

**Meeting of April 12, 2017
Town of Orangetown Planning Board**

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

MEMBER ABSENT: Stephen Sweeney

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.

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

Subaru Distribution Center Expansion Site Plan Rehearing Preliminary Site Plan and SEQRA Review 6 Ramland Road, Orangeburg 73.20/1/ 25; LIO zoning district	PB #17-15(B) Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.
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Pearlcrest Estates Subdivision Plan Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 149 and 165 South Main Street, Pearl River 72.08/1/7 and 68.20/5/70; RG zoning district	PB #17-17 Postponed to the April 26th Board Meeting
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Bradley Corporate Park Building #16- Internal Commercial Subdivision Plan Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQRA Review 400 Oritani Drive, Blauvelt 70.06/1/1.12; LO zoning district	PB #17-18 Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.
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Continued Item

Paragon Motors Site Plan Prepreliminary/ Preliminary Site Plan and SEQRA Review 64 Leber Road, Blauvelt 70.06/1/50.4; LO zoning district	PB #17-01 Postponed as Requested by by the Applicant
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The March 22, 2017 Planning Board decisions were reviewed, edited, and approved. The motion for adoption 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; Robert Dell, aye; Stephen Sweeney, absent and Thomas Warren, aye.

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Planning Board Meeting

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 Michael Mandel and seconded by Thomas Warren and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for April 26, 2017.

DATED: April 12, 2017

**Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**



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**PB #17-15(B): Subaru Distribution Center
Rehearing of the Expansion Site Plan
Preliminary Site Plan Approval Subject to Conditions
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: Subaru Distribution Center Expansion Site Plan: Rehearing of the application of Subaru Distribution Corp. owner for Prepreliminary/ Preliminary Site Plan Review at a site to be known as "Subaru Distribution Center Expansion Site Plan", 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 6 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73. 20, Block 1, Lot 25 in the LIO zoning district.

Rehearing of the Planning Board of the Town of Orangetown at a meeting held Wednesday, April 12, 2017 the Board made the following determinations:

David Sesson, Donald Brenner, David Billow and Diego Villareale appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated April 5 and March 1, 2017.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 12 & March 8, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 2, 2017.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 25 and March 7, 2017.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 22, 2017.
6. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated February 28, 2017.

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7. A letter from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, Acting Chair, dated March 1, 2017.
8. A Short Environmental Assessment Form signed by Michael Lewis, EVP Finance and Administration, dated February 8, 2017.
9. Plans entitled Subaru Distribution Center Plans, prepared by JMC Site Development Consultants, dated February 13, 2017:
 - SP-1: Cover Sheet
 - SP-2: Site Existing Conditions Map
 - SP-3: Site Demolition Plan
 - SP-4: Site Layout Plan
 - SP-5: Site Grading Plan
 - SP-6: Site Utilities Plan
 - SP-7: Site Erosion and Sediment Control Plan
 - SP-8: Site Landscaping Plan
 - SP-9: Site Lighting Plan
 - SP-10: Site Truck Turning Analysis
 - SP-11: Site Details
 - SP-12: Site Details
 - SP-13: Site Details
 - SP-14: Site Details
 - SP-15: Site Details
10. A copy of the Building Permit Referral signed by Building Inspector Rick Oliver, dated January 27, 2017.
11. A copy of PB #17-15, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated March 8, 2017.
12. A letter from Mr. and Mrs. Stephen Del Savio, dated April 11, 2017, with an attachment.

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

Public Comment:

Mitchell Shalom, 76 Minute Man Circle, Orangeburg, disagreed with the original approval of the project. He held that the project was not in the character of the neighborhood and that the Negative Declaration states that there is no negative impact to the neighborhood, which there is no proof of that. Further, the Environmental Impact Statement states there these wetlands impacted on the site. Mr. Shalom continued to discuss issues with the Short Environmental Impact statement.

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Christine Wood, 78 Minute Man Circle, Orangeburg, read a letter to the Board, regarding the 100 foot existing wooded buffer. She held that this buffer mostly contained poplar trees and did not provide much of a buffer to the neighborhood. Ms Wood discussed the site lighting through the buffer and requested that the applicant consider a fence to be placed on the property line. She requested the hours of operations of the site and who would use the site and the Town codes regarding the uses of the property. Ms Wood raised concerns regarding the loss of wildlife that may be destroyed from the development of the site.

Margaret Leavey Skvorec, 263 Trenton Place, Orangeburg, discussed the 100 foot wooded buffer near the proposed building and raised concerns regarding the proposed parking lots and the impact to drainage to the neighborhood.

