

**Meeting of July 26, 2017
Town of Orangetown Planning Board**

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

MEMBER ABSENT: Thomas Warren

Rick Oliver Acting 8/16/17 cc
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:

Project Sycamore Data Center Site Plan PB #17-42
Amendment to Final Site Plan **Amended**
Approval Subject to Conditions **with Conditions**
dated June 28, 2017, Condition #35
Construction Vehicle Access
Convent Road, Pearl River
73.08/1/1, 3 & 4; RPC - OP zoning district

275 North Middletown Road Internal PB #17-35
Commercial Subdivision Plan **Final Internal**
Prepreliminary/ Preliminary/ Final Plan **Commercial**
and SEQRA Review **Subdivision Approval**
275 North Middletown Road, Pearl River **Subject to Condition**
68.12/3/25; CO zoning district **Neg. Dec.**

Hawks View Subdivision PB #17-36
Review of Lot 22.4 (CEA) **Final Site Plan**
Prepreliminary/ Preliminary/ **Approval Subject**
Final Site Plan and SEQRA Review **to Conditions**
290/298 South Boulevard, Upper Grandview **Reaffirmation**
71.05/1/22.4; R-22 zoning district **of SEQRA**

Cardiovascular Research Foundation Site Plan PB #17-38
Prepreliminary/ Preliminary Site Plan **Preliminary Site Plan**
and SEQRA Review **Approval Subject**
8 Corporate Drive, Orangeburg **to Conditions**
73.20/1/36; LIO zoning district **Neg. Dec.**

HNA Training Center Site Plan PB #17-39
Prepreliminary/ Preliminary Site Plan **Preliminary Site Plan**
and SEQRA Review **Approval Subject**
334 Route 9W, Palisades **to Conditions**
78.13/1/1; LO zoning district **Neg. Dec.**

Defiant Brewing Company Site Plan PB #17-40
and Conditional Use Permit **Preliminary Site Plan**
Prepreliminary/ Preliminary/ Final Site Plan **and Conditional Use**
and SEQRA Review **Permit Approval**
4-6 Dexter Plaza, Pearl River **Subject to Conditions**
68.20/1/1./40; LI zoning district **Neg. Dec.**

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Sparkill-Palisades Fire District Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
520 Route 340, Sparkill
78.05/2/60 & 61; RG/R-15 zoning districts

PB #17-41

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

RRIS Corp. Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQR Review
1 Route 340, Orangeburg
74.11/2/26; CC zoning district

PB #16-36

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

Skae Site Plan
Prepreliminary/ Preliminary/ Final Site Plan,
Special Permit and SEQRA Review
337 – 330 Blaisdell Road, Orangeburg
76.08/1/3 & 4; LIO zoning district

PB #17-09

**Preliminary Site Plan,
Special Permit Approval
Subject to Conditions
Neg. Dec.**

Other Business:

The Planning Board consented to the Town Board to act as Lead Agency in the SEQRA review of the Amendment to the Town Code Chapter 43, § 10.5 of the Town Code Historic Areas. The Planning Board had no further comments.

The decisions of the July 12, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, absent.

A motion was made and moved to go into Executive Session to discuss Hillside Commercial Park Site Plan at 9:50 p.m. by Bruce Bond and seconded by Stephen Sweeney, and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, recused, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, absent.

A motion was made and moved to close the Executive Session 10:00 p.m. by Bruce Bond and seconded by Robert Dell and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, recused; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, absent.

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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 10:00 p.m. The next Planning Board meeting is scheduled for September 13, 2017.

DATED: July 26, 2017

**Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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TOWN CLERK'S OFFICE

**PB#17-35: 275 North Middletown Road
Internal Commercial Subdivision Plan**

Permit #46170

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

**Town of Orangetown Planning Board Decision
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**TO: Christine Brodsky, 275 North Middletown Road, Pearl River,
New York 10965**
FROM: Orangetown Planning Board

**RE: 275 North Middletown Road Internal Commercial Subdivision
Plan:** The application of 275 North Middletown Road, LLC, owner, for
Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review,
at a site known as “**275 North Middletown Road Internal Commercial
Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of
New York, the Land Development Regulations of the Town of Orangetown,
Chapter 21 of the Code of the Town of Orangetown 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 275
North Middletown Road, Pearl River, Town of Orangetown, Rockland County,
New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3,
Lot 25 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, July 26, 2017, the Board made the following determinations:

William Brodsky appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 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. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 27, 2017.
5. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated June 14, 2017.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 9, 2017.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated June 29, 2017.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated June 7, 2017.

