

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of Wednesday, February 26, 2025

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel, Vice Chairman
Andrew Andrews
Denise Lenihan
Michael McCrory
Matthew Miller
Lisa DeFeciani
Bruce Bond (alternate member)

MEMBER ABSENT: None

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

Thomas Warren, Chairman called the meeting to order at 7:30 p.m. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Items Postponed by the Applicants from the February 12, 2025 Planning Board Meeting:

Skae Training Site Plan-Conditional Use	PB #25-03
Prepreliminary/Preliminary/Final Site Plan and SEQRA Review	Final Site Plan - Conditional Use Permit
337-339 Blaisdell Road, Orangeburg	Final Approval Subject to Conditions
76.08-1-4; LIO Zoning District	

Garcia – 16 DeLongis Court Retaining Wall Site Plan	PB #25-07
Prepreliminary/Preliminary/Final Site Plan and SEQRA Review	Final Site Plan Approval Subject to Conditions/ Neg. Dec.
16 DeLongis Court, Sparkill	
77.12-1-34.2; RG Zoning District	

O'Donohue – 26 DeLongis Court Retaining Wall Site Plan	PB #25-08
Prepreliminary/Preliminary/Final Site Plan and SEQRA Review	Final Site Plan Approval Subject to Conditions/ Neg. Dec.
26 DeLongis Court, Sparkill	
77.12-1-34.7; RG Zoning District	

Bonfiglio – 24 DeLongis Court Retaining Wall Site Plan	PB #25-09
Prepreliminary/Preliminary/Final Site Plan and SEQRA Review	Final Site Plan Approval Subject to Conditions/ Neg. Dec.
24 DeLongis Court, Sparkill	
77.12-1-34.6; RG Zoning District	

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February 26, 2025 Planning Board Meeting

Dimeglio – 22 DeLongis Court Retaining Wall Site Plan **PB #25-10**
Prepreliminary/Preliminary/Final Site Plan
and SEQRA Review **Final Site Plan**
22 DeLongis Court, Sparkill **Approval Subject**
77.12-1-34.5; RG Zoning District **to Conditions/ Neg. Dec.**

New Items:

Orangetown Commerce Center **PB #25-14**
Second Request for a **Granted Second**
Extension of Performance Bond Term **Extension of**
5 Greenbush Road, Orangeburg **Performance Bond Term**
74.15-1-2; LI zoning

The decisions of the January 22, 2025 Planning Board Meeting were reviewed and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel - Vice Chair and second Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

The next Planning Board meeting is scheduled for March 12, 2025.

Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board



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**PB #25-03: Skae Training Site Plan –
Conditional Use Permit Final Approval
Subject to Conditions**

Permit #43437

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TO: Donald Brenner, 4 Independence Ave., Tappan, NY

FROM: Town of Orangetown Planning Board

RE: PB #25-03: Skae Training Site Plan – Conditional Use Permit: The application of VHSP Properties, owner for Prepreliminary/ Preliminary/ Final Conditional Use Permit Review at a site known as “**Skae Training Site Plan – Conditional Use Permit**” 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 337-339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 4: LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 26, 2025** at which time the Board made the following determinations:

Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated February 19, 2025.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, RA, Director, February 25, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., dated February 26, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 10, 2025.
5. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 14, 2025.
6. Letter from the Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II, dated February 11, 2025.
7. Emails from Orange and Rockland Utilities, from Alfred Gaddi, dated December 20, 2024 and January 22, 2025.
8. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Michael Bosco, Chair, dated January 29, 2025.
9. Notice from the New York State Department of Transportation, signed by David Groucher, dated January 2, 2025.
10. Memorandum to Peter Skae from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, June 28, 2024/February 25, 2025.
11. Copy of the Certificate of Occupancy dated March 13, 2015 for the Erection of 2 story steel building on commercial lot, signed by John Giardiello, former Director of OBZPAE.

