

**Meeting of September 14, 2016
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice-Chairman; Stephen Sweeney; William Young; Robert Dell; Michael Mandel and Thomas Warren

MEMBERS ABSENT: None

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Agenda Items:

New Items:

Pfizer Building 222

PB #16-53

Emergency Generator Site Plan

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

Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
401 North Middletown Road, Pearl River
68.08/1/5; LI zoning district

Gentle Giant Brewing Change of Use Plan

PB #16-54

Prepreliminary/Preliminary/Final
Change of Use Plan, Site Plan
and SEQRA Review
7 North Main Street, Pearl River
68.16/1/16; CS zoning district

**Waive Formal
Site Plan Requirements of
Chapter 21A; Site and
Final Approval of Change
of Use Plan; Neg. Dec.**

Parseghian Site Plan

PB #16-55

Recommendation to the Town Board
to Establish the Term and Value of the
Performance Bond
594 Route 303, Blauvelt
70.10/3/18; CC zoning district

**Recommended
Term and Value of
Performance Bond**

Continued Item:

K & P Paving Corp.

PB #15-57

Overnight Storage Site Plan

**Continued:
Needs Drainage
and revise plan**

Route 303 Overlay Zone
Prepreliminary/ Preliminary/ Final Site Plan
and SEQRA Review
568 Route 303, Blauvelt
70.14/4/19; LO zoning district

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**Meeting of September 14, 2016
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New Business:

Blickman Subdivision Performance Bond: The Board approved the reduction in the amount and form of collateral for the Performance Bond, Section 69.19, Block 1, Lot 25, intersection of Gilbert Avenue and Sickletown Road, Pearl River.

At this time, the Board reviewed and approved the action of the applicant to deposit a certified check/cash in the amount of \$4,320.00, to cover the cost of outstanding items of the Performance Bond, as established by a memorandum dated September 8, 2016 by the Town of Orangetown Department of Environmental Management and Engineering, signed by Bruce Peters, P.E.

| <u>Item</u> | <u>Cost</u> |
|--|--------------------|
| As – Built Drawings | \$ 3,600.00 |
| <u>Sub-Total</u> | <u>\$ 3,600.00</u> |
| Administrative Close-out (20% of Sub Total) | \$ 720.00 |
| <u>Total Bond</u> | <u>\$ 4,320.00</u> |

Other Business:

Town Board Referral: The Board consented to the Town Board as Lead Agency for the proposed Text Amendment, Chapter 43 of the Town Code, Zoning; relating to new car sales and service in the Route 303 Overlay Zoning District. The Board had no further comments.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Thomas Warren and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for September 28, 2016.

**DATED: September 14, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions**

Cheryl Coopersmith

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**PB #16-53: Pfizer Building 222 Emergency
Generator Site Plan
Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Permit #45525

**Town of Orangetown Planning Board Decision
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TO: Donn McMullen, 401 North Middletown Road, Pearl River,
New York
FROM: Orangetown Planning Board

RE: Pfizer Building 222 Emergency Generator Site Plan: The application of Donn McMullen of Pfizer, applicant, for Pfizer, Inc. owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as **"Pfizer Building 222 Emergency Generator 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 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5; in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **September 14, 2016** at which time the Board made the following determinations:

Donn McMullen and Axay Patal appeared and testified for the applicant

The Board received the following communications:

1. Project Review Committee Report dated September 7, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 8, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 14, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated August 16, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 13, 2016.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 2, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated September 1, 2016.

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9. A letter from the Town of Clarkstown Planning Board signed by Shirley Thormann, Chairwoman, dated August 4, 2016.
10. A Short Environmental Assessment Form signed by Donn McMullen dated July 5, 2015.
11. Plans prepared by Holtaway and Petry Engineering: Building 222 – Standby Generator System, last revision date of June 24, 2016:
 - E-002: Electrical Site Plan, dated June 24, 2016
 - C-001: Civil Plan and Profile, dated May 26, 2016
 - C-002: Civil Details, dated May 26, 2016

The Board reviewed the plan. The hearing was then open to the public.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board declared itself Lead Agency.

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

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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, namely by Holtaway and Petry Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the Department of Environmental Management and Engineering and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Sewer District No. 1, and having reviewed Plans prepared by Holtaway and Petry Engineering a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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On motion by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The property line setbacks to the proposed generator shall be shown on the Site Plan.
4. The plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
5. The application shall appear before the Town of Orangetown Zoning Board of Appeals for Performance Standards Review.
6. The Short Environmental Assessment Form appears to be in order.