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**PB#17-35: 275 North Middletown Road
Internal Commercial Subdivision Plan**

Permit #46170

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9. A Short Environmental Assessment Form, signed by William Brodsky, dated May 10, 2017.
10. A Project Narrative and list of tenants.
11. A copy of PB #00-158, 275 North Middletown Road Site Plan, Reapproval of Final Review Subject to Conditions, dated October 11, 2000.
12. Final Approved Site Plan, prepared by Atzl, Scatassa & Zigler, dated February 10, 1999, last revised June 30, 2001.
13. Internal Commercial Subdivision Plan prepared by Barry Terach, R. A., dated February 15, 2017, last revision dated of March 24, 2017.
14. Building Elevations prepared by James Tanner, R.A., dated January 1997:
 - Sheet Cover: Elevations
 - Sheet 1 of 9: Main Floor - Existing
 - Sheet 3 of 9: Main Floor – Addition
 - Sheet 1 of 9: Main Floor – Existing
 - Sheet 4 of 9: Second Floor - Addition
15. Building Permit Referral dated February 10, 2017, signed by Dave Majewski, Building Inspector.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, absent 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 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, absent 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 Barry Terach, R. A. and James Tanner, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Barry Terach, R. A. and James Tanner, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by 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, absent and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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PB#17-35: 275 North Middletown Road

Permit #46170

Internal Commercial Subdivision Plan

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

Town of Orangetown Planning Board Decision

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DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted Final Internal Commercial Subdivision 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. The applicant shall provide an internal commercial subdivision plan that shows all existing and proposed suites in the building. A table shall be provided on the plan showing the suite number and the occupant.
4. Separate Certificate of Occupancy will need to be obtained for each suite.
5. The Short Environmental Assessment Form appears to be in order.
6. Rockland County Department of Highways held that the proposed action should have a de Minimis impact upon the County Highway system. The internal construction will not require a permit from the County Highway Department.
7. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission and found that there are no Rockland County Department of Health approvals needed for this application.
8. 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.
9. 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
 - Rockland County Highway Department
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District No. 1

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PB#17-35: 275 North Middletown Road Internal Commercial Subdivision Plan - Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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10. 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.

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

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

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PB#17-35: 275 North Middletown Road
Internal Commercial Subdivision Plan

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

Town of Orangetown Planning Board Decision

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, 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: July 26, 2017

Cheryl Coopersmith

Chief Clerk Boards and Commissions

attachment



TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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

**PB#17-35: 275 North Middletown Road Internal Commercial Subdivision
Plan - Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 26, 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: North Middletown Road Internal Commercial
Subdivision Plan - Final Subdivision Plan Approval Subject to Conditions/
Neg. Dec.**

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

DESCRIPTION OF ACTION: Internal Commercial Subdivision Plan Review

LOCATION: The site is located at 275 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 25 in the CO 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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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,
New York 10901

FROM: Orangetown Planning Board

RE: **Hawks View Subdivision – Lot 22.4:** The application of SMK Homes Builders, Inc., owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, in the Critical Environmental Area, at a site known as “**Hawks View Subdivision – Lot 22.4**”, 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 in the Hawks View Subdivision, 290/298 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.4 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 12 and 26, 2017**, the Board made the following determinations:

July 12, 2017

Sean Keenan and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 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 July 12, 2017, with an attachment of an email from Jay Greenwell to John Giardiello, dated July 10, 2017 with an amended Site Plan last dated July 10, 2017
3. An 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. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 1, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 30, 2017.
6. A letter from the Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated June 23, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 19 & 22, 2017.

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8. A copy of a letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, to Jay Greenwell, PLS, LLC, dated July 3, 2017.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 29, 2017.
10. An Email from Allan Beers, Rockland County Coordinator of Environmental Resources, dated June 16, 2017
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated June 21, 2017.
12. A Short Environmental Assessment Form, signed by Sean Keenan, SMK Home Builders, Inc. dated June 8, 2017.
13. Site Plan prepared by Jay Greenwell, PLS, dated June 5, 2017.
14. Building Permit Referral dated June 7, 2017 signed by Rick Oliver, Building Inspector.
15. A Project Narrative prepared by Jay Greenwell, PLS, dated June 8, 2017.
16. A copy of PB #16-68, Final Subdivision Plan Approval Subject to Conditions, dated November 9, 2016.

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

The 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 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 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 Jay Greenwell, PLS, 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 Highway Department, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No. 1, and having reviewed proposed Site Plan by prepared by Jay Greenwell, PLS, 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 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, aye, the Board made a Negative Declaration pursuant to SEQRA.

The applicant requested a **CONTINUATION**.

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July 26, 2017

Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 2017.
2. A Landscaping Plan prepared by SMK Homes Builders, dated June 2017.
3. A copy of ACABOR #17-32, Approved Subject to Conditions, dated July 20, 2017.

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 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, absent and Stephen Sweeney, aye.

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".
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. Evergreen plantings shall be added along the south property line.
4. The Landscaping Plan shall be included with the Rockland County Highway Permit application.
5. On the Site Plan, show the patio on the plan and then note "to be removed".