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12. Copy of prior Planning Board Decision: PB#14-30, Conditional Use Permit Granted Subject to Conditions and Final Approval Subject to Conditions/ Neg. Dec., dated June 25, 2014.
13. Plans prepared by Sparaco & Youngblood, dated December 5, 2024:
 - 1 of 3: Site Plan for Special Use Permit Plan
 - 2 of 3: Part Plan, Grading Plan
 - 3 of 3: Existing Conditions Plan

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

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

There being no one to be heard from the Public, a motion was made to close the public portion by Michael Mandel – Vice Chair and seconded Andrew Andrews and carried as follows Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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 Michael Mandel – Vice Chair and seconded Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, 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: Town of Orangetown Zoning Board of Appeals, and the New York State Department of Transportation, 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 surface water quality or quantity or drainage;
- Will not significantly affect existing air quality or noise levels;
- 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;

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- 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 Chair and seconded Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, 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 Subject to the Following Conditions:**

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

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3. 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 Conditional Use Permit Plan are stamped and the construction plans are reviewed and approved by the inspector.
4. In 2014 the applicant received a Conditional Use Approval for a training center, however they never completed the process and the plan was not stamped and the permit was never issued. This application is **STRICTLY** for the **CONDITIONAL USE APPROVAL and NOT** site plan approval.
5. Items 3, 4 and 5 of the June 25, 2014 Planning Board Decision PB #14-30 still apply:
 - “3. The interior building lights shall be turned off by 11:00 p.m. and the exterior outdoor lighting must be turned off by 10:00 p.m. For any additional outside lighting, i.e. the operation of the exercise/equipment fields and areas, the applicant must reappear the Planning Board for review and approval of a Lighting Plan.”
 - “4. Please disclose if outdoor lighting is proposed. If so, then outdoor lighting for the outdoor fitness and training area has to be turned off by 10:00 p.m. The foot candle illumination and other reasonable regulations may be imposed by the Planning Board.”
 - “5. The applicant is prohibited from having a public address system and/or other amplified noise in connection with any outdoor use.”
6. The Short Environmental Assessment Form appears to be in order.
7. DEME has no comment of this project at this time.
8. The Town of Orangetown Bureau of Fire Prevention has no comments on the Conditional Use at this time.
9. The Planning Board must be satisfied that the athletic building meets the conditional use standards for individual fitness and training centers as outlined under Section 8.16 of the Orangetown zoning regulations.
10. With exception to those actions that have been completed, the additional conditions of the June 25, 2014 conditional use permit should be re-incorporated as conditions of this approval.

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11. According to the Hudson River Natural Resources Mapper, it appears that a significant portion of the athletic building was constructed over federally regulated wetlands (Freshwater Forested/ Shrub Wetland). As indicated in the previous GML Section 239 Review of the site plan for the athletic building, issued to the Planning Board on December 9, 2013, Rockland County Department of Planning recommended that the applicant demonstrate all practicable steps to avoid and minimize impacts to onsite aquatic resources. As noted in an email received from the Building Inspector on January 29, 2025, this structure has since been built and existed on the site for at least 11 years. This department does not, however, condone extensive filling of onsite wetlands for placement of this structure and advises that any future construction on this site not impede wetlands or other natural resources.
12. The New York Natural Heritage Program's (NHP) database, as reflected on Hudson Valley Natural Resource Mapper, indicates that the entire site is within the riparian buffer of multiple bodies of water. The NHP has identified riparian buffers to highlight important stream side areas that influence stream dynamics and health. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment and nutrients, and help attenuate flooding. Also, support unique and diverse habitats, and often serve as wildlife travel corridors. The Board must consider the impact of structures and impervious surfaces in the riparian buffer and the potential degradation of water quality and intensification of localized flooding.
13. Rockland County Department of Planning recommends that the applicant use plants that are native to New York for landscaping to help preserve and promote biodiversity.
14. Pursuant to New York state general municipal law, sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Planning Board, then the local land use board must file a report with the County Commissioner of Planning of the final action.
15. Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, license, or approval until the report is filed with the County Commissioner of Planning.