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- 7. The total area of disturbance shall be listed on the Site Plan.
- 8. The total amount of new impervious area shall be listed on the Site Plan.
- 9. All easements shall be shown clearly on the Site Plan. Also, the ownership of each easement shall be listed on the plans.
- 10. Soil erosion and sediment control plans and details shall be added to the plans for review and approval by DEME.
- 11. The new subdivision property line (between Pfizer and IRG) shall be labeled on the plan.
- 12. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 13. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application can mitigate against potential significant adverse impacts with respect to increases in stormwater runoff when combined with the drainage work at the Building 222 addition and therefore recommends that the Pfizer, Inc. Site Plan for Building 222 Emergency Generator project be approved for drainage subject to the following comments:

Project Description

This is the first drainage review report to the Planning Board for this project; the drainage consultant previously approved for drainage subject to no conditions in its letter dated July 4, 2016 a building expansion project at Building 222. This approved project is located just north of the proposed emergency generator work. For the approved application, three ten feet diameter, five feet deep drywells were proposed to provide stormwater detention. This project proposes a 14' x 44' concrete pad (616 SF) for an emergency generator. Stormwater runoff flows off the pad to a grassy area and then enters the road system. No mitigation or drainage calculations have been provided for this work. Drainage then flows to the same point of interest in the Building 222 addition project.

Project Comments

- 1. Label the dimensions of the concrete pad.
- 2. Coordinate with the plans the previously approved drainage project at Building 222. Update the drainage calculations as necessary.
- 3. It is noted that no sidewalks are proposed leading to the generator; please confirm this is the design intent.
- 4. The proposed side slope of the eastern gate is 3H:1V; this shall be less steep.

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

- A review shall be completed by the Rockland County Department of Highways and concerns addressed and required permits obtained.
- A review shall be completed by the New York State Department of Transportation, and any concerns addressed and required permits obtained.
- A review shall be completed by the Rockland County Drainage Agency, and any required permits obtained.
- The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generator.

15. The Rockland County Department of Highway (RCDH) reviewed the proposed action and based upon the plans and information, the proposed installation to locate a new emergency electrical power generator in an enclosure Southwest of Building 222 to support Building 222 is found to have minimum impact on the county road. The proposed installation is more than 500 feet from the closest county road, Rockland County Highway Department work permit will not be required for the proposed development.

16. Based on the information provided, there are no Rockland County Department of Health (RCDOH) approvals needed for this application.

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

18. The Town of Clarkstown reviewed the information and deemed the matter for local determination.

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

- Rockland County Sewer District No.1
- Rockland County Highway Department

20. 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.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

24. 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.

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25. 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.

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

27. If the applicant, during the course of construction, 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 shall submit their recommendations as to the special treatment 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 recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant'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. Wetlands - U.S. Army Corps of Engineers).

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

29. 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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye

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

Dated: September 14, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Attachment

Cheryl Coopersmith

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

**PB #16-53: Pfizer Building 222 Emergency Generator Site Plan
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 14, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Pfizer Building 222 Emergency Generator Site Plan
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec**

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

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5; in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

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

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**PB#16-54: Gentle Giant Brewing
Waive Formal Site Plan Requirements
of Chapter 21A and Final Approval Change of Use Plan
Subject to Conditions/ Neg. Dec.**

Permit #45418

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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York
FROM: Orangetown Planning Board

RE: Gentle Giant Brewing Change of Use Plan: The application of Gentle Giant Brewery LLC, applicant, for Peach Properties LLC, owner, Waive of Formal Site Plan Requirements of Chapter 21A and for Prepreliminary/ Preliminary/ Final Change of Use Plan Review at a site to be known as "**Gentle Giant Brewing Change of Use 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 7 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 16; in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 14, 2016**, the Board made the following determinations:

Donald Brenner and Matthew Worgul appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 7, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 8, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 16, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 12, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 2 & 5, 2016.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated September 1, 2016.

