

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

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

**MEMBER 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

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:

**New Items:**

- |   |   |                  |
|---|---|------------------|
| <b>Wyeth Holdings, LLC Site Plan</b><br>Prepreliminary/ Preliminary/ Final Site Plan<br>and SEQRA Review<br>Maintenance and Improvement Plan<br>401 North Middletown Road, Pearl River<br>68.07/2/39; LI, LIO & R-40 zoning districts | <b>Final Site Plan<br/>Approval Subject<br/>to Conditions<br/>Neg. Dec.</b>       | <b>PB #17-34</b> |
| <b>275 North Middletown Road Internal<br/>Commercial Subdivision Plan</b><br>Prepreliminary/ Preliminary/ Final Plan<br>and SEQRA Review<br>275 North Middletown Road, Pearl River<br>68.12/3/25; CO zoning district                  | <b>Postponed<br/>to July 26<sup>th</sup><br/>Meeting</b>                          | <b>PB #17-35</b> |
| <b>Hawks View Subdivision – Lot 22.4</b><br>Critical Environmental Area<br>Prepreliminary/ Preliminary/<br>Final Site Plan and SEQRA Review<br>290/298 South Boulevard, Upper Grandview<br>71.05/1/22.4; R-22 zoning district         | <b>Neg. Dec. and<br/>Continued to<br/>July 26<sup>th</sup> Meeting</b>            | <b>PB #17-36</b> |
| <b>South Corner Plaza Site Plan</b><br>Final Site Plan Review<br>2 Route 340, Orangeburg<br>74.11/2/47; CC zoning district  | <b>Postponed<br/>at the Request<br/>of the Applicant</b>                          | <b>PB #17-37</b> |
| <b>Linen Choice Site Plan</b><br>Prepreliminary/ Preliminary Site Plan<br>and SEQRA Review<br>57 N. Troop Road/Glenshaw Str., Orangeburg<br>70.18/2/17; LI zoning district  | <b>Preliminary Site Plan<br/>Approval Subject<br/>to Conditions<br/>Neg. Dec.</b> | <b>PB #17-32</b> |

TOWN CLERK'S OFFICE  
2017 JUL 27 P 2:20  
TOWN OF ORANGETOWN

**July 12, 2017 Planning Board Meeting**

The decisions of the June 28, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved 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, abstain; Robert Dell, abstain; Stephen Sweeney, aye and Thomas Warren, aye.

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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for July 26, 2017.

**DATED: July 12, 2017**

**Cheryl Coopersmith  
Chief Clerk Boards and Commissions**



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**TO:** Gary Hurta, Jr. P.E., Golder Associates, 570 Broad Street, 6<sup>th</sup>  
Floor, Suite 601, Newark, New Jersey 07102  
**FROM:** Orangetown Planning Board

**RE: Wyeth Holdings, LLC Site Plan:** The application of Wyeth Holdings, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "**Wyeth Holdings, LLC 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 68.07, Block 2, Lot 39 in the LI, LIO and R-40 zoning districts.

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

Gary Hurta, Brian Quinn and Christopher Clark appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 5, 2017.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 12, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 10, 2017.
4. Letters from Brooker Engineering, PLLC, signed by Kenneth DeGennaro, P.E., dated July 11 and June 30, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 26, 2017.
6. A letter from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated June 6, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 26 & 25, 2017.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated June 29, 2017.

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9. A letter from the Town of Clarkstown Department of Planning, signed by Gilbert Heim, Chairman, dated June 16, 2017.
10. A letter from the New York State Department of Environmental Conservation, signed by Michael Grosso, Division of Environmental Permits, Region 3, dated July 7, 2017.
11. A letter from the New York State Department of Parks, Recreation and Historic Preservation, signed by Philip Perazio, Historic Preservation Program Analyst – Archaeology Unit, dated June 23, 2017.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chair dated June 7, 2017.
13. A letter from the New York State Department of Transportation, signed by Akhter Shareef, dated June 27, 2017.
14. Building Permit Referral dated May 19, 2017, signed by Glenn Maier, Building Inspector.
15. Short Environmental Assessment Form signed by Wyeth Holdings, dated May 3, 2017.
16. Plans prepared by Golder Associates, stamped and signed by Gary P. Hurta, P.E., dated May 17, 2017:
  - Drawing 1: Plot and Proposed Site Plan
  - Drawing 2: Metes and Bounds Descriptions
17. Stormwater Pollution Prevention Plan - Maintenance and Improvements to Existing Closed Landfills prepared by Golder Associates, dated May, 2017.
18. A project narrative prepared by Golder Associates.