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6. The maximum building height allowed is 22.65 feet. Please provide the actual height of the house on the Site Plan.
7. The well and the septic system need approval from the Rockland County Health Department.
8. The Short Environmental Assessment Form appears to be in order.
9. The applicant's Engineer shall specify whether the Perc Rate given in the supplied drainage calculation (6/8/17) is assumed or based upon a field survey. If the per rate is assumed, as per note #21 of the approved subdivision plan, "field Perc Tests shall be performed in the area of the proposed drainage mitigation, for all lots immediately installation of erosion control measures and before any other construction. No building permits shall be issued until results of test pits have been submitted to the Building Department and also to DEME.
10. The current grading plan for this lot differs from the original subdivision plan and now shows regrading on the neighboring lot (22.3), beyond the northern property line (to benefit the lot under review.) This regrading is in the area where the driveway for lot 22.3 was to be installed. The applicant's engineer shall show on the drawings and describe in a written summary, what affect/ impact this regrading will have on the development of the neighboring lot.
11. DEME has no record as to if the approved stormwater maintenance agreements (4 individual agreeme3nts for the Hawks View Subdivision were ever filed. The applicant shall either provide the filed documents or proceed to have them filed in the Rockland County Clerk's Office and provide copies to DEME.
12. There is no overflow to daylight provided for drywell gallery #2. This shall be corrected. Also, in connection with this it appears from the design and the elevation given, that the driveway trench drain will surcharge/ overflow before the drywells. This too is unacceptable.
13. **Drainage Review - Consultant**
The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the Hawks View Site Plan for Lot 22.4 be approved for drainage subject to the following conditions.

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Continuation of Condition #13.....

Project Description

This is the first drainage review report for this project; the Consultant previously approved the subdivision for drainage in its March 1, 2017 drainage review report. The property is Lot 1 of the Hawks View Estates Subdivision and is the southerly lot with frontage on Tweed Boulevard. There is an existing ridgeline that runs in a north/south direction through this lot. The approved subdivision had 3,269 SF of new impervious area east of the ridgeline where stormwater runoff flowed down the wooded hillside and 420 SF of impervious area west of the ridgeline where stormwater runoff flowed toward Tweed Boulevard. The approved design included three six feet diameter, five feet deep drywells to provide stormwater mitigation.

The proposed plan has a house with a larger footprint; a total of 5,430 SF of impervious area is now being added. The increase in 1,875 square feet of impervious area is mitigated with two additional drywells in the front of the property, for five total drywells on the site.

Project Comments

1. The "Proposed Flow Zone Map" prepared for the subdivision shall be updated to demonstrate that stormwater runoff is being distributed in approximately the same manner as the approved design. The drainage calculations are based on the 1,875 square feet of impervious surface being added but do not address the direction of runoff with respect to the ridgeline.
2. Soil percolation tests shall be done to verify the assumed rate of a 1" drop in 30 minutes.
3. The rim elevation at drywell gallery #1 is 485.5 and the trench drain in the driveway is at elevation 484.6. This shall be redesigned so the trench drain in the driveway does not surcharge first.
4. The maintenance schedule for the drywells shall be referenced on the plan.
5. The calculation for 24-hour percolation per drywell (Section 6 of the drainage calculations) shall be verified and/or clarified. Percolation through the sides of the drywell is not included as per the text, but is included as per the written formula. If percolation through the sides of the drywells is included, then additional separation between the drywells is required so each drywell acts independently in terms of percolation.

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

- The comments in the June 23, 2017 letter from the Rockland County Department of Highways must be met. All required Work Permits must be obtained prior to the commencement of any grading or construction on the site.
- The comments in the June 22, 2017 letter from the Rockland County Department of Health must be met.
- A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.
- A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- Since the parcel is located in the Critical Environmental Area, a review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- Prior to any start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site 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.

15. Rockland County Highway Department offered the following comments for consideration:

1. The 175 foot sight distance is substandard. The applicant shall explore if relocating the driveway will increase sight distance.
2. Any proposed plantings, landscaping, or permanent structures proposed within the right of way along Tweed Boulevard must appear on the site plan for review and approval by Rockland County Department of Highways.
3. The subdivision map#8353 entitled Hawks View Subdivision filed 3/13/17 in the Rockland County Clerk's Office indicates a 9.375 foot strip to be gratuitously dedicated to the County of Rockland. This dedication must be finalized in the form of a deed filed in the Rockland County Clerk's office prior to any permits being granted from Rockland County Department of Highways.
4. A Rockland County Highway Department Road Opening Permit will be required for the proposed gas connection within Tweed Boulevard.

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Continuation of Condition #15...