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16. Rockland County Sewer District No. 1 does not object to the plan as shown and the project does not affect any sanitary sewers with the District.
17. Based on the drawings provided, Orange and Rockland Utilities noted that there should not be any conflicts with the existing gas facilities. Note that all gas facilities must be located prior to work and all code 753 must be followed.
18. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - The Town of Orangetown Zoning Board of Appeals
 - New York State Department of Transportation

Override

The Board made motions to override Conditions 3, 6 and 7 of the February 14, 2025 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

“#3. A review must be done by the Rockland County Department of Health and all comments addressed.”

The Board held that the County Planning Department provided the condition in its 2014 review.

A motion to override the condition was made and moved by Michael Mandel – Vice Chair and seconded Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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“#6. A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.”

The Board held that the County Planning Department provided the condition in its 2014 review.

A motion to override the condition was made and moved by Michael Mandel – Vice Chair and seconded Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, (aye); Bruce Bond, (alternate member), abstain.

“7. A table must be provided to identify the species and number plants and trees used on the site.”

The Board held that the County Planning Department provided the condition in its 2014 review.

A motion to override the condition was made and moved by Michael Mandel – Vice Chair and seconded Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, (aye); Bruce Bond, (alternate member), abstain.

The foregoing resolution was made and moved by Michael Mandel, Vice Chair and seconded Lisa DeFeciani and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

**Dated: February 26, 2025
Jane Slavin, RA Director OBZPAE
Town of Orangetown Planning Board**



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

**PB #25-03: Skae Training Site Plan –
Conditional Use Permit Final Approval
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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

NAME OF ACTION: Skae Training Site Plan – Conditional Use Permit

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

DESCRIPTION OF ACTION: Final Conditional Use Permit Approval Subject to Conditions/ Neg. Dec.

LOCATION:

The site is located at 337-339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 4: LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

Administration and Enforcement; Town of Orangetown; 26 Orangeburg Road, Orangeburg, NY 10962; Telephone Number: 845-359-5100

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

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**PB #25-07: 16 De Longis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-4869-24

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**TO: Joy Diviny, 13 North Main Street, Pearl River, New York
FROM: Orangetown Planning Board**

RE: 16 De Longis Court Site Plan: The application of Lynn Garcia, applicant/owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**16 De Longis Court 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 16 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.2; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 26, 2025 meeting**, at which time the Board made the following determinations;

Joy Diviny appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 19, 2025.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated February 25, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) signed by Bruce Peters, PE, dated February 26, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated January 21, 2025.
5. Letter from Brooker Engineering, Planning Board Drainage Consultant, signed by Briana Stahl, Engineer I, dated January 24, 2025.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated February 3, 2025.
7. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II, dated February 11, 2025.
8. Email and notice from New York State Department of Transportation, from David Groucher, dated January 13, 2025.
9. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 5, 2025.

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10. Short Environmental Assessment Form (SEAF) signed by Lynn Garcia, dated October 4, 2024.
11. Letter from John Flynn, PE, dated January 9, 2025.
12. Map of Property, prepared by Stephen Hoppe, LS, dated December 16, 2022.

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 Chair and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye); Bruce Bond, (alternate member), abstain.

There being no one to be heard from the Public, a motion was made by Michael Mandel, Vice Chair and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, (aye); Bruce Bond, (alternate member), abstain, 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.

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**PB #25-07: 16 De Longis Court Site Plan
Legalization of Existing Retaining Wall
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, New York State Department of Transportation and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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 applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, 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."

TOWN OF ORANGETOWN
2025 MAR 20 P 1:39
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 5 of 8**

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

3. Per the approved subdivision map "Graney Gardens" signed 12/23/1998, a conservation & slope easement was to be undisturbed for the entire north and west portion of the subdivision. After the owner purchased the home, they installed a block retaining wall at the rear (north) of the property by excavating into the conservation easement about 20 feet to create a retaining wall that averages about 3 ½ feet without obtaining permits. The applicant is requesting approval so they can legalize the wall.