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

**Public Comment:**

Vincent Kissel, 139 Gatto Lane, Pearl River; requested information regarding the use of pesticide at the site, odors and impact to the residents. He discussed the deeds and zoning of the property as inaccurate.

Jane Miran, 133 Gatto Lane, Pearl River; expressed concerns regarding potential noise and smells coming from the site as well as the location of the fence. She wanted to know when the work would be done; on the weekends, or regular business hours.

Heather Hurley, 202 Hobart Street, Pearl River; raised concerns regarding who would be using the storage tanks, would the companies currently on the site, why the storage tanks need to be increased in size, what contaminants have been identified and also will there be any air monitors during construction. She also wanted to know if the project was properly noticed.

Christine O'Connor, 131 Gatto Lane, Pearl River, wanted to know the address of the project site.

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There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting 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 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 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 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 Golder 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 agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency, Rockland County Sewer District No.1, Rockland County Highway Department, Rockland County Department of Health, Town of Clarkstown Planning Board, New York State Department of Transportation and having reviewed proposed Site Plan by prepared by Golder Associates a summary of the reasons supporting this determination is, 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 William Young 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, nay; 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 Final Site Plan Approval Subject to the Following Conditions:**

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

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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 applicant shall provide the plans and details for the six bullet points in the "Description of Proposed Action."
4. All other permits and/ or approvals from other agencies such as the New York State Department of Environmental Conservation, Rockland County Health Department, etc. shall be obtained prior to the issuance of a Town of Orangetown Building Permit.
5. Please indicate on the "Plot and Proposed Site Plan" the areas where the trees and shrubs will be cut down.
6. Provide a detail of the secondary security fence.
7. The Short Environmental Assessment Form appears to be in order.
8. A larger scale drawing(s) shall be provided for ease of review.
9. The drawings shall clearly show all proposed work, all proposed areas of disturbance, areas of regrading, new impervious areas (if any), existing impervious areas, existing impervious areas to be removed (if any) and total amount of area of disturbance (including a table listing the areas to be disturbed and their size – in acres.) The applicant is advised that a full SWPPP (including drainage calculations) may be required if the total area of disturbance is over 1 acre.
10. The 100 year flood plain shall be delineated on the drawings for the Muddy Creek. Also, the NYSDEC stream number and classification number for the Muddy Creek, as well as all tributaries – named or unnamed, shall be added to the drawings.
11. Details shall be added to the drawing ,i.e. landfill cover system vegetation reinstatement, force main, cleanouts, air release vaults, etc.
12. A full size set of soil erosion and sediment control plans, at an appropriate scale, shall be provided. The SESC plans shall be revised to comply with the NYSDEC – SMDM standard symbols.
13. The proposed SESC facilities/ measures shall be located closer to the proposed work/ areas of disturbance.

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14. A profile for the proposed force main shall be added to the drawings. The profile shall include the crossing with the existing stream and the gas main.
15. The page and liber or instrument number, and ownership for all existing easements shall be shown on the plan.
16. Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan shall be supplied to the Planning Board and DEME, prior to signing the map.
17. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 18. Drainage Review: Brooker Engineering – Planning Board Consultant**  
This is the second drainage review report for this portion of the Pfizer/Wyeth property; the last was dated June 30, 2017. This application is for work at the two landfills located west of the main campus. The proposed work includes new pump stations, force mains, and fences that are needed for the ongoing monitoring of the existing closed landfills.

No stormwater detention facilities are proposed. The revised information submitted demonstrates a reduction in gravel and impervious areas of 16,044 SF. Approximately two acres of woods are being removed and replaced with meadow/open space. There is an overall reduction in the weighted curve number and no net increases in peak runoff rates. A tributary to the Muddy Brook flows east between the landfills; channel bank stabilization is proposed along with crossings of the stream for a new force main and fence. The Muddy Creek is not a mapped FEMA floodplain at this location on the property. A hydrologic and hydraulic analysis of the unnamed tributary has been provided for the most recent submission that shows a 100-year flow depth of two feet at the fence crossing.

The Drainage Consultant to the Planning Board, Brooker Engineering, determined the following: Additional information and details have been provided to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation and therefore recommend that the Wyeth Holding, LLC Site Plan – Maintenance and Improvements to Closed Landfills be approved for drainage subject to the following Project Comments.