5. A Rockland County Highway Department Work Permit will be required for this and any future development being part of this subdivision, and secured prior to the start of any excavation or construction on said lots. In order to obtain a Highway Department Permit, the following items which apply to this development must be provided:
- A copy of Signed Final Subdivision/ Site Plan Drawings
 - A Certified Copy of the Final Approval from Municipal Board
 - A copy of the County Commissioner of Planning's recommendations to modify or disprove the proposed action
 - A Certified copy of determination of the local land use board overriding the County's Planning Board recommendation to modify or disprove, which determination must contain, or be accompanied by, a certified copy the statement of the local land use board's reason for the override required by General Municipal Law Section 239-m(6) and/ or Section 239-n(6).
 - Copy of Documents filed in Rockland County Clerk's office for right of way purposes, such as easements or offers of dedications to the County of Rockland.
 - Current Rockland County Highway Department Form filled out legible.
 - Check of Money Order made out to the Rockland County Commissioner of Finance for the appropriate fees.
 - Permits are only accepted from the property owners, legal representatives, owners contractor or the owner's engineering firm.

16. The Rockland County Health Department (RCDOH) has approved the individual disposal system plans submitted for Hawks View Subdivision 0- Lot #1 dated June 5, 2017, revised through June 26, 2017. The Design Basis for this approval is as follows: 440 gpd based on 4 bedroom @110 gpd for dwellings on each lot. This approval is subject to the following conditions:

1. THAT the proposed facilities be installed in conformity with said plans.
2. THAT RCDOH be contacted to inspect the bottom of the bed excavation and the completed project prior to when the system elements are covered over.
3. THAT individual sewage treatment system be no longer constructed or used for household, domestic use when public facilities become available. Connection to the public sewage system is required within one year of the system becoming available
4. THAT plan approval is limited to 5 years. Time extensions for approval may be granted by the Rockland County Department of Health based upon development facts and regulations in effect at that time. A new plan submission may be required to obtain a time extension.
5. THAT all local and state agency rules and regulations be complied with.

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

18. The 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 Highway Department

19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

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

- 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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22. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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

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

25. 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).

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

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

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

TOWN CLERK'S OFFICE
2017 AUG 16 A 11:29
TOWN OF ORANGETOWN

PB#17-36: Hawks View Subdivision – Lot 22.4
Critical Environmental Area - Final Site Plan Approval Subject to
Conditions/ Neg. Dec.

Permit # 46563

Town of Orangetown Planning Board Decision
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29. 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 William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, 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: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

**PB#17-36: Hawks View Subdivision – Lot 22.4 Permit # 46563
Critical Environmental Area - Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 26, 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: Hawks View Subdivision – Lot 22.4
Final Site Plan Approval Subject to Conditions – Critical Environmental
Area**

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

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located in the Hawks View Subdivision, 290/298 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 22.4 in the R-22 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

**PB#17-38: Cardiovascular Research Foundation
Cardiovascular Research Foundation Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #46496

**Town of Orangetown Planning Board Decision
July 26, 2017
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**TO: Jane Slavin, AIA, 200 Erie Street, East, Suite 1E, Blauvelt,
New York 10913**
FROM: Orangetown Planning Board

**RE: Cardiovascular Research Foundation Site Plan: The
application** of Cardiovascular Research Foundation, owner, for Prepreliminary/
Preliminary Site Plan Review, at a site known as "**Cardiovascular Research
Foundation 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 8 Corporate Drive, Orangeburg, Town of Orangetown, Rockland
County, New York, and as shown on the Orangetown Tax Map as Section 73.20,
Block 1, Lot 36 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, July 26, 2017, the Board made the following determinations:

Joseph Montana and Hugh Linnehan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 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 26, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., one received July 20, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 18, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 20, 2017.
6. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated July 11, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28 & 30, 2017.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated July 10, 2017.

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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chair dated June 21, 2017.
10. Building Permit Referral dated May 19, 2017, signed by Glenn Maier, Building Inspector.
11. Short Environmental Assessment Form signed by Steven Gamelsky, dated June 20, 2017.
12. CRF Facility Plans prepared by GEA, Engineering, P.C., dated June 20, 2017:
 - Drawing T-1: Title Sheet and Vicinity Map
 - Drawing 1 of 3: Preliminary Amended Site Plan
 - Drawing 2 of 3: Grading, Stormwater and Utility Plan
 - Drawing 3 of 3: Soil Erosion Control and Stormwater Details
13. Stormwater Calculations Report prepared by GEA Engineering, P.C.
14. A letter from JSA Architecture & Design Group, signed by Jane Slavin, AIA, dated July 25, 2017.

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 Michael Mandel 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, absent and Stephen Sweeney, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by 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, absent 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.

