. Email from Rockland Friends Meeting, dated January 22, 2024.
15. Site Plans prepared by Dynamic Engineering, dated October 2, 2023.
16. Email from Eric Jimenez, Clerk, Rockland Friends Meeting, dated January 22, 2024.

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

The applicant requested a **CONTINUATION**.

March 27, 2024

Seth Mandelbaum and Robert Freud appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated March 13, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated March 25, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated March 25, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated January 9, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 26, 2024.
6. Site Plans prepared by Dynamic Engineering, dated February 18, 2024.
Site Plan prepared by Control Point Associates, dated October 17, 2023.
7. An email from Robert Jablonski, dated March 26, 2024.
8. Email from Diane Mayer, dated March 25, 2024, with an attachment.

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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 Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

Public Comments:

Dan Fuller, 120 Leber Road, requested information regarding sight distance locations and raised concerns regarding the visual impacts of the project. Andrew Cabanida, 134 Leber Road, raised concerns regarding driveway on site. Kathy Tinto, 60 Leber Road, concerned about the stormwater on the corner, and noted that she was happy that the easement would not be developed.

There being no one else to be heard from the Public, a motion was made by Michael McCrory and second by McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice-Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

SEQRA

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

On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member), not voting, and Andrew Andrews, aye; the Board declared itself Lead Agency.

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

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

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

On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member), not voting, and Andrew Andrews, the Board made a Negative Declaration pursuant to SEQRA.

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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 Re-subdivision 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 Re-subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The following Zoning Board of Appeals variances are required Per Chapter 43;
 - a) Table 3.11, LO District Column 7, #3; *"No parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be given at the time of site review..."*
 - b) Table 3.12, Notes to Use & Bulk Tables, #2, Required buffer is 100' from the zoning district line abutting the R-40 Zoning District plus a required Front Yard Setback of 100' for a total required distance of 200' from the zoning district line to the proposed parking area on the south side and east side of the site. The proposed setback on the south side of the property is 100' and on the east side is 10'.
 - c) Chapter 43, Article VI, Section 6.33; *"Location and ownership of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided that all spaces therein are located within 1,000 feet walking distance of such lot."* This proposed lot is 1,872 feet from the facility.

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4. Details and elevations of the proposed retaining wall and chain link fence must be provided, signed and sealed by a NYS Licensed Engineer.

5. Per Chapter 2, Article II, Section 2-4, Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) review and approval is required, however this requirement may be waived by the Planning Board at the time of site plan review.

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.

7. The Town of Orangetown Bureau of Fire Prevention commented that the proposed hydrant on the west side shall be moved to the west lot entrance.

8. No vehicles shall operate outside business hours, including deliveries.

9. All lighting shall be down lighting and be lite from dusk to dawn.

10. No tractor trailers to be parking on site. No EV charging stations shall be permitted, as per the Office of Building, Zoning, Planning Administration and Enforcement memorandum, dated March 25, 2024, a permit is required for yard parking and a Zoning Variance is require for the requested Buffer.

11. The project proposes NYSDEC approved subsurface stormwater facilities. However, subsurface systems are specifically for sites where "above ground"/ at grade systems are not physically practical or possible. Due to the availability of open property on this site, all proposed stormwater management facilities shall be "above ground" system(s.)

12. The drawings show a drainage ditch, with 30-inch piping and headwalls running east-west through the middle of Lot 70.06:1:50.4 (64 Leber Road.) The drainage plans do not show how the flow in this ditch will be accommodated by the new drainage design. The proposed site and grading plans clearly show that a parking lot is to be installed over the ditch. This mean that the ditch (and stormwater flow that the ditch normally carries) will need to be piped or diverted. These actions will require a Watercourse Diversion Permit.

13. In connection with comment #12 above, the applicant is hereby advised that a Watercourse Diversion permit is required for this site **and must be obtained after receiving Preliminary Approval for this proposed project.** This is because the design and construction of the proposed parking facility is directly dependent on the proposed watercourse diversion. Application must be made to the Town of Orangetown - Town Board. Copies of all correspondence relating to this issue shall be sent to DEME and the Planning Board. Also, the diversion **MUST** be designed to accommodate up to the 100yr. storm.