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**Continuation of Condition #18....**

**Project Comments**

1. The "Berm Reinstatement and Protection Detail" shall label the existing and proposed contours. A section shall be provided through this area. The height of riprap shall be clearly shown.
2. The "Force Main Stream Crossing" detail shall show ground cover in the streambed to prevent scour.
3. The "Chain Link Fence – Stream Crossing" detail shall show the depth of flow that will allow the 100-year flow to pass underneath. The Building Department shall verify the use of barbed wire on the low side of the fence, adjacent to the stream, is acceptable.

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

1. If required by the Town of Clarkstown, a site plan application must be completed by them.
- 2 The comments in the June 16, 2017 letter from the Town of Clarkstown Department of Planning must be met.
3. A review shall be completed by the Rockland County drainage Agency, and any required permits obtained.
4. A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
5. If there is any encroachment into the Federal wetlands, a review must be completed by the United State Army Corps of Engineers and all required permits obtained.
6. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

**20.** The Rockland County Highway Department reviewed the site plans and information submitted and determined that the proposed action should have a de minimis impact upon the County Highway. Due to the location and type of construction proposed, a Rockland County Highway Department Work Permit will not be required for the proposed development.

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**21.** The Rockland County Health Department (RCDOH) reviewed the information provided and based on the information provided, there are no Rockland County Department of Health approvals needed for this application.

**22.** Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA. However, the current proposal does not appear to result in any obstruction to the flow of floodwater and will have minimal/ no site disturbance and/or increase in impervious area. There, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested for the current proposal. However, please be advised that, any future improvements at this site will require a permit or a determination otherwise from RCEDA.

**23.** The Rockland County Sewer District #1 (District) had the following comments which are incorporated herein as conditions of approval:

- The District owns and maintains sewers in an easement on the above property. No permanent structures may be built within the District easements. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
  
- To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District office must approve any construction to be done with the District easements.
  
- A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

**24.** The Town of Clarkstown Planning Board had the following comments which are incorporated herein as conditions of approval:

The only work proposed within the Town of Clarkstown is the installation of a security fence. The work associated with that installation, (cutting of vegetation within a 20 feet strip to 3 inches of ground and installation of the fence), can be processed under the provisions of Chapter 270, Tree Preservation.

1. The applicant shall make application to the Town of Clarkstown Department of Environmental control for the application for tree removal and clearing

2. At the northerly end, it appears the fence is close to the existing sewer easement, the fence shall be relocated to the south of the sewer easement and not cross it.

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25. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the proposed maintenance upgrades to Closed Landfills 3A and 2A at 401 Middletown Road, DEC offered the following comments:

- **Solid Waste:** Upgrades to closed landfills 3A and 2A, which are necessary to bring the facility into compliance with the accepted Operation and maintenance Manual (6 CRR-NY 360-2.9), require written approval by the Division of Materials Management. New development may require a modification to the Landfill Closure Plan. Please send narratives and plans to Dave Pollock at this office for approval.
- **Protection of Waters:** There are no protected, permanent water bodies that appear on the regulatory maps at this location/ project site identified. Therefore, Protection of Waters permit is not required. If a permit is not required, please note, however the applicant is still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or water body by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project is not within a New York State protected Freshwater Wetland. However, the United States Department of Army, Corps of Engineers' New York District Office (ACOE) also has authority under the federal law to regulate wetlands in New York State. An ACOE permit may be required. Project sponsor should contact the ACOE as early as possible to determine if the project will involve additional ACOE approval. Any disturbance to the stream or associated wetlands may require a permit from the U.S. Army Corps of Engineer. Contact the Corps directly at 917-790-8511 for any permitted they might require.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.

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Continuation of Condition #25....

- SPDES Stormwater (Construction): If project activities will disturb over 1 acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-15-002) for Stormwater Discharge from Construction Activities, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As the Town of Orangetown is an MS4 community (Municipal Separate Storm Sewer System), the Town is responsible for review and acceptance of the SWPPP. The MS-4 Acceptance Form must be submitted to the Department). Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permits.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools).
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

26. 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Drainage Agency
- Rockland County Highway Department
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- Town of Clarkstown Planning Board

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

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

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

30. 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.

31. 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.

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

33. **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.

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**Continuation of Condition #33...**

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.