4. The SEAF shall appear to be in order.

5. The applicant has supplied a letter from a structural engineer certifying the structural integrity of the wall, as such, OBZPAE has no objection to this request.

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 Department of Environmental Management and Engineering reviewed the submitted information and has no comment on this project at this time.

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

9. The Town of Orangetown Drainage Consultant Brooker Engineering, reviewed the plans and found the following:

The application does not have potential for significant adverse impacts with respect to drainage and recommends that 16 DeLongis Court Existing Retaining Wall be approved for drainage subject to no conditions.

10. A review must be done by the Rockland County Department of Health and any comments or concerns addressed and required permits obtained.

TOWN OF ORANGETOWN
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**Town of Orangetown Planning Board Decision
February 26, 2025
Page 6 of 8**

- 11.** There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12.** 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 NYS PE.
- 13.** Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Board, then the local land use board must file a report with the County's Commission of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 14.** Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, licensed, or approval until the report is filed with the County Commissioner of Planning.
- 15.** Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.
- 16.** The New York State Department of Transportation reviewed the subject project and found that it is outside of the State Right of Way and do not anticipate any direct impacts to the State's highway system.
- 17.** 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
 - New York State Department of Transportation
 - Rockland County Sewer District No. 1
- 18.** 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.
- 19.** 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.
- 20.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 21. 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:

TOWN OF ORANGETOWN
2025 MAR 27 1:40
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 7 of 8**

Continuation of Condition #21...

- 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.

22. 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.

23. 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.

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

TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
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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 Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye Bruce Bond, (alternate member), abstain.

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

Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board
attachment



TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
TOWN CLERK'S OFFICE

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

**PB #25-07: 16 De Longis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-4869-24

**Town of Orangetown Planning Board Decision
February 26, 2025**

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

NAME OF ACTION: 16 De Longis Court Site Plan - Legalization of Existing Retaining Wall

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

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 16 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.2; in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning

Administration and Enforcement; Town of Orangetown; 26 Orangeburg Road, Orangeburg, NY 10962; Telephone Number: 845-359-5100

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

TOWN OF ORANGETOWN
2025 MAR 0 1:40
TOWN CLERK'S OFFICE

**PB #25-08: 26 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-4872-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 1 of 8**

**TO: Joy Diviny, 13 North Main Street, Pearl River, New York
FROM: Orangetown Planning Board**

RE: 26 DeLongis Court Site Plan: The application of Patricia O'Donohue, applicant/owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**26 De Longis Court 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 26 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.7; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 26, 2025 meeting**, at which time the Board made the following determinations;

Joy Diviny appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 19, 2025.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated February 25, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) signed by Bruce Peters, PE, dated February 26, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated January 21, 2025.
5. Letter from Brooker Engineering, Planning Board Drainage Consultant, signed by Briana Stahl, Engineer I, dated January 24, 2025.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated February 3, 2025, and notice from Jake Palant, dated January 10, 2025.
7. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II, dated February 11, 2025.
8. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated January 9, 2025.
9. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 5, 2025.

TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
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**Town of Orangetown Planning Board Decision
February 26, 2025
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10. Short Environmental Assessment Form (SEAF) signed by Patricia O'Donohue, dated October 2, 2024.
11. Letter from John Flynn, PE, dated January 9, 2023.
12. Map of Property, prepared by Stephen Hoppe, LS, dated December 16, 2022.

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 Thomas Warren – Chairman, and seconded by Andrew Andrews and carried as followed: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain 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
2025 MAR 20 P 1:40
TOWN CLERK'S OFFICE

**PB #25-08: 26 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-4872-24

**Town of Orangetown Planning Board Decision
February 26, 2025
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, New York State Department of Transportation and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
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**PB #25-08: 26 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-4872-24

**Town of Orangetown Planning Board Decision
February 26, 2025
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- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, 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 applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Per the approved subdivision map "Graney Gardens" signed 12/23/1998, a conservation & slope easement was to be undisturbed for the entire north and west portion of the subdivision. After the owner purchased the home, they installed a block retaining wall at the rear (north) of the property by excavating into the conservation easement about 20 feet to create a retaining wall that averages about 3 ½ feet without obtaining permits. The applicant is requesting approval so they can legalize the wall.