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14. The revised SWPPP supplied is under review by DEME. A formal review shall be sent to the applicant's engineer under separate cover. However, below is a tentative list of corrections/ additions needed to the SWPPP:

- a.) The **Executive Statement** (Section I) shall summarize the proposed phasing [to limit the area of disturbance (a.o.d.) to under 5 acres at any one time] for this project.
- b.) The **Executive Statement** (Section I) shall clearly **reference how** Chapter 5 -Green Infrastructure, of the *New York State Stormwater Management Design Manual* (NYS-SMDM) and **explain how** this chapter is being satisfied by the stormwater management design proposed.
- c.) The **Project Description** (Section III) shall include a detailed overview of the Sequence of Construction, including project phasing and demolition.
- d.) The **Project Description** (Section III) shall include a table that shows the breakdown of all proposed land disturbances, demonstrating how the total area of disturbance (a.o.d.) was determined.
- e.) Details for the proposed Water Course Diversion system shall be added to the SWPPP and drawings, including but not limited to: statement in the **Executive Summary** (Section I) **THAT** there is a current watercourse on the project site that must be addressed in the stormwater design, and explanation and summary in the **Project Description** (Section III) of the design parameters for the water course diversion and how the water course diversion shall be accomplished - including referencing any and all appendices and drawings where the following can be found: calculations, construction, details, material and installation information, bedding design, material and installation information, construction notes, details, etc.
- f.) A detailed overall Sequence of Construction shall be added to the SWPPP. It shall include the a.o.d. limit phasing, demolition, soil erosion and sediment control device installation and removal timing, approximate timing for each item, amount of disturbance for each item, etc.

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g.) The water quantity and quality sections under the **Executive Summary Project Overview and Summary** (Section I) and **Stormwater Management Control** (Section V) shall discuss and provide the water quality and quantity parameters, **requirements**, design, facilities, calculations etc. for the proposed project. The specific drainage calculation pages/ appendices that correspond to values listed in these sections shall be added as well.

h.) An appendix shall be included containing the required “during” construction checklists for all of the proposed stormwater management facilities (stormwater/ infiltration ponds, hydrodynamic separators (water quality control facilities), catch basins, piping, etc., as well as all of the proposed soil erosion and sediment control features. Separate checklists for each and every stormwater facility shall be provided. This information shall be added to the next revised SWPPP submission. DEME can be contacted for approved checklists.

i.) An appendix shall be included containing the required post construction checklists for all of the proposed stormwater management facilities: stormwater/ infiltration pond, hydrodynamic separators (water quality control facilities), catch basins, piping, etc. Separate checklists for each and every stormwater facility shall be provided. This Department can be contacted for approved checklists.

j.) The SWPPP shall document that the construction activity is not within an archeologically sensitive area indicated on the sensitivity map, and that the construction activity is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the construction site. Also, document that SHPA Section 14.09 has been completed by NYS DEC or another state agency.

15. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the of the proposed stormwater system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP and drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to these issues shall be submitted to DEME.

16. The total area of disturbance (a.o.d.) delineation shall be added to drawings 8 thru 13, 16 & 17.

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17. The applicant's engineer shall check and ensure that the total a.o.d., tabulation and graphic representation on all drawings, includes all proposed plantings, demolition, etc.
18. As per the intent of NYS-SMDM, the applicant/ applicant's engineer shall try and reduce the amount of proposed impervious surfaces wherever possible.
19. The proposed access driveways, at either end of the parking lot, have only once catch basin (on one side.) This is not acceptable as both driveways have curbing and will be channeling all stormwater runoff that falls on them directly onto neighboring property. Stormwater facilities, for both sides of the driveways, shall be designed and shown for these driveways **and the runoff they produce collected and treated by the required post construction stormwater quality and quantity controls**. Currently, none of the proposed stormwater runoff in either driveway is designed to be handled by the stormwater quantity improvements.
20. Overall, there are far too few stormwater catchment facilities (catch basins) proposed given the total area of impervious being created by this project. Also, there appear to be as designed, the proposed basins will not be able to handle the sheet flow from any significant storm. This could lead to onsite flooding, backups in the designed system, etc. The applicants engineer shall revise the stormwater system design and provide more stormwater catchment facilities.
21. In connection with comment #11 above, **if** the revised stormwater management system proposes to utilize infiltration basins, the project narrative and calculations shall clearly verify that the required WQv for the project will infiltrate/ dewater within 48 hours.
22. In connection with comment #11 above, **if** the revised stormwater management system proposes to utilize infiltration basins, the applicant's engineer is reminded that as per the NYSDEC-SMDM – "*The bottom of infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high-water table or bedrock layer, as documented by on-site soil testing.*"