**34.** 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.

**35.** 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.

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

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

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38. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

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

The foregoing Resolution was made and moved 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; Stephen Sweeney, aye; Robert Dell, nay 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: July 12, 2017

  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board (attachment)

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**NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB#17-34: Wyeth Holdings, LLC Site Plan  
Improvement to Existing Closed Landfills  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #46494**

**Town of Orangetown Planning Board Decision  
July 12, 2017**

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: Wyeth Holdings, LLC Site Plan - Improvement to Existing Closed Landfills**

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

**DESCRIPTION OF ACTION: Site Plan Review**

**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 68.07, Block 2, Lot 39 in the LI, LIO and R-40 zoning districts.

**REASONS SUPPORTING THIS DETERMINATION:**

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown'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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**TO:** Donald Brenner, 4 Independence Avenue, Tappan, New York  
**FROM:** Orangetown Planning Board

**RE:** **Linen Choice Site Plan:** The application of Aluf Real Property, Inc., owner, for Prepreliminary/ Preliminary Site Plan Review a site known as "**Linen Choice 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 57 North Troop Road/Glenshaw Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 17 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 28 and July 12, 2017**, the Board made the following determinations:

**June 28, 2017**

Donald Brenner and Jesse Cokeley appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 21, 2017.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 28, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 23, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 27, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 19, 2017.
6. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated June 8, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 25 & 26, 2017.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated May 31, 2017.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 19, 2017.
10. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated June 1, 2017.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated June 7, 2017.
12. A letter from the New York State Department of Transportation, signed by Akhter Shareef, dated June 23, 2017.

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13. A Short Environmental Assessment Form, signed by Emmanuel Reisman, dated May 10, 2017.
14. Trip Generation Description attached to a copy of the Full Environmental Assessment Form, dated June 23, 2017, signed by Jesse Cokeley, P.E., Project Manager.
15. A letter from Maser Consulting dated May 9, 2017, signed by Jesse Cokeley, P.E., Project Manager.
16. A copy of the Preliminary Drainage Analysis, prepared by Maser Consulting, dated April 25, 2017.
17. A copy of the Traffic Evaluation, prepared by Maser Consulting, dated April 18, 2017.
18. Amended Site Plans, prepared by Maser Consulting, dated April 21, 2017:
  - Sheet 1: Cover Sheet
  - Sheet 2: Overall Layout Plan
  - Sheet 3: Layout Plan - North
  - Sheet 4: Layout Plan – South
  - Sheet 5: Grading & Drainage Plan – North
  - Sheet 6: Grading & Drainage Plan – South
  - Sheet 7: Utilities Plan – North
  - Sheet 8: Utilities Plan – South
  - Sheet 9: Soil Erosion & Sediment Control Plan
  - Sheet 10: Construction Details
  - Sheet 11: Construction Details
  - Sheet 12: Construction Details
  - Sheet 13: Construction Details
  - Sheet 14: Construction Details
19. Building Permit Referral dated October 8, 2001, signed by Lenny Post, Building Inspector.
20. A copy of PB #04-103, Final Site Plan Approval Subject to Conditions, dated October 13, 2004.

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

**Public Comment:**

Annie Prichard, Pearl River, requested information regarding the packaging of products in the warehouse.

Ira Steinberg, 10 Murphy Court, Blauvelt, raised concerns that there were already a number of existing commercial buildings on Route 303. He was concerned that the applicant was a "front" for Aluf and that Aluf is not a great neighbor. Mr. Steinberg was concerned about the emergency access connecting into his subdivision roadway.

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Heather Hurley, 202 Hobart Street, Pearl River, noted that Murphy Court was not in existence when the original application was before the Board and that 22 bays is a lot for the building. She raised concerns regarding the hours of operations and the use of the entrance onto North Troop Road as more than an emergency access.

Anthony Loperfido, 30 North Troop Road, Blauvelt, requested information regarding the hours of operation; what is the busy time of the applicant. He noted an increase in truck traffic on Route 303 from Fed Ex, the post office and believes the traffic study needs to be reviewed.

The Applicant requested a **CONTINUATION**.

**July 12, 2017**

Donald Brenner and Jesse Cokeley appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 5, 2017.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 12, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 11, 2017.
4. A letter from Maser Consulting signed by Jesse Cokeley, P.E., dated July 7, 2017.
5. Updated Full Environmental Assessment Form, signed by Jesse Cokeley, P.E., dated July 7, 2017.
6. A Narrative Summary, prepared by Maser Consulting, dated July 5, 2017.
7. An Aerial Exhibit, Sheet 1 of 1, prepared by Maser Consulting, dated July 5, 2017.
8. Plans prepared by Maser Consulting, dated April 21, 2017, last revised July 5, 2017:
  - Sheet 2: Overall Layout Plan
  - Sheet 5: Grading & Drainage Plan – North
  - Sheet 6: Grading & Drainage Plan – South
  - Sheet 9: Landscape Plan
  - Sheet 16 of 16: Construction Details
9. Submitted at the meeting by the applicant, an Entity Disclosure Form, dated July 9, 2017.
10. Two E-mails from Ryan McCormick, area resident, dated July 12, 2017.