TOWN CLERK'S OFFICE
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**PB#17-38: Cardiovascular Research Foundation
Cardiovascular Research Foundation Site Plan
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**Town of Orangetown Planning Board Decision
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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 GEA Engineering 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 Highway Department, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by GEA Engineering a summary of the reasons supporting this determination is, 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 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, absent and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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ACABOR Waiver: A motion was made to Waive the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review by Bruce Bond and second 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, absent and Stephen Sweeney, aye

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. The Zoning Bulk Table shall be amended to contain the required Front Yard Setback as 100 feet and the provided front yard setbacks of 128.5 feet from Corporate Drive and 157.1 feet from Blaisdell Road, respectively.
4. The typical width and length of the parking spaces shall be labeled on the plans.
5. The handicap parking spaces shall comply with the New York State Building Code requirements.
6. The Short Environmental Assessment Form appears to be in order.
7. The Stormwater management report supplied is under review by DEME. However, the 24 hour rainfall data used in the analysis is slightly out of date and incorrect. The calculations must be revised using the current rainfall data for Rockland County (for example, the 100 yr. storm in the calculations uses 8.90 inches, but the current number for the 100 yr. storm is 9.07 inches).

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8. The total area of disturbance shall be listed on the plans and in the stormwater calculations. The applicant/ applicant's engineer is reminded that any disturbance over 1 acre will require a full SWPPP.

9. Soil borings, perc tests and determination of ground water elevations shall be performed at the proposed underground drainage detention system. These tests/ investigations shall be performed in the Spring when the ground water table is typically at its highest. DEME and the Building Department shall be notified when this work is to be done so that the test tests can be witnessed. This shall be done prior to this proposal receiving final approval.

10. Design, installation and maintenance details shall be added to the stormwater management plan for the proposed underground Stormtech system.

11. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval.

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

13. 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.

14. Profiles for the proposed drainage piping shall be added to the drawings.

15. The datum for the contours shall be given on the Site Plan.

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

17. Drainage Review - Consultant

Sufficient information and details have been provided to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation. The Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the Cardiovascular Research Facility Site Plan application be approved for drainage subject to the following Project Comments.

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Continuation of Condition #17...

This is the first drainage review report for this project. The proposed work includes an addition to the existing medical building. The addition is 25' x 52' and located on the north side of the building in an area that is currently grass. Stormwater runoff flows southeast towards Blaisdell Road.

An underground detention system is proposed to mitigate against increases in stormwater runoff rates. Overflows from the detention system enter an on-site piped storm drainage system, which discharges to an existing storm drainage system on Blaisdell Road.

Project Comments

1. Additional proposed grading is required in the rear of the addition to show stormwater runoff will be directed around the new buildings.
2. The source of the topography shall be included on the Site Plan and verified. There appears to be an inconsistency in the location of the ground slope on the plan versus what is observed in the field.
3. Percolation test pits shall be provided in the vicinity of the proposed detention area to verify depth to groundwater table and the assumed percolation rate. This shall be done prior to final signature.
4. The drainage calculations shall not include the storage volume above the invert of the overflow pipe. Alternately, the overflow pipe can outlet from the detention system above the crown of the detention system.
5. The maintenance schedule shall be provided on the site plan.

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

- As indicated in the July 11, 2017 letter from the Rockland County Department of Highways, a Permit must be obtained prior to the start of construction on the site.
- Prior to any start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site 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.
- The Water District note must be revised from "United Water" to Suez".

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**PB#17-38: Cardiovascular Research Foundation
Cardiovascular Research Foundation Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #46496

**Town of Orangetown Planning Board Decision
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19. 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 be required for the proposed construction and shall be secured prior to the start of any construction on site.

20. 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.

21. 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.

22. The proposed addition shall be similar in color to the existing building.

23. 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 Highway Department

24. 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.

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

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

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

28. 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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**Town of Orangetown Planning Board Decision
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29. 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.

30. 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.

TOWN OF ORANGETOWN
2017 AUG 16 A 11:30
TOWN CLERK'S OFFICE

**PB#17-38: Cardiovascular Research Foundation
Cardiovascular Research Foundation Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #46496

**Town of Orangetown Planning Board Decision
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31. 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.

32. 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).

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

34. 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

The foregoing Resolution was made and moved by William Young 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, 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: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions**
attachment

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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

**PB#17-38: Cardiovascular Research Foundation
Cardiovascular Research Foundation Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #46496

**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: Cardiovascular Research Foundation 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 8 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 36 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
JUL 26 2017
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**PB#17-39: HNA Training Center Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #46550

**Town of Orangetown Planning Board Decision
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**TO: Brian Quinn, 67 N. Main Street, New City, NY 10956
FROM: Orangetown Planning Board**

RE: HNA Training Center Site Plan: The application of HNA Training Center NY, LLC, owner, for Prepreliminary/ Preliminary Site Plan Review, at a site known as "HNA Training Center NY, 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 334 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.13, Block 1, Lot 1 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 26, 2017**, the Board made the following determinations:

Brian Quinn, Jesse Cokeley and Chris Costabile appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 2017.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orange town, signed by John Giardiello, P.E., Director, dated July 26, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 20, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 25, 2017.
5. Letters from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, and Adam Carsen, dated July 13, 2017.
6. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated June 14 & 26, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 15, 2017.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated July 10, 2017.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated June 21, 2017.