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23. In connection with comment #11 above, **if** the revised stormwater management system proposed to utilize infiltration basins, the applicant/ applicant's engineer is advised/ reminded that as per the NYSDEC- SMDM (Appendix D) and NYSDEC – FAQs, the following testing regiment is required:

Initial Feasibility Testing:

1. One (1) field Perc test per 5000 SQFT of basin. The SWPPP supplied contains testing results (appendix E) that were performed on 6/26/23. (This date of the testing was not specifically referenced in the report **Summary of Findings - Section 1.0**. This section shall be revised to state the date of the testing.)
2. **Scope of Services – Section 2**, full paragraph #2, page 2, states that "... testing was performed ... in general accordance with the January New York State Stormwater Management Design Manual 2015- Appendix D: Infiltration Testing." This is not quite accurate. The correct number of tests were performed, but one of the testing locations "failed", rendering this testing location invalid. As per **Scope of Services – Section 2**, paragraph 1, page 1, "... Testing performed at PP-104 was terminated due to weather conditions and the gravel content of the subsurface soils which preclude proper set up of the infiltration apparatus." Therefore, the required number of tests (4) were not completed. Proper/ Stormwater Manual compliant testing must be redone.
3. Lastly, this Department was not notified about these tests, nor were we provided opportunity to witness said testing. See comment #5 above.

Concept Design Testing:

4. A minimum of **one (1) test pit/boring AND one (1) infiltration test** for every **5000 SQFT** of basin area, **with no fewer than four (4) test pits/borings and four (4) infiltration tests per facility.**
5. The Town will allow the use of the **same hole for boring AND infiltration – "provided that the test is being done at the proper depth, with the required separation from seasonal high groundwater and the soil in the bottom of the test pit hasn't been disturbed where the infiltration test will be performed"**

24. In connection with comment #11 above, **if** the revised stormwater management system proposes to utilize infiltration basins, adherence to NYSDEC – SMDM, Appendix I shall be provided in the SWPPP, e.g. design for snowmelt when calculating WQv, snowpack treatment, Rain -on-snow events, etc.

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25. “Blow-ups” of all of the proposed stormwater management systems (quality and quantity) shall be provided on the drawings. These blow-ups shall include multiple cross-sections (that include locations where any and conveyance piping connections are located), profiles of the 600 foot facility as well as connection piping/ manholes, storage volume for given design storms, practice specific buffers (if applicable), practice specific plantings (if applicable), 12-foot-wide stabilized maintenance paths (that reach all of the critical devices – if applicable), permanent sediment depth markers with detail (if applicable), plantings (if applicable), emergency overflow spillways with elevations, etc.

26. Sediment depth markers (if applicable) and **stormwater practice signs** shall be shown and labeled for all proposed stormwater quality/ quantity practices. Details for each shall be added to the drawings.

27. The drawings depict numerous retaining walls for the project. The detail for these walls, drawing 19, shows a typical 4-inch drain behind the wall. However, the drainage and utility plans do not show this piping or where it will be terminated/ connected. There is also no mention of this piping, or its sizing calculations in the SWPPP. The plans must show this piping and where it will be connecting. The SWPPP must discuss this piping and provide calculation for it.

28. The detail for the proposed retaining wall(s) is stamped “Not for Construction.” Details acceptable for construction shall be added to the drawings.

29. Some of the profile names do not match the catch basins in the profile. This shall be corrected.

30. The unique ID name/ number for all existing stormwater facilities shall be added to the drainage plan drawings.

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

32. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town Attorney’s office for review and approval. Said agreement shall include a maintenance and management schedule, inspection checklists, contact person with telephone number, yearly report to be submitted to DEME, etc.

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33. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.

34. DEME and the Planning Board shall be copied in on all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan

35. The page and liber or instrument number, **metes and bounds**, purpose, width and **ownership** for **all** existing easements/ dedications shall be given on the plan.

36. Iron pins shall be drawn and labeled **at each** property corner. If not currently installed, applicant shall label as such & install.

37. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)

38. Drainage Review – Brooker Engineering

The application has provided sufficient information to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering therefore recommends that the Onyx Equities, LLC Resubdivision and Site Plan be approved for drainage subject to the following Project Comments.

Project Description

This is the second drainage review report for this project; the last review was dated January 22, 2024. The proposed action consists of the construction of an accessory parking lot for the storage of cars that are preordered by an off-site car dealership. Stormwater runoff flows downhill in a northerly direction and is tied into the on-site storm drainage system for the developed lot to the north. An underground stormwater infiltration system of 2,400 linear feet of 36-inch diameter storm drainage piping is proposed to provide stormwater mitigation. The system provides 48,000 SF of stormwater detention for 212,137 SF of new impervious area, which equates to approximately 2.7 inches of rainfall runoff storage.

Project Comments

1. As per the January 22, 2024 drainage review letter, correlate the drainage subarea labels/delineation in the hydrologic model with the drainage subarea maps.
2. As per the January 22, 2024 drainage review letter, provide a description of the hydrologic subareas in the narrative summary.

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3. As per the January 22, 2024 drainage review letter, provide calculations for the inlets for each of the catch basin inlets on the "Inlet Area Map" to demonstrate the inlets have capacity to receive stormwater runoff from the contributing drainage basin and therefore convey the runoff to the infiltration system. The Stormwater Conveyance System Capacity Analysis in Appendix J includes the pipe conveyance; the inlet conveyance, in particular for larger drainage areas at CB STR 23 and STR 7, shall be added to the calculations.
4. As per the January 22, 2024 drainage review letter, provide additional grading detail around Catch Basins #9, and #13; it appears much of the stormwater runoff can bypass these inlets. Provide a factor of safety for the design in these areas to ensure stormwater runoff is directed to the infiltration basin with a potential secondary means of entrance in the event these inlets are bypassed.
5. As per the January 22, 2024 drainage review letter, for ease of inspection during construction, include the catch basin drainage delineations on the Grading Plan. Response from the applicant that the information is contained in Appendix N of the SWPPP is not useful to the actual inspection by the Building Department. Brooker Engineers note Appendix N of the SWPPP is O&M manual and not the catch basin drainage area delineation.
6. As per the January 22, 2024 drainage review letter, demonstrate the existing conditions impervious areas in the hydrologic model; the narrative refers to the site as undeveloped. As per the applicant's response the "existing conditions have been conservatively modeled as undeveloped", this does not appear to be consistent with the modeling contained in Appendix F of the SWPPP.
7. The system relies on a high soil percolation rate of infiltration, which has been supported by test pits. The infiltration used is the slowest of the tested results, which is a conservative approach. Given the size of the system and the impact of infiltration on a successful system we recommend the infiltration be verified during construction (after installation of the detention system) but defer to DEME on this recommendation. The applicant's response that this has been added as a condition in the SWPPP is acceptable; however, this shall also be added as a map note to the Grading Plan and Drainage Plans.

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

- A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- A review of must be completed by the Rockland County Department of Health and application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Code.

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- 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 District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles. The Fire Department's assessment should include the potential impacts and risks from the volume of electric vehicles on this site.
- The firetruck circulation plan provided only indicates available access through the southern traffic aisle of the site. The northern most parking spaces will be almost 200 feet away from this traffic circle. The Planning Board must be assured that firefighting operations can be conducted effectively at all locations throughout the site. If necessary, a revised firetruck turning plan must be provided that demonstrates adequate access.
- The subject property directly abuts a right of way owned by CSX to the northeast. CSX shall be given the opportunity to review the proposed and any of their concerns shall be addressed.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The narrative by McCullough, Goldberger & Staudt, LLP indicates that a Stormwater Pollution Prevention Plan (SWPPP) by Dynamic Engineering, dated September 23, 2023 was provided. The County Planning Department was not in receipt of this SWPPP. The Town of Orangetown must be satisfied with the level of analysis in the September 2023 SWPPP, and that it conforms to the current regulations including the NYS Stormwater Management and Design Manual (January 2015) and local ordinances.
- As required by the Rockland County Stream Control Act, the lot merger must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- Once a lot line is disclaimed, a filed map cannot be used to convey property, nor can the tax maps be updated with the lot changes, until the deeds are filed with the County Clerk, conveying the portions of the lots that are required to achieve the lot configuration indicated on the lot merger. The applicant and the Town must make sure that the deeds are properly filed with County Clerk to ensure that the tax maps are properly updated.