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

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**Public Comment:**

Alex Gadd, 8 Murphy Court, Blauvelt, believes that the houses on Murphy Court are threatened and he held that nothing will be done to hold the applicant to the conditions and commitments of the Planning Board. Mr. Gadd noted that there are a number of houses for sale on Murphy Court.

Ira Steinberg, 10 Murphy Court, Blauvelt, raised concerns regarding the future property owners and the property owners of an adjacent parcel.

Anthony Loperfido, 30 North Troop Road, Blauvelt, discussed the number of trucks using the site and the high number of bays requested for the building.

Heather Hurley, 202 Hobart Street, Pearl River, requested information regarding why the loading bays needed to be open and not enclosed. She requested information regarding the Entity Disclosure Statement for the applicant. Ms Hurley also questioned why the applicant was not in attendance at the Planning Board Meeting.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting 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 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 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 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 Maser Consulting 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: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Drainage Agency, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Maser Consulting, 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 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 Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the 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. On October 13, 2004, the Orangetown Planning Board granted ALUF Real Property, Inc., a Final Site Plan approval for a 231,086 square foot building subject to Comments. This new site plan shows a slightly smaller building of 170,735 square feet.
4. The applicant has agreed to install a vegetative swale along the West property line in place of piping the drainage course. This is acceptable to the Office of Building, Zoning, Planning Administration and Enforcement and the Department of Environmental Management and Engineering, provided all other requirements are met. The applicant has a stream relocation approval from the Orangetown Town Board which is acceptable for the vegetative swale installation.
5. The property line to the north shall have a buffer setback of 100 feet and a yard setback of 50 feet making the overall setback 150 feet from the property line to the building. The yard setback is taken from the buffer line and can be reduced up to 50% by the Planning Board. Please correct the drawings.
6. The property does not front on a Town Road, therefore a variance from the Town of Orangetown Zoning Board of Appeals needs to be sought for "zero" frontage and a 280A exception needs to be granted. Please correct the Zoning Bulk Table to include Street Frontage and the 280A exception.

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7. The "Traffic Evaluation" submitted by Maser Consulting indicates the intersection of Route 303 and Glenshaw Street is currently operation at a level of service "C", however, the traffic impact study for the prior warehouse submission submitted by TRC Raymond Keyes Associates has that intersection at a level of service "F". Please clarify how these differ so much. Also, the adjacent street intersections shall be studied and their level of service provided for no-build and build scenarios.
8. The plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
9. The plan shows 22 outdoor loading berths. No outdoor loading berths are permitted except by permission of the Town of Orangetown Zoning Board of Appeals or the Planning Board. (CS Zone District, Column 7, item #6). Please explain why 22 loading berths are required.
10. The Planning Board recommends to the Zoning Board of Appeals that the loading berths be enclosed within the building.
11. The building footprint shows two separate units in the building. Please label each unit as a Phase 1 and Phase 2 or submit for an Internal Commercial Subdivision. Please clarify.
12. The truck turn around located at the Northern portion of the site shall be restudied to retain as much vegetation as possible.
13. The applicant shall revise the Site Plan to cut down the pavement area near the truck turn around area.
14. The litter in the area near the Rail Trail shall be cleaned.
15. The access easement leading to Troop Road and Murphy Court shall only be used for emergency access, this shall be placed as a note on the Site Plan.
16. A Vicinity Map, not a photograph, shall be placed on the Site Plan.
17. The hours of operation shall be noted on the Site Plan. The applicant stated that the warehouse will operate from 8:00 a.m. to 6:00 p.m.

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**18.** The supplied SWPPP/ drainage calculations are under review by DEME. However, as per the NYS Stormwater Management Design Manual, 25 foot pond buffers (i.e. no structures/ driveways/ parking area, etc.) from the maximum water surface elevation of the ponds shall be provided **and shown on the drawings and described in the SWPPP.**

**19.** Twelve foot wide maintenance access paths shall be provided around both "above" ground detention systems. The paths shall extend to reach the bioretention areas, forebay, micro pools, safety bench, outlet structures, etc. These paths shall be shown on the drawings and described in the SWPPP.

**20.** The outlet structures for "above" ground detention systems are incorrectly placed. The outlet structures shall be set "into" the side slopes of the basins, for ease of maintenance access and to prevent short circuiting of storm water flows through the basins.