Heather Hurley, Hobart Street, Pearl River, requested information regarding the allowable uses in the LIO zoning district.

Scott Hansen, 158 Cows Penn Drive, Orangeburg, wanted to know the elevation of the land banked parking area. He discussed the width and height of gabion walls.

Joseph Palmieri, 78 Minute Man Circle, Orangeburg, held that when purchasing his house, the realtor told him the property behind the house was a protected green belt.

Lisa Potesta, 264 Trenton Place, questioned the Board why area residents received letters regarding dumping on the project site from the applicant's attorney.

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second 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, absent.

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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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, nay; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, absent, 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 JMC Site Development Consultants 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 agencies: Rockland County Department of Health, Town of Orangetown Zoning Board of Appeals, and having reviewed proposed Site Plans by prepared by JMC Site Development Consultants, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown'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 Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, nay; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, absent, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Plans shall be reviewed by the Bureau of Fire Prevention prior to receiving Final Site Plan Approval by the Planning Board.
4. The rear existing wooded buffer shall be increased to over 140 feet in width and the buffer shall be improved with supplemental plantings.
5. Access gates shall be added to the rear driveways, to discourage vehicle access to the rear of the site.
6. The two existing loading docks on the east side of the building will remain but not be used. In the event the applicant needs to reuse the two loading docks, they must reappear in front of the Planning Board to ask permission.
7. The presented plans note 20 foot light poles in the parking area. The Board requested the applicant to consider lowering the height of the poles as well as using high definition lighting.
8. At final Planning Board review of the plans, the applicant shall present information regarding Leed Certification.
9. The applicant shall revise the Site Plan to provide for land banking of approximately 90 parking spaces on the east side Parking Lot, in addition the Board requested 38 parking spaces to be land banked in the rear of the site. The applicant shall reappear at the Planning Board for approval for future use of the land banked parking spaces.
10. The applicant is proposing a building expansion of 130,360 square feet to an existing building of 143,618 square feet.
11. Clarify the number of uses/ occupancies within the total building and define what the proposed "expansion building" is. At the meeting, Subaru is the only tenant of the building and no manufacturing is in the building.
12. Permission to park in the required yards needs to be obtained from the Planning Board. (LIO refers to LO, Column 7, Note 3 of the General Use Regulations.)

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13. A jurisdictional determination letter shall be obtained from the Army Corp of Engineers and provided to the Planning Board.

14. A traffic study shall be submitted for the anticipated increase in truck traffic to the site.

15. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

a. All accessory off street loading berths shall be within completely enclosed buildings (LIO refers to LO, Column 7, Note 2 of the General Use Table)

b. The maximum height allowed is 25 feet and 44 is proposed. (Table of Bulk Regulations, LIO District Group CC, Column 12)

16. The application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review.

17. The number of required loading berths shall be calculated using Section 6.4 of the Town's Zoning Code. Provide those calculations on the "Table of Land Use."

18. The buffer of 100 feet shall be undisturbed during construction and a construction fence shall be installed along that buffer line to prevent encroachment into the buffer. Please show this construction fence on the Site Plan, sheet SP-4.

19. The following changes shall be made to the Short Environmental Assessment Form:

- Item #9 was answered "No". Please be advised all new construction shall meet the New York State 2016 Energy code, therefore, Item #9 shall be answered "Yes".
- Item #13, a and b, shall be answered "Yes" and the alterations to the wetland shall be included in the answer.

20. A full SWPPP, including drainage calculations, shall be prepared for this site plan and submitted to DEMA for review and Approval. The SWPPP shall clearly describe how the proposed stormwater design meets the requirements for green infrastructure/ new construction and redevelopment. The SWPPP shall also describe in great detail the maintenance requirements and procedures for the proposed underground stormwater sand filter (i.e. how will the sand filter be cleaned, how will "spent" sand be removed and added back into the filter, etc.) and detention system, as well as for the stormwater planters. These written procedures shall be made part of the post construction stormwater maintenance agreement in tandem with the inspection checklist.

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21. Test pits, soil borings and ground water elevations shall be performed/ taken in all proposed stormwater facility locations.

22. Descriptions, dimensions, sizing calculations, material specifications, installation details, staged discharge and inflow and outflow hydrographs for all proposed stormwater treatment. Quantity control devices shall be included in the SWPPP.

23. The area of disturbance, listed on drawing SP-7, shall be given in acres as well. The applicant's engineer is advised that no more than 5 acres of disturbance can occur at any one time without special permit and additional SWPPP requirements, (for example, a minimum of 2 SWPPP inspections a week, in addition to the required additional inspections after storms.)