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- The Planning Board shall be satisfied with the findings of the Traffic Impact Study prepared by Dynamic Traffic on September 7, 2023.
- The proposed parking area will add approximately 239, 490 square feet of lot coverage to the site. To help reduce the impact of this development, reduction of impervious surface should be considered. It is recommended that porous pavers or porous concrete be considered to replace the use of conventional asphalt. If installed correctly and properly maintained porous pavers have been shown to be effective in helping manage off site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of permeable pavers and other green infrastructure techniques, it is recommended that the Village and the applicant review Chapter 5 “Green Infrastructure Practices, of the 2015 NYUSDEC Stormwater Design Manual.
- This site will be used for the storage of electric vehicles; however, it is unclear if there will be any vehicle charging stations on the site. Additional details about how the vehicles will be charged must be provided, and any onsite charging stations must be delineated on the site plan.
- To help reduce the impact of this development, a reduction of impervious surfaces should be considered. Permeable pavers and additional green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. It is recommended that the applicant review Chapter 5 “Green Infrastructure Practices” of the 2015 NYSDEC Stormwater Design Manual.

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- This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.
- Retaining walls shall be designed by a licensed NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

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

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

41. Rockland County Sewer District #1 (District) reviewed the submitted documents and offered the following comments:

1.) The District does not object to the Planning Board serving as lead agency for this review

2.) The District owns and maintains sewers in an easement on the subject property, next to which the applicant is proposing a parking lot with 643 parking spaces.

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

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- g. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done within the easement.
- h. The contractor must obtain required insurances and sign a waiver to defend, indemnify, save and hold harmless both the **County of Rockland and Rockland Sewer District No. 1** from any claims arising from work performed within the District easement.

3.) *Drawings No. 3-11* only show a portion of the District's 72" Spirolite gravity line going through an easement located at the southern edge of the property. Please have the engineer show the continuation of this line and change where it reads "60" ± *San Pipe* to "72" Spirolite *San Pipe*" on these drawings.

4.) The District requires a geotechnical engineering study to determine the effect on its sewer from vehicular traffic through the emergency access gravel road over the easement coming off of Leber Road, including but not limited to the heaviest vehicles (e.g. fire apparatus).

5.) Details for sanitary sewer construction must comply with the District's construction standards and shall be shown on the plans.

6.) Details for the sanitary sewer connection are subject to approval by the Town of Orangetown.

42. Orange and Rockland Utilities reviewed the submitted documents and held that the proposed work, installation, and grading may be in conflict with the existing gas facilities. Please contact O&R's new business department for any relocations and disconnects/ reconnects.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Rockland County Health Department
- Rockland County Highway Department
- Rockland County Sewer District No. 1

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- 44.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivisions and Board Decision prior to signing the final plans.
- 45.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
- 46.** 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.
- 47. TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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48. 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.

49. 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.

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

51. 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).

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

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

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

Waive ACABOR: The applicant requested a waiver to appear at the Architecture and Community Appearance Board of Review (ACABOR). A motion was made to waive ACABOR Appearance, the motion was made by Michael Mandel, Vice Chairman, and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; Bruce Bond (alternate member), not voting and Andrew Andrews, aye.

Override

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

“#1. The Site Plan shall include a bulk table detailing proposed as well as required bulk values. It must also indicate the pre-existing, nonconforming conditions.”

12. As previously indicated, the parking area includes multiple rows of uninterrupted parking spaces. Several of these rows include at least 95 spaces and expand for at least 850 feet. These uninterrupted rows of parking add to the contiguous impervious surface area of the site, create a heat island effect and are visually unappealing. It is recommended that additional islands with vegetation be used throughout the parking area to interrupt the rows of parking spaces.

The Board held that the parking rows have breaks in separate areas.

A motion to override the condition was made and moved by Michael Mande and seconded by Denise Lenihan and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Bruce Bond, (alternate member), not voting and Michael McCrory, aye.

The foregoing Resolution was made and moved by Michael McCrory and seconded Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), not voting; 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 27, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board
Attachment



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

**PB #24-08: Onyx Equities Site Plan
Preliminary Site Plan Approval Subject to Conditions**

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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: Onyx Equities Site- Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 64 & 140 Leber Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4 and 47 in the R-40 and LO zoning districts.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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