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10. A Full Environmental Assessment Form, signed by Jesse Cokeley, P.E. dated June 7, 2017.
11. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., Project Manager, dated June 7, 2017.
12. A Stormwater Management Report for Palisades Executive Conference Center Expansion, dated June 7 2017, prepared by Maser Consulting.
13. A Narrative Summary prepared by Jesse Cokeley, P.E., Project Manager, Maser Consulting, dated June 7, 2017
14. Preliminary Site Plans, prepared by Maser Consulting, dated June 7, 2017:
 - Sheet 1: Cover Sheet
 - Sheet 2: Project Notes
 - Sheet 3: Overall Layout Plan
 - Sheet 4: Building Layout Plan
 - Sheet 5: Parking Layout Plan
 - Sheet 6: Building Grading Plan
 - Sheet 7: Parking Grading Plan
 - Sheet 8: Soil Erosion & Sediment Control Plan
 - Sheet 9: Construction Details
 - Sheet 10: Construction Details
15. Building Permit Referral dated June 8, 2017, signed by Rick Oliver, Building Inspector.

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

Public Comment:

Paul George, 46 Hey Hoe Woods Road, raised concerns regarding the location of the proposed construction and if it was near his property. He requested information regarding the location of the proposed land banked parking and the procedure the applicant needs to take if they wanted to take the land out of being land banked. Mr. George also questioned the Board regarding the impact of lighting shining onto his property.

Eileen Larkin, Palisades resident and past Town Councilwoman, requested information regarding the types of businesses using the site, the hours of events and if the new bedroom units would have kitchens. Mrs. Larkin welcomed the new business to Palisades.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bone 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, absent and Stephen Sweeney, aye.

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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 Bruce Bond 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, absent 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 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 Department of Planning, Rockland County Department of Health, Rockland County Highways Department, Rockland County Sewer District No.1, 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:

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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 Bruce Bond 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, absent 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 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 Bulk Table shall contain the "Use Group" as "W". Please include the "Use Group" on the Bulk Table.

4. The yard setback is measured from the buffer setback line. Therefore, the proposed side yard is 51.47 and not 151.47. The required side yard is 150 feet and not 250 feet. The required total side yard is 250 feet and not 350 feet. Please correct the Bulk Table. In addition, the proposed side yard on the site plan shall be labeled as 51.41 feet. A variance from the Town of Orangetown Zoning Board of Appeals needs to be sought for side yard since 150 feet is required and 51.47 feet is provided.

5. The plans have labeled the addition as a "Proposed 5 story hotel addition". Please be advised a "hotel" is not a use permitted by right in the LO zone district. A Use Variance will be required for a "Hotel". Please clarify the proposed use. The Executive Conference Facility allows "housing" for the use of participants and administrators. The total occupancy, including administrators and participants shall be limited to 18 persons per site acre. Therefore, please provide on the plans the existing number of housing rooms, existing / proposed administrators and add that to the proposed new occupants for the new housing addition.

6. The parking calculations shall show the existing number of occupants and the number of proposed occupants and the required number of parking spaces for each.

7. Elevation views and of the proposed addition shall be provided to the Planning Board.

8. A Landscaping Plan shall be provided.

9. The project shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR).

10. The Full Environmental Assessment Form appears to be in order.

11. The stormwater management report supplied is under review by DEME. However, the 24 hour rainfall data used in the analysis is out of date and incorrect. The calculations must be revised using the current rainfall data for Rockland County (for example, the 100 yr. storm in the calculations uses 7.5 inches, but the current number for the 100 yr. storm is 9.07 inches).

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12. The stormwater management report states that a SWPPP may not be required because the intention of the applicant is to land bank the proposed parking DEME concurs that **IF** the proposed parking spaces are land banked, a SWPPP will not be required. However, if the parking spots are required, a full SWPPP shall be prepared and submitted to DEME for review and approval.

13. Soil borings, perc tests and determination of groundwater elevations shall be performed at all proposed 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.

14. Design, installation and maintenance details shall be added to the stormwater management plan for the proposed underground Stormtech system.

15. The post construction stormwater maintenance plan is under review by DEME.

16. Sanitary calculations for the proposed private sanitary pumping station and force main shall be supplied to DEME for review and approval.

17. The SESC plans shall be revised to comply with the NYSDEC-SMDM standard symbols.

18. A standard storm drain manhole shall be added to the plans.

19. 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.

20. Profiles for the proposed drainage piping shall be added to the drawings.

21. The datum for the contours shall be given on the Site Plan.

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

23. Drainage Review - Consultant

Sufficient information and details have been provided to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation. The Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the HNA Addition Site Plan application be approved for drainage subject to the following Project Comments:

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Continuation of Condition #23....