CLERK'S OFFICE
FEB 26 2025 1:40
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 5 of 8**

4. The Town records from when the house was constructed show a 10'0 x 10'0 wood deck. The deck on the survey from 2022 measures 10'0 x 32'-0. Deck must also be legalized by submitting structural drawings and engineer's certification.
5. The SEAF shall appears to be in order.
6. The applicant has supplied a letter from a structural engineer certifying the structural integrity of the wall, as such, OBZPAE has no objection to this request.
7. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and has no common on this project at this time.
8. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
9. The Town of Orangetown Drainage Consultant Brooker Engineering, reviewed the plans and found the following:

The wall itself does not generate significant storm runoff. The wall configuration is generally situated parallel with the uphill topography and does not redirect the path of storm runoff. Rather runoff from uphill tends to flow over the wall in a sheet flow pattern that mimics the uphill topography. It appears that runoff at the base of the wall may flow towards the home itself. The consultant would need to return to the property during a rainfall event and when the recent snow cover has melted to make this determination. Both ends of the wall extend over the property liens into the two neighbor's yard.

The drainage consultant was not able to make a conclusive determination of the runoff at this time and therefore is not able to recommend 26 DeLongis Court Existing Retaining Wall be approved for drainage.

10. A review must be done by the Rockland County Department of Health and any comments or concerns addressed and required permits obtained.
11. There shall be no net increase in the peak rate of discharge from the site at all design points.
12. 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 NYS PE.
13. Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Board, then the local land use board must file a report with the County's Commission of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

**PB #25-08: 26 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
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Conditions/ Neg. Dec.**

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**Town of Orangetown Planning Board Decision
February 26, 2025
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- 14.** Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, licensed, or approval until the report is filed with the County Commissioner of Planning.
- 15.** Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.
- 16.** Orange and Rockland Utilities held that there should not be any conflicts with the existing gas facilities. All existing gas facilities must be located prior to work and all code 753 rules must be followed.
- 17.** 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
 - New York State Department of Transportation
 - Rockland County Sewer District No.1
- 18.** 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.
- 19.** 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.
- 20.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 21. 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:

TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
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Continuation of Condition #21...

- 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.

22. 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.

23. 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.

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

TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
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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.

29. 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.

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

**Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board**
attachment



TOWN OF ORANGETOWN
2025 MAR 20 P 1:40
TOWN CLERK'S OFFICE

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

**PB #25-08: 26 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-4872-24

**Town of Orangetown Planning Board Decision
February 26, 2025**

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

NAME OF ACTION: 26 De Longis Court Site Plan - Legalization of Existing Retaining Wall

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

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 26 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.7; in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 26 Orangeburg Road,
Orangeburg, NY 10962; Telephone Number: 845-359-5100

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

TOWN OF ORANGETOWN
CLERK'S OFFICE
2025 MAR 20 P 1:40

**PB #25-09: 24 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0718-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 1 of 8**

**TO: Joy Diviny, 13 North Main Street, Pearl River, New York
FROM: Orangetown Planning Board**

RE: 24 DeLongis Court Site Plan: The application of William and Colleen Bonfiglio, applicant/owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**24 De Longis Court 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 24 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.6; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 26, 2025 meeting**, at which time the Board made the following determinations;

Joy Diviny appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 19, 2025.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated February 25, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) signed by Bruce Peters, PE, dated February 26, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated January 21, 2025.
5. Letter from Brooker Engineering, Planning Board Drainage Consultant, signed by Briana Stahl, Engineer I, dated January 24, 2025.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated February 3, 2025, and notice from Jake Palant, dated January 13, 2025.
7. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II, dated February 11, 2025.
8. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated January 9, 2025.
9. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 15, 2025.