**21.** The typical cross – sections through the "above" ground detention ponds do not appear to have safety or aquatic benches. This shall be corrected. Also, region appropriate plantings shall be shown in the required aquatic bench. Details for the plantings shall be added to the drawings.

**22.** It appears that stormwater from a portion of the driveway, along the south east section of the proposed site improvements, does not enter into any stormwater treatment system. This is unacceptable. All flows from the proposed new impervious surface must be treated by the stormwater quality systems.

**23.** The existing lot, at the northwest corner of the proposed site plan is owned by the Town of Orangetown (and shall be labeled as such.) There is an existing stormwater detention basin located on that parcel and shall be shown on the plans. Also, the outlet structure/ drainage configuration is not accurately shown on the plans (i.e. There is a headwall structure along the piping that is not shown on the drawings. This shall be corrected.)

**24.** The purpose of the proposed 15 foot wide gravel path shall be given on the plans (i.e. does the applicant plan to utilize that access road for any reason?)

**25.** The applicant/ applicant's engineer shall consider reducing, if possible, even more amounts of impervious surface (pavement/ number of delivery bays) in order to conform to the requirements of Green Infrastructure as laid out by the current NYS Stormwater Management Design Manual (NYSSMDM) and to lessen the amount of stormwater that needs to be treated/ attenuated by having less impervious surfaces.

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26. It appears that the existing stream/ drainage ditch (which runs along the northwest portion of the property) is being proposed to be "piped in". The applicant's engineer shall consider reducing the north western portion that is now proposed to be piped (134LF) and replacing with even more open channel. DME is in agreement with the applicant's engineer's narrative of July 5, 2017, in that relocating the existing stream/ ditch, with a portion of it being open channel, is preferred and in keeping with the NYSSMDM intent and recommendation for Green Infrastructure. The applicant and the applicant's engineer is advised that in order to relocate/ pipe in a stream/ ditch/ swale, the applicant must apply to the Town of Orangetown Town Board for a Water Course Diversion Permit to do such work (Chapter 41 of the Town Code. It is understood that a previous application for this same site received a permit to pipe in the entire stream through the site. The current design is much preferred.) As part of that application, the applicant's engineer shall provide drainage calculations to show that the proposed piping can accommodate/ carry the 100 year storm, analyze the effects (negative and positive) both upstream and downstream that piping the stream may cause/ create, show by calculation and drawing the effect of removal of the natural floodway will effect this site and downstream properties, etc.

27. Fixed sediment markers shall be added to the detention basins. A detail for same clearly showing actual heights at which sediment is to be removed for each individual basin, shall be added to the drawings.

28. Inspections/ maintenance/ access manholes/ ports shall be shown (both in the plan views and cross sections) for the underground detention systems. Details for same shall be added to the drawings.

29. The total area of disturbance shall be given on the plans and SWPPP.

30. The SWPPP shall explain, in great detail, the proposed phasing of this project and how the work will progress, while staying under the required area of disturbance threshold. The phasing of the project shall be clearly defined and coordinated between the SWPPP and the design/ SESC drawings.

31. Soil borings, perc tests and determination of groundwater elevations shall be performed at all proposed "above" ground and underground drainage detention systems. These tests/ investigations shall be performed in the spring when the ground water tables typically at its highest. DEME and the Building Department shall be notified when this work is to be done so that the test can be witnessed. This shall be done **prior** to this proposal receiving Final approval.

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32. Drawing 5 of 16 depicts, at the northwest corner of the site, actually outside the property of the proposed site plan and on Town property, an existing concrete block structure to be removed. It is believed that this is actually the outlet structure for the existing basin on the Town Lot. As stated in an above comment, the applicant's engineer shall show the existing basin on that lot and verify if indeed the structure shown on the drawing is the outlet structure for the basin. If it is, this structure cannot be removed. Also, the applicant shall obtain approval from the Town of Orangetown for any and all work proposed on the Town owned lot.

33. Drawing 6 of 16 depicts the exhaust for both "above" ground basins, as well as the piped in stream combining and being released all at the same point. However, the flow seems to be directed toward a proposed 6 foot high retaining wall. DEMA is concerned that the outflow from this exhaust point may undermine the footing of the proposed retaining wall. The applicant's engineer shall investigate all possible negative effects the flow could have on the proposed wall and describe what measures will be taken to ensure these negative effects are not realized. This information shall be provided on the drawings and in the SWPPP. Also, it appears the overflow/ exhaust from the North basin is being brought into this outlet area perpendicular to flow from the South basin and the piped in swale. This too may cause adverse effects on both the rip rap area and the retaining wall along it. This is unacceptable. The applicant's engineer shall investigate reconfiguring the entire exhaust area.

34. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEMA 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 DEMA, etc.

35. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer shall be submitted to DEMA for review and approval.

36. The applicant is reminded 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 DEMA prior to any construction.

37. Profiles for the road and sanitary and storm sewer lines shall be provided with the plans.

38. The SESC plans shall be revised to comply with the NYSDEC – SMDM standard symbols.

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39. A note shall be added to the Site Plan indicating the source benchmark for the reference datum, including the BM elevation.

**40. Drainage Review Recommendation**

The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held that the application has provided sufficient information to demonstrate that the proposed project can provide a zero net increase in peak stormwater runoff rates and can mitigate potential significant adverse impacts with respect to stormwater quantity and quality. Brooker Engineering therefore recommends that the Linen Choice Amended Site Plan be approved for drainage subject to the following Project Comments.

This is the first drainage review report for this project. The property is located on the west side of an industrial park on the west side of Route 303 and south of the Troop Woods subdivision. There is a detention basin from this subdivision just northwest of the site. Stormwater from this detention basin and another off-site swale flow through southeast through the site in an open channel. The open channel is proposed to be piped for this application.

The site is heavily wooded with no development. Stormwater runoff flows southeast to the existing industrial park. The application proposes approximately 170,000 SF of new building area and 7.16 acres of impervious area. Two stormwater management ponds and two underground infiltration basins are proposed to mitigate stormwater quantity and quality impacts.

**Project Comments**

1. The proposed 48-inch storm drainage line that fills in the open channel on the site shall be evaluated to determine that it has the capacity to convey the 100-year discharge. The detention basin at the northwest corner of the site for the Troop Woods subdivision shall be included in the hydrologic analysis.

2. More detail is needed for the new access road located at the southeast corner of the site. It is not clear what is proposed at this location, and where the new road ties into existing pavement.

3. The SWPPP shall include a discussion of the Design Points selected in the hydrologic analysis and why they were chosen. An additional Design Point shall be added where the new driveway starts from the existing parking lot; it appears stormwater runoff at this location will bypass the detention basins and enter the parking lot on the neighboring property.

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Continuation of Condition #40...

4. More detail is needed at the pipe outlet at the southeast corner of the property (FES-23). It appears this water is intended to reenter the existing channel but may spill down the east side of the riprap pad in an uncontrolled manner.
5. Watersheds P1, P2A, and P2B shall be subdivided in the hydrologic model to separate the large impervious areas that are directly connected to the drainage system.
6. The drainage report uses a curve number of 70, which is typical for a Type C soil for "woods in good condition". However, based on our site visit, the woods are extremely dense throughout the site and the Drainage Consultant recommends a factor of safety be added to the existing conditions analysis in order to avoid overestimating the existing conditions peak flows. This is especially important considering that the 2.45 acre Watershed P3 subarea bypasses the detention facilities.
7. Additional catch basins and trench drains shall be added in the parking area and driveway south of the building; currently five catch basins intercept all the stormwater runoff from this 2.45 acre area.
8. The narrative discusses a phased construction, with the northern building being built first. This shall be included in the final SWPPP document showing the drainage facilities that would be built during the first phase.
9. Full scale maps of the Existing and Proposed Drainage Area Maps shall be provided in the SWPPP. The drainage basin delineation for Subarea P1 shall be revised to match the proposed conditions topography. More topography information is needed along the property to the north to determine if off-site runoff enters the on-site detention system. The proposed conditions maps shall include the amount of impervious area per subarea.
10. More detail is needed to show the flow path from the emergency overflow of the north stormwater management basin.
11. The emergency overflow of the south stormwater management basin has an invert of 148.25, which is above the top of berm/wall elevation surrounding the basin.

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**Continuation of Condition #40...**

12. When storm drainage pipes change diameter in the drainage system, the pipe crowns at the catch basins shall match instead of the pipe inverts.