24. The applicant shall consider eliminating or land banking the parking areas to the east and north (which are to be paved with porous pavement.) **IF** the applicant does not require the additional parking, (required by Town Code) for the proposed intent of the project, there are a number of benefits that could be realized by their elimination/ land banking. First, the overall footprint/ area of disturbance would be reduced – that is a goal of the NYSDEC Stormwater Management Design Manual's green infrastructure requirements. Second, construction costs could be reduced because the extensive paving and retaining walls needed to build said parking lots would be eliminated. Third, the areas of "natural" landscape would be increased along the North and East sides which are bordered by residence. If the proposed parking areas mentioned were to be land banked, the parking areas themselves are designed to be standalone from a drainage / SWPPP perspective – porous pavement (i.e. independent of the other proposed stormwater management practices – stormwater planters, underground sand filter, underground detention facilities), and therefore their future construction would most likely not necessitate changes/ additions to the stormwater management design features already planned. In fact, the applicant's engineer could/ should design these parking areas as part of the needed SWPPP and include all necessary information/ calculations, material specification, installation details in the SWPPP now and therefore possibly eliminate the need to update the SWPPP/ SPDES permit in the future.

DEME is aware that both the Applicant and the Town's review boards would need to "buy into" this recommendation and the Town would need to waive the parking requirements.

25. A more details plan (blow –up view) and profile of the proposed underground detention system shall be added to the drawings clearly showing where the access/ maintenance manholes shall be located and how exactly the system shall be maintained/ cleaned.

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26. It appears as though the proposed regrading depicted on drawing SP-5, for the northern most parking area is within the 100 foot buffer. This is not allowed. The regrading shall be eliminated from the buffer area and the buffer area lines for the northern and eastern side of the property shall be added to drawing SP-5.

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

28. The SESC plans shall be revised to use NYSDEC standard symbols.

29. A construction entrance, truck wash off, staging area(s) and soil stockpile area(s) shall be added to the SESC plan.

30. Profiles for all the proposed drainage facilities shall be added to the drawings.

31. The site grading plan must show all proposed regrading that is to occur at and around the proposed retaining walls.

32. A design and details for the proposed retaining walls shall be given on the plans.

33. The drawings shall indicate if any new sanitary facilities are to be added in the proposed expansion building. Any new sanitary building connections needed shall be shown on the plans with plan and profile views.

34. Drainage Review Recommendation: The information provided for the application includes designs for stormwater management and demonstrates potential significant impacts with respect to drainage and stormwater runoff can be mitigated and the Drainage Consultant to the Planning Board, Brooker Engineering, recommends that the Subaru Distribution Center Site Plan be approved for drainage subject to the following comments.

The property is located along the north side of Ramland Road. There is an existing building and parking lot on the site. The proposed addition is 130,360 SF and is located on the north side of the existing building. The parking lot on the west side of the building is to be expanded, a new access drive is proposed on the north side of the building, and a new parking lot is proposed on the east side of the building. The expansion areas are located in mostly wooded areas. The land slopes downhill to the southwest and is stormwater runoff is collected via a drainage system and discharged to a swale at the southwest corner of the site. The swale discharges to a flared end section on the north side of Ramland Road and the stormwater runoff continues flowing in a southerly direction. An underground stormwater detention system is proposed on the west side of the property; this discharges to the swale at the southwest corner of the site. A sand filter and stormwater planters are proposed for water quality and runoff reduction.

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Continuation of condition #34...

Review of Additional Information

The Stormwater Pollution Prevention Plan includes detailed information regarding providing post construction runoff reduction measures, and post construction stormwater water quality and quantity mitigation. The report shows a reasonable amount of stormwater detention has been provided to address post construction increases in stormwater peak runoff rates by achieving a 10% net reduction in peak discharges. Additional comments of the stormwater management plan may be generated by the Planning Board's Consultant as per submissions of revised drainage calculations by the applicant's engineer.