TOWN OF ORANGETOWN
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 2 of 8**

10. Notice from the New York State Department of Transportation, from David Groucher, dated January 13, 2025.
11. Short Environmental Assessment Form (SEAF) signed by Colleen Bonfiglio, dated October 18, 2024.
12. Letter from John Flynn, PE, dated January 9, 2023.
13. Map of Property, prepared by Stephen Hoppe, LS, dated December 16, 2022.

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 Lisa DeFeciani and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

There being no one to be heard from the Public, a motion was made by Andrew Andrews and seconded by Michael Mandel, Vice Chair and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, 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
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

**PB #25-09: 24 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0718-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 3 of 8**

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: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, New York State Department of Transportation and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

TOWN OF ORANGETOWN
2025 MAR 20 P 1:11
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 4 of 8**

- 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 Michael Mandel, Vice Chair and seconded by Andrew Andrews and carried as follows Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, 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 applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Per the approved subdivision map "Graney Gardens" signed 12/23/1998, a conservation & slope easement was to be undisturbed for the entire north and west portion of the subdivision. After the owner purchased the home, they installed a block retaining wall at the rear (north) of the property by excavating into the conservation easement about 20 feet to create a retaining wall that averages about 3 ½ feet without obtaining permits. The applicant is requesting approval so they can legalize the wall.

TOWN OF ORANGETOWN
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 5 of 8**

4. The SEAF shall appears to be in order.
5. The applicant has supplied a letter from a structural engineer certifying the structural integrity of the wall, as such, OBZPAE has no objection to this request.
6. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and has no common on this project at this time.
7. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
8. The Town of Orangetown Drainage Consultant Brooker Engineering, reviewed the plans and found that the application does not have potential for significant adverse impacts with respect to drainage and therefore recommends that 24 DeLongis Court Existing Retaining Wall be approved for drainage subject to no conditions. e following:
9. A review must be done by the Rockland County Department of Health and any comments or concerns addressed and required permits obtained.
10. There shall be no net increase in the peak rate of discharge from the site at all design points.
11. 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 NYS PE.
12. Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Board, then the local land use board must file a report with the County's Commission of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

TOWN OF ORANGETOWN
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 6 of 8**

13. Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, licensed, or approval until the report is filed with the County Commissioner of Planning.

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

15. NYSDOT reviewed the plans and found that the site is outside the NYS Right of Way and does not anticipate any direct impacts to the State's highway system.

16. 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
- New York State Department of Transportation
- Rockland County Sewer District No. 1
- Rockland County Department of Planning

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

18. 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.

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

20. 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:

TOWN OF ORANGETOWN
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

Continuation of Condition #20...

- 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.

21. 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.

22. 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.

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

TOWN OF ORANGETOWN
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 8 of 8**

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

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

26. 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

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

28. 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.

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

**Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2025 FEB 20 P 1:41
TOWN CLERK'S OFFICE

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

**PB #25-09: 24 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0718-24

**Town of Orangetown Planning Board Decision
February 26, 2025**

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

NAME OF ACTION: 24 De Longis Court Site Plan - Legalization of Existing Retaining Wall

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

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 24 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.6; in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 26 Orangeburg 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

DIVISION OF ORANGETOWN
2025 MAR 2 P 1:41
NYS DECISIONS OFFICE

**PB #25-10: 22 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0717-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 1 of 8**

**TO: Joy Diviny, 13 North Main Street, Pearl River, New York
FROM: Orangetown Planning Board**

RE: 22 DeLongis Court Site Plan: The application of Michael Dimeglio, applicant/owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**22 De Longis Court 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 22 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.5; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 26, 2025 meeting**, at which time the Board made the following determinations;

Joy Diviny appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 19, 2025.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, Director, Building Inspector, dated February 25, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) signed by Bruce Peters, PE, dated February 26, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, signed by David Majewski, Chief Fire Inspector, dated January 21, 2025.
5. Letter from Brooker Engineering, Planning Board Drainage Consultant, signed by Briana Stahl, Engineer I, dated January 24, 2025.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner dated February 3, 2025, and notice from Jake Palant, dated January 10, 2025.
7. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II, dated February 11, 2025.
8. Email from Orange and Rockland Utilities from Alfred Gaddi, PE, dated January 9, 2025.
9. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 15, 2025.