This is the first drainage review report for this project. The proposed work includes a 12,000 square feet addition to an existing hotel. The addition is located on the east side of the existing building and has a curved face along the south side that follows the edge of an adjacent pond. Stormwater runoff flows in a southerly direction to the pond. The pond impounds a tributary to the Sparkill Creek and contains a weir control structure along the west (downstream) side of the pond. The stream and pond are not mapped FEMA watercourses with a defined and regulated floodplain. Additional work is proposed along the east portion of the parking lot to provide a minor reconfiguration of the parking lot and add additional parking spaces. Stormwater runoff mitigation is provided by a proposed underground detention system in the rear (north) side of the building.

Project Comments

1. A hydrologic and hydraulic analysis of the pond and stream shall be prepared to demonstrate the low floor elevation will not be inundated. It is recommended two feet of freeboard be provided between the low floor and the calculated 100-year peak pond elevation.
2. The land slopes downhill in a southerly direction towards the pond; the building addition blocks the flow of stormwater runoff. A yard drain is provided to intercept runoff; however, additional detail shall be provided along the proposed patio that demonstrates that the stormwater will flow between the buildings to the pond.
3. Additional grading is needed at the northwest corner of the building addition at the proposed Yard Inlet. This has a rim elevation of 123 and it appears stormwater runoff can bypass this inlet. Additional grading is needed in this area to demonstrate stormwater runoff is directed away from the building.
4. The footing drain shall be shown for the building addition.
5. A typical swale detail for the rear yard shall be provided.
6. A plan view of the Stormtech chambers shall be provided. Elevations of the pipes shall be added to the section detail. The overflow shall be shown on the detail.

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Continuation of Condition #23....

7. The sediment and erosion control plan shall address if any dewatering will be necessary to construct the building foundation footings that are in close proximity to the pond.
8. Percolation test pits shall be provided in the vicinity of the proposed detention area to verify depth to groundwater table and the assumed percolation rate. This shall be done prior to final signature.
9. Maintenance schedule shall be provided on the site plan.

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

- A review must be completed by the New York State Department of Transportation, and all required permits obtained.
- A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- The comments of the June 15, 2017 letter from the Rockland County Department of Health must be met.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- Backup generators shall be provided for the proposed guest room expansion to the existing training facility, so that in the event of power outages due to storm related incidents, so that the facility can be operational at all times.
- General Note #5 indicates that fresh water wetlands are indicated on the site; however, the site plan does not illustrate the location of these wetlands. The wetlands must be clearly delineated on the site plan.

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Continuation of Condition #24....

- The parking layout plan, sheet 5 of 10, indicates that 29 parking spaces will be provided as land banked spaces. However, the parking spaces where 10 new spaces are illustrated contain only 6 new spaces. This is also reflected in the overall layout plan. Therefore, the total number of parking spaces provided, 645 spaces, is incorrect. The parking table and parking layout must be consistent. The parking layout must be redesigned so that an adequate number of parking spaces are provided.
- The number of stories and proposed height of the expansion must be clarified. The bulk table building height for the proposed structure indicates it will be 37 feet. It must be clarified if this is correct since the building layout plan indicates that a five story addition is to be constructed.
- If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- Areas dedicated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping, located in the islands, from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designated specific locations on the site for snow piles, especially since only a minimum number of parking spaces are being provided, will eliminate the loss of parking spaces meant for the patrons and employees of the conference center.
- All proposed signage shall be indicated on the Site Plan, properly set back from the County highway, and shall conform to the municipality's sign standards.
- The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services with regards to reviewing an emergency evacuation plan.

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Continuation of Condition #24....

- A review must be completed by the County of Rockland Office of Fire and Emergency Services or the Tappan Fire District to ensure that there is sufficient maneuverability on site for emergency vehicles.
- 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).

25. 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 of this parcel, a Rockland County Highway Department Work Permit will not be required.

26. 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.

27. 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.

28. 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
- Rockland County Highway Department
- Rockland County Department of Planning
- Town of Orangetown Zoning Board of Appeals

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29. 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.

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

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

32. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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**Town of Orangetown Planning Board Decision
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33. 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.

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

35. 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).