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**PB#16-54: Gentle Giant Brewing
Waive Formal Site Plan Requirements
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8. A Short Environmental Assessment Form, signed by Matt Worgul dated July 19, 2016.
9. Floor Plan A-1 prepared by Kier Levesque, R.A., dated May 18, 2016.
10. Survey Plan for location purposes prepared by Robert Rahnefeld dated January 11, 2013.
11. Building Permit Referral dated May 24, 2016, signed by Rick Oliver, Building Inspector.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Kier Levesque, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

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**PB#16-54: Gentle Giant Brewing
Waive Formal Site Plan Requirements
of Chapter 21A and Final Approval Change of Use Plan
Subject to Conditions/ Neg. Dec.**

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agencies: Rockland County Sewer District No.1, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Planning Department and having reviewed proposed Site Plan by prepared by Kier Levesque, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

A. DECISION: In view of the foregoing and the testimony before the Board **Waived Formal Site Plan Requirements of Chapter 21A and accepted the Site Plan as presented.**

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

**PB#16-54: Gentle Giant Brewing
Waive Formal Site Plan Requirements
of Chapter 21A and Final Approval Change of Use Plan
Subject to Conditions/ Neg. Dec.**

Permit #45418

**Town of Orangetown Planning Board Decision
September 14, 2016
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B. DECISION: In view of the foregoing and the testimony before the Board, the application was granted a **Final Change of Use Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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. This Change of Use Approval with Conditions is based upon the applicant obtaining the needed Town of Orangetown Zoning Board of Appeals zoning variances.
4. The applicant is changing the use of the space in an existing building from Retail to Restaurant thereby requiring an approval from the Planning Board. The applicant is not changing any of the site amenities.
5. The restaurant use requires 1 parking space per 100 square feet which is double the retail requirement of 1 parking space per 200 square feet. The 3,059 square foot restaurant would require 31 parking spaces and zero are provided therefore a variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.
6. The Short Environmental Assessment Form appears to be in order.
7. The applicant is advised that the Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town's F.O.G. Coordinator to determine is this criteria is applicable.

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TOWN OF ORANGETOWN

**PB#16-54: Gentle Giant Brewing
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8. The applicant is advised that some types of business may require a pretreatment facility on site and a permit from DEMA. The design of such facilities must be reviewed and approved by the Town of Orangetown Pretreatment Coordinator, prior to any construction.
9. The North arrow on the floor plan is incorrect. This shall be corrected.
10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review shall be completed by the County of Rockland Department of Highways and any comments or concerns addressed.
 - As indicated in the August 2, 2016 letter from the Rockland County Department of Health, a permit will be required prior to opening, in order to operate the food service establishment.
11. The Rockland County Highway Department reviewed the site plans and information submitted and found that the proposed interior renovations and change of use to have minimum impact on the county road. The change of use is less than 500 feet from the closest county Road. A Rockland County Highway Department Work Permit will be required for the proposed development.
12. The Rockland County Health Department (RCDOH) reviewed the information provided and found that a permit to operate the food service establishment will need to be obtained prior to opening.
13. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
14. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Planning
 - Rockland County Department of Highway
 - Rockland County Sewer District No. 1
 - Rockland County Department of Health
15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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TOWN OF ORANGETOWN

**PB#16-54: Gentle Giant Brewing
Waive Formal Site Plan Requirements
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Subject to Conditions/ Neg. Dec.**

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

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

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

Override

The Board made a motion to override Condition #3 of the August 16, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#3. No Bulk Table or parking information has been provided for this site and proposed use. Restaurants and bars require one parking space per 100 square feet of gross floor area in the CS zoning district. Section 6.33 indicates that the required off-street parking spaces can be provided on site or within 1,000 feet walking distance of such lot. The applicant must indicate where the required parking will be located for the new use.

The Board held that due to the project location, it would be impractical to provide on-site improvements. The Board noted that the proposed work is only interior improvements. In addition, the applicant has been directed to make application to the Town of Orangetown Zoning Board of Appeals for a variance for the parking requirements.

A motion to override the condition was made and moved by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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

Dated: September 14, 2016
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment

Cheryl Coopersmith

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

**PB#16-54: Gentle Giant Brewing
Waive Formal Site Plan Requirements
of Chapter 21A and Final Approval Change of Use Plan
Subject to Conditions/ Neg. Dec.**

Permit #45418

**Town of Orangetown Planning Board Decision
September 14, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Gentle Giant Brewing Waive Formal Site Plan
Requirements of Chapter 21A and Final Approval Change of Use Plan
Change of Use Plan**

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

**DESCRIPTION OF ACTION: Waive Formal Site Plan Requirements of
Chapter 21A and Change of Use Plan Review**

LOCATION: The site is located at 7 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 16; in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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TOWN OF ORANGETOWN

**PB#16-55: Parseghian Site Plan
Recommendation to the Town Board
to Establish the Term and Value of the
Performance Bond**

**Town of Orangetown Planning Board Decision
September 14, 2016
Page 1 of 2**

TO: Jessey Cokeley, Maser Consulting, 777 Chestnut Ridge Road,
Suite 202, Chestnut Ridge, New York 10977-6218
FROM: Town of Orangetown Planning Board

RE: Parseghian Site Plan: The application of Masis Parseghian, applicant, for Parseghian Four, owner, for a Recommendation to the Town Board to Establish the Term and Value of the Performance Bond at a site to be known as "**Parseghian 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 21 of the Code of the Town of Orangetown. The site is located at 594 Route 303, Blauvelt, Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.10, Block 3, Lot 18, CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 14, 2016**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated September 7, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 14, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated August 30, 2016.
4. A copy of PB#15-28, Final Site Plan and Commercial Interior Subdivision Plan approval Subject to Conditions, dated June 10, 2015.