13. The existing conditions survey shall be included with the drawing set.

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

- As indicated in the June 8, 2017 letter from the Rockland County Department of Highways, a Work Permit will be required prior to the commencement of any excavation or construction on the site.
- The conditions of the May 26, 2017 letter from the Rockland County Department of Health must be met.
- The applicant has indicated that this use consists mostly of warehouse and office uses. However, it was further indicated that on occasion, there will be a need to perform alterations on site, which would involve "light manufacturing" uses. It must be clarified as to what is involved with these alterations, and to what extent of the operation will consist of these alterations. Furthermore, it must be clarified if the light manufacturing component would produce noise or odors.
- The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed facility.
- Since the parcel to the north is owned by Suez, and contains public water-related appurtenances, a review must be completed by them, and any concerns addressed.
- The applicant shall illustrate on the site plan the proposed route into and out of the site.
- Sheet 2 of 14 lists the total square footage of each building, as well as a break down for the warehouse and office uses. The larger building total square footage is listed on the plans as 108,301; however when the subcomponents are totals, they equal 109,801 square ft. In addition, the total square footage for both buildings is listed as 170,735 square feet on page 3 of the application, which is the total when each of the two totals are summed. However, if the large building subcomponents totals are correct, then the total of both building should be 172,235 square feet. These discrepancies must be corrected so that all totals are the same.

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- A landscaping plan that meets all Town requirements shall be provided. The landscaping plan must provide supplemental landscaping north of the proposed building and pavement area to help reduce the visual and audible impacts to these residents. In addition, enhanced landscaping must be provided along the length of the property that abuts the rail trail so that visual and audible impacts will not negatively affect the users.
- A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. This is especially critical along the boundary with
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points
- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

42. The Rockland County Highway Department reviewed the information and offered the following comments for consideration:

- The project should have a de minimis impact upon county roads in the area
- Due to the location and type of construction proposed, a Rockland County Highway Department Work Permit will be required for the proposed development and must be secured prior to the start of any excavation or construction on site.

43. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- The Rockland County Department of Health must approve plans for the sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.

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

44. 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.

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**45.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the referenced parcel is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not required. However, as an interested and involved agency pursuant to SEQRA, the RCDA offers the following comment(s) regarding the above referenced proposal basined on the information submitted:

1. Adequate pretreatment for bioretention systems should incorporate all of the following: (a) grass filter strip below a level spreader or grass channel, (b) gravel diaphragm and (c) a mulch layer. Please have the applicant / consultant provide the required pre-treatments for stormwater runoff directed into the proposed bioretention basins, as required by section 6.4 of the New York State Stormwater Management Design Manual.
2. The perimeter of all deep pool areas (four feet or greater in depth) shall be surrounded by an aquatic bench. Please have the applicant/ consultant provide an aquatic bench, average 15 feet wide and 12-18" height, for all proposed ponds with permanent pool depth of four feet or greater, as required by section 6.1 of the New York State Stormwater Management Design Manual.

**46.** The Town of Orangetown Bureau of Fire Prevention (Bureau) had the following, which are incorporated herein as conditions of approval and must be placed on the Site Plan as notes:

1. Install an NFPA 13 Compliant Fire Sprinkler system, Engineered for the entire proposed square footage and commodity it is protection with plans and design submitted for approval from the Bureau before sprinkler work begin. Maintained as per NFPA 25.
2. Install and NFPA 72 Compliant Fire Alarm system connected to Rockland County 44-Control. With plans, calculations, and cut sheets submitted to the Bureau for approval before fire alarm work begins. With Red and Amber strobes as per Orangetown Code.
3. Provide portable Fire Extinguishers as per NFPA 10.
4. Emergency lighting and Exit lighting as per NEC.
5. Carbon Monoxide Detectors as per NFPA 720.

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6. Apply for and maintain a Certificate of Compliance Fire Safety with the Bureau, pay for a Hazardous Materials Permit, if applicable.
  7. Provide Private Hydrants around access road around building.
  8. Provide Key box location to be determined.
  9. Show No Parking/Fire Lanes on the Final Approved Site Plan.
47. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Drainage Agency
  - Rockland County Sewer District No. 1
  - Rockland County Department of Health
  - Rockland County Highway Department
  - Town of Orangetown Zoning Board of Appeals
48. 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.
49. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
50. 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

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- 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  $\frac{3}{4}$  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.

**51.** 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.

**52.** 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.

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

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

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

56. 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

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

58. 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.

The foregoing Resolution was made and moved 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.

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: July 12, 2017**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**  
attachment

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**NEGATIVE DECLARATION  
Notice of Determination of Non-Significance  
Town of Orangetown Planning Board Decision**

**PB#17-32: Linen Choice Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #50133**

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

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

**NAME OF ACTION: Linen Choice Site Plan - Storage Building 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 Review**

**LOCATION:** The site is located at 57 North Troop Road/Glenshaw Street, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 17 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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