TOWN OF ORANGETOWN
2025 MAR 20 P 1:41
TOWN CLERK'S OFFICE

**PB #25-10: 22 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0717-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 2 of 8**

10. Notice from the New York State Department of Transportation, from David Groucher, dated January 10, 2025.
11. Short Environmental Assessment Form (SEAF) unsigned and undated.
12. Letter from Anthony Reneaud, PE, undated.
13. Map of Property, prepared by Stephen Hoppe, LS, dated December 16, 2022.

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 Chair and second by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, 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
2025 FEB 26 PM 5:01
ORANGETOWN, NY

**PB #25-10: 22 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0717-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 3 of 8**

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: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, New York State Department of Transportation and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

TOWN OF ORANGETOWN
2025 MAR 20 P 1:42
TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 4 of 8**

- 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 Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain, 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 applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, the following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Per the approved subdivision map "Graney Gardens" signed 12/23/1998, a conservation & slope easement was to be undisturbed for the entire north and west portion of the subdivision. After the owner purchased the home, they installed a block retaining wall at the rear (north) of the property by excavating into the conservation easement about 20 feet to create a retaining wall that averages about 3 ½ feet without obtaining permits. The applicant is requesting approval so they can legalize the wall.

TOWN OF ORANGETOWN
PLANNING BOARD
MEETING : 42
TOWN ENGINEERING OFFICE

**PB #25-10: 22 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0717-24

**Town of Orangetown Planning Board Decision
February 26, 2025
Page 5 of 8**

4. The SEAF shall appears to be in order.
5. The applicant has supplied a letter from a structural engineer certifying the structural integrity of the wall, as such, OBZPAE has no objection to this request.
6. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and has no common on this project at this time.
7. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.
8. The Town of Orangetown Drainage Consultant Brooker Engineering, reviewed the plans and found that the application does not have potential for significant adverse impacts with respect to drainage and therefore recommends that 24 DeLongis Court Existing Retaining Wall be approved for drainage subject to no conditions. e following:
9. A review must be done by the Rockland County Department of Health and any comments or concerns addressed and required permits obtained.
10. There shall be no net increase in the peak rate of discharge from the site at all design points.
11. 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 NYS PE.
12. Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Board, then the local land use board must file a report with the County's Commission of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

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**PB #25-10: 22 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0717-24

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13. Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, licensed, or approval until the report is filed with the County Commissioner of Planning.

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

15. NYSDOT reviewed the plans and found that the site is outside the NYS Right of Way and does not anticipate any direct impacts to the State's highway system.

16. 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
- New York State Department of Transportation
- Rockland County Sewer District No. 1
- Rockland County Department of Planning

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

18. 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.

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

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

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Continuation of Condition #20...

- 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.

21. 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.

22. 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.

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

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24. 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).

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

26. 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

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

28. 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.

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

**Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board**



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

**PB #25-10: 22 DeLongis Court Site Plan
Legalization of Existing Retaining Wall
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-0717-24

**Town of Orangetown Planning Board Decision
February 26, 2025**

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

NAME OF ACTION: 22 DeLongis Court Site Plan - Legalization of Existing Retaining Wall

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

DESCRIPTION OF ACTION: Final Site Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 22 De Longis Court, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.12, Block 1, Lot 34.5; in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 26 Orangeburg 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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**Town of Orangetown Planning Board Recommendation
February 26, 2025
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**TO: Geraldine Tortorella, Hocherman Tortorella & Wekstein, One
North Broadway, Suite 701, White Plains, New York 10601**

FROM: Town of Orangetown Planning Board

**RE: Orangetown Commerce Center Plans – Third Extension of
Performance Bond Term:** The application of BF Orangetown LLC, owner, to
Extend the Term of the Performance Bond at a site known as “**Orangetown
Commerce Center Plans – Performance Bond Term – Third Extension**”, 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 5 Greenbush, Orangeburg,
Town of Orangetown, Rockland County, New York, and as shown on the
Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, February 26, 2025 at which time the Board made the following
determinations:

The Board received the following communications:

1. Project Review Committee Report dated February 19, 2025.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning
Administration and Enforcement, Town of Orangetown, signed by
Jane Slavin, R.A., AIA, Director, dated February 25, 2025.
3. Interdepartmental memorandum from the Department of Environmental
Management and Engineering, Town of Orangetown, signed by
Bruce Peters, dated February 26, 2025.
4. A letter from Hocherman Tortorella & Wekstein, dated January 31, 2025
signed by Geraldine N. Tortorella.
5. A copy of PB#19-21, Recommendation to Town Board to Establish the Term
and Value of the Performance Bond, dated March 27, 2019.

The Hearing was open to the public.

A motion was made to open the Public Hearing portion of the meeting by
Michael Mandel, Vice Chair and seconded by Andrew Andrews and carried
as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye;
Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael
McCrary, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

There being no one to be heard from the Public, a motion was made by Michael
Mandel, Vice Chair and seconded by Andrew Andrews and carried as follows:
Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew
Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrary, aye;
Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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Town of Orangetown Planning Board Recommendation
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DECISION: In view of the foregoing, the Planning Board **Extended the Term of the Performance Bond for two years until February 26, 2027, subject to the following Comments:**

1. The Office of Building, Zoning, Planning Administration and Enforcement had no objection to this request.
2. The Department of Environmental Management and Engineering had no objection to the third request for the extension of the Term of the Performance Bond.
3. The owner/ owner's engineer is reminded that **no construction, remedial cleanup or ANY work what-so-ever** can begin until the Qualified SWPPP Inspector and Contractor certification(s) (as well as the contractor 4-hour training certificate(s) have been provided to DEME and included in the SWPPP's (Town of Orangetown Copy, field copy, etc.)
4. Also, the owner/ owner's Qualified SWPPP inspector is reminded that a digital copy of ALL SWPPP inspections (during construction) must be emailed. (bpeters@orangetown.com) to DEME, as well as keeping paper copies with the field copy of the SWPPP.

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

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

Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board



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**Town of Orangetown Planning Board Recommendation
February 26, 2025
Page 1 of 2**

**TO: Geraldine Tortorella, Hocherman Tortorella & Wekstein, One
North Broadway, Suite 701, White Plains, New York 10601**

FROM: Town of Orangetown Planning Board

**RE: Orangetown Commerce Center Plans – Third Extension of
Performance Bond Term:** The application of BF Orangetown LLC, owner, to
Extend the Term of the Performance Bond at a site known as “**Orangetown
Commerce Center Plans – Performance Bond Term – Third Extension**”, 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
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McCrary, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

There being no one to be heard from the Public, a motion was made by Michael
Mandel, Vice Chair and seconded by Andrew Andrews and carried as follows:
Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew
Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrary, aye;
Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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TOWN CLERK'S OFFICE

**Town of Orangetown Planning Board Recommendation
February 26, 2025
Page 2 of 2**

DECISION: In view of the foregoing, the Planning Board **Extended the Term of the Performance Bond for two years until February 26, 2027, subject to the following Comments:**

1. The Office of Building, Zoning, Planning Administration and Enforcement had no objection to this request.
2. The Department of Environmental Management and Engineering had no objection to the third request for the extension of the Term of the Performance Bond.
3. The owner/ owner's engineer is reminded that **no construction, remedial cleanup or ANY work what-so-ever** can begin until the Qualified SWPPP Inspector and Contractor certification(s) (as well as the contractor 4-hour training certificate(s) have been provided to DEME and included in the SWPPP's (Town of Orangetown Copy, field copy, etc.)
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The foregoing Resolution was made and moved by Andrew Andrews and seconded by Michael Mandel, Vice Chair and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond, (alternate member), abstain.

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

**Dated: February 26, 2025
Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board**



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