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

RECOMMENDATION: In view of the foregoing, the Planning Board Recommends to the Town of Orangetown Town Board that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated August 30, 2016.

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TOWN OF ORANGETOWN

**PB#16-55: Parseghian Site Plan
Recommendation to the Town Board
to Establish the Term and Value of the
Performance Bond**

**Town of Orangetown Planning Board Decision
September 14, 2016
Page 2 of 2**

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before August 30, 2018, and Subject to the Following Conditions:

| <u>ITEM</u> | <u>COST</u> |
|--|-----------------------------|
| Driveway Openings | \$ 14,800.00 |
| As-Built Drawings | 1,800.00 |
| Soil Erosion & Sediment Control | 34,500.00 |
| Sanitary Sewers | 48,960.00 |
| Sub-Total | \$ 100,060.00 |
| Administrative Close-out (20% of Sub-Total) | \$ 20,012.00 |
| <u>Total Bond</u> | <u>\$ 120,072.00</u> |

Inspection Fee (3% of Sub-Total
of original bond amount) \$ 3,001.80

To be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

The foregoing Resolution was made and moved by Michael Mandel and Seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

The Clerk of the Board 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: September 14, 2016
Cheryl Coopersmith

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

New Business

**Blickman Subdivision Plan (Performance Bond #16-09-70.10:3:18)
Recommendation to the Town Board
to Reduce the Amount and Form of Collateral
of the Performance Bond**

**Town of Orangetown Planning Board Decision
September 14, 2016
Page 1 of 2**

TO: Victoria Blickman Jacqueney, 15 Sickletown Road, Pearl River,
New York, 10965
FROM: Orangetown Planning Board

RE: The application of Victoria Blickman Jacqueney, Trustee, owner, for a Recommendation to the Town Board for a **Reduction in the Amount and form of Collateral for the Performance Bond** for a site known as "**Blickman Subdivision 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 21 of the Code of the Town of Orangetown. The site is located at 15 Sickletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.19, Block 1, Lots 25.1, 25.2 & 25.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, Wednesday, **September 14, 2016 as New Business** at which time the Board made the following determinations:

1. The Board reviewed and approved a Recommendation to the Town Board to allow the applicant to deposit a certified check/cash in the amount of \$4,320.00, to cover the cost of outstanding items of the Performance Bond, as established by a memorandum dated September 8, 2016 by the Town of Orangetown Department of Environmental Management and Engineering, signed by Bruce Peters, P.E.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

RECOMMENDATION: In view of the foregoing, the **Board Recommended to the Town Board a Reduction in the Amount and form of Collateral for the Performance Bond subject to the following conditions:**

1. All previous conditions of subdivision approvals and performance bond requirements remain in effect.
2. The applicant shall comply with the amount of the Performance Bond in accordance with the interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated September 8, 2016. The term of the Performance Bond **shall not exceed one (1) year as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before September 8, 2017,** and Subject to the Following Conditions:

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

:
New Business

**Blickman Subdivision Plan (Performance Bond #16-09-70.10:3:18)
Recommendation to the Town Board
to Reduce the Amount and Form of Collateral
of the Performance Bond**

**Town of Orangetown Planning Board Decision
September 14, 2016
Page 2 of 2**

| <u>Item</u> | <u>Cost</u> |
|--|--------------------|
| As – Built Drawings | \$ 3,600.00 |
| <u>Sub-Total</u> | <u>\$ 3,600.00</u> |
| Administrative Close-out (20% of Sub Total) | \$ 720.00 |
| <u>Total Bond</u> | <u>\$ 4,320.00</u> |

All Bonds are to conform to current town regulations and are subject to approval by the Town of Orangetown Town Attorney's Office as to form and substance.

The foregoing Resolution was made and moved by and Bruce Bond seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

The Clerk of the Board 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: September 14, 2016
Cheryl Coopersmith**

Cheryl Coopersmith

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TOWN OF ORANGETOWN