Project Comments

1. More detail shall be provided for the drainage design. Provide drainage inlets at all proposed low points. Many proposed contour lines are inconsistent with the proposed spot grades.
 2. Show how the roof drainage will be accommodated. Show how the existing roof leaders on the north building face will be addressed when they are removed in order to construct the building addition.
 3. Show what stormwater is conveyed to the 18" diameter storm drain line on the north building face. This pipe is to be removed for the building addition; the proposed plans shall show changes to the piped drainage system.
 4. The detention system is proposed in a deep excavation near the wetland area. The ADS Detention System Cross-Section Detail shows an impermeable layer surrounding the pipes; more detail is needed to show how this area will be dewatered. Elevations of the pipe system shall be added to this detail. For the most recent submission, the applicant's engineer has proposed to add an underdrain system to dewater the area around the footprint of the detention system. The system does not rely on infiltration to achieve stormwater detention and a low flow orifice is provided in the detention system outlet structure to dewater any groundwater that infiltrates into the system. The future submission should include the design details.
 5. The plans shall address the eroded slope on the east side and any required armoring of this channel.
- 35. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval. Place the following comments on the Site Plan as "Notes."**
- Install an NFPA 13 compliant sprinkler system designed to protect the commodity that is stored in the warehouse; with a design submitted to the Fire Prevention Office with cut sheets for approval before the Sprinkler works begins. Inspected annually as per NFPA 25.

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Continuation of Condition #35...

- Install or expand the existing Fire Alarm system to NFPA 72, Connected to Rockland county 44-Control with Amber & Red Strobes as per Orangetown code, with plans and cut sheets provided to the Bureau of Fire Prevention Office for approval before work begins. Inspected quarterly and inspection reports sent to the Bureau of Fire Prevention Office quarterly.
- Install and maintain Portable Fire Extinguishers as required by NFPA 10.
- Install Emergency Lighting as per NEC, Tested monthly with annual 90 test.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Provide Key Box, if required.

36. The Rockland County Department of Health (RCDOH) reviewed the plan and found that application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code. no Rockland county Department of Health approvals are needed for this application.

37. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals

38. 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.

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

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

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41. 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 preserve 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.

42. 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.

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

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

45. 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).

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

47. 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

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

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

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

Dated: April 12, 2017
Town of Orangetown Planning Board
attachment



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

Permit #46124

**PB #17-15(B): Subaru Distribution Center Expansion Site Plan
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

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

NAME OF ACTION: Subaru Distribution Center Expansion Site Plan–
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 6 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73. 20, Block 1, Lot 25 in the 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 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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB#17-18: Bradley Corporate Park
Building #16 – Internal Commercial
Subdivision Plan Final Approval
Subject to Conditions/ Neg. Dec.**

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**Town of Orangetown Planning Board Decision
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TO: John Magee, 500 Bradley Hill Road, Blauvelt, New York 10913
FROM: Orangetown Planning Board

RE: Bradley Corporate Park – Building #16 Internal Commercial Subdivision Plan: The application of Bradley Corporate Park, owner for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review at a site to be known as “**Bradley Corporate Park – Building #16 Internal Commercial Subdivision Plan**”, 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 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 400 Oritani Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 1.12 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 12, 2017**, the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated April 5, 2017.
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 April 12, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 5, 2017.
4. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 27, 2017.
5. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 4, 2017.
6. A Short Environmental Assessment Form, undated, signed by John Magee, Partner.
7. Subdivision Plans prepared by Coreless and Associates dated November 28, 2008, noting Building #16- Tenant 1 and Tenant 2.
8. A Building Permit Referral dated March 20, 2017, signed by Rick Oliver, Building Inspector.
9. Project Narrative, dated March 16, 2017.

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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 Michael Mandel 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, absent.

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 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, absent, 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 Corless and Associates 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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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, and having reviewed proposed Subdivision of Internal Space Plan by prepared by Corless and Associates 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 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; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, absent, 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 Internal Commercial Subdivision of Space Subject to the Following Conditions:**

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1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. The Short Environmental Assessment Form appears to be in order except item numbers 15 and 16 needs to be answered. The Form needs to be dated.
3. The commercial subdivision plan shall not be signed by the Clerk until the vehicles stored on the property are removed or approved by the Town of Orangetown Zoning Board of Appeals.
4. The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for approval of the exterior changes to the structure and site.
5. There are no Rockland County Department of Health approvals needed for this application.
6. 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.
7. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Sewer District No. 1
 - Rockland County Department of Health
8. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
9. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.

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10. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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12. 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.
13. 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.
14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
15. 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).
16. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
17. 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
18. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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, absent; 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: April 12, 2017
Town of Orangetown Planning Board (attachment)

Cheryl Cooper Smith

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NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB#17-18: Bradley Corporate Park

Permit #45291

Building #16 – Internal Commercial

Subdivision Plan Final Approval Subject to Conditions/ Neg. Dec.

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: Bradley Corporate Park Building #16 – Internal Commercial

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision of Space Plan Final Approval Subject to Conditions

LOCATION: The site is located at 400 Oritani Drive, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 1.12 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:

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

For Further Information contact:

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