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

37. 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

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

TOWN CLERK'S OFFICE
2017 AUG 16 A 11:32
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
July 26, 2017
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39. 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 William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, 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: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN OF ORANGETOWN
2017 AUG 19 A 11:32
TOWN CLERK'S OFFICE

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

**PB#17-39: HNA Training Center Site Plan
Preliminary Site Plan Approval Subject
to Conditions/ Neg. Dec.**

Permit #46550

**Town of Orangetown Planning Board Decision
July 26, 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: HNA Training Center Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: HNA Training Center Site Plan

LOCATION: The site is located at 334 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.13, Block 1, Lot 1 in the LO 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
AUG 15 2017 11:32 AM
TOWN OF ORANGETOWN

PB #17-40: Defiant Brewing Company **Permit #46527**
Preliminary Site Plan and Conditional Use Permit Approval Subject
to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
July 26, 2017
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TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: Defiant Brewing Company Site Plan and Conditional Use Permit: The application of Defiant Brewing Company, applicant, for Tri Bee Ltd. owner, for Prepreliminary/ Preliminary/ Final Site Plan and Conditional Use Permit Review, at a site known as “**Defiant Brewing Company Site Plan and Conditional Use Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 4-6 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1. /40 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 26, 2017** the Board made the following determinations:

Donald Brenner and Neill Acer appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 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 26, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 20, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 24, 2017.
5. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated July 10 & 17, 2017.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 3, 2017.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated July 10, 2017.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Action Chair, dated July 5, 2017.
9. Commercial Subdivision Plan prepared by Jay Greenwell, PLS, LLC, dated March 16, 2015, last revised on June 23, 2017.
10. Architectural Plan prepared by SNS Architects & Engineers, PC, dated April 12, 2017, last revised April 20, 2017.
11. Short Environmental Assessment Form signed by Neill Acer, dated June 15, 2017.

TOWN CLERK'S OFFICE
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Town of Orangetown Planning Board Decision

July 26, 2017

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

Public Comment:

Peter Bellhouse, local business owner in Pearl River, questioned why downtown businesses needed to provide parking on site since there was street parking. Mr. Bellhouse supported the project and held that Defiant Brewing Company was a benefit to Pearl River.

There being no one else from the public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel 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, absent 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 Bruce Bond 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, absent 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 Jay Greenwell, PLS and SNS Architects & Engineers 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 Department of Health, Rockland County Highway Department and having reviewed proposed Site Plan by prepared by Jay Greenwell, PLS and SNS Architects & Engineers, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

Town of Orangetown Planning Board Decision

July 26, 2017

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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 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, absent and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

Conditional Use Permit:

In view of the foregoing and the testimony before the Board, the application was GRANTED A CONDITIONAL USE PERMIT, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location and height of the building and landscaping will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

Town of Orangetown Planning Board Decision
July 26, 2017
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On motion 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, absent and Stephen Sweeney, aye, the Conditional Use Permit was Granted.

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. The applicant created a "nightclub" in an existing storage area. Please label on the Egress Plan the "tenant" space designation.
4. The Commercial Subdivision Table shall list the occupant of each tenant space shown on the Commercial Subdivision plan.
5. The Defiant tenant areas total 286 persons. Please explain how the existing parking as shown on the commercial subdivision will accommodate the 286 persons when a total of 71 parking spaces exist for the entire site.
6. A traffic/ parking study shall be provided for the Defiant tenant areas.
7. The proposed parking requirement shall comply with the nightclub parking requirements. The gross floor area for the Defiant tenant areas shall be provided on the egress plan.
8. A nightclub is a Conditional Use in the LI zone district. The Planning Board shall determine conformity of the proposed use.
9. The Short Environmental Assessment Form appears to be in order.
10. An inspection by the Town of Orangetown Bureau of Fire Prevention must be conducted and a report submitted to the Planning Board prior to Final approval.

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 26, 2017

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

- A review must be completed by the Rockland County Highway Department and all required permits obtained.
- A review must be completed by the Rockland County Drainage Agency and all required permits obtained.
- A review must be completed by the County of Rockland Department of Health Department and all required permits obtain from them.
- A review must be completed by the New York State Department of Transportation and all required permits obtained.
- The site plan and interior architectural drawings do not provide an updated parking count comparing the parking requirements of the previous uses with the prosed new use in the areas of expansion. A revised parking count must be made showing any change in the required parking caused by the change of use, and positively demonstrate that there is adequate onsite parking for all tenants.

12. The Rockland County Department of Highways reviewed the plans and offered the following comments:

- Based upon the plans and information provided, the proposed action should a de-Minimis impact upon the County highway system.
- All parking be contained onsite in accordance to current Town zoning code. All required parking shall be provided and parking shall be adequate for type of use. Should the Town Board be satisfied with the proposed parking configuration, then the County Highway department poses no objection to the site plan and conditional use permit as presented.
- Since the proposed action involves internal space construction a Rockland County Highway Department work permit will not be required for proposed improvements.

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

TOWN CLERK'S OFFICE
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Town of Orangetown Planning Board Decision

July 26, 2017

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14. 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.

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

16. 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.

17. 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
- Rockland County Sewer District #1
- Rockland County Department of Highways
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals

18. 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:

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
July 26, 2017
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Continuation of Condition #18....

- 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.

19. 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.

20. 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.

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

22. 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).

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23. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
24. 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 DEMA 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
25. 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 Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, 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: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN OF ORANGETOWN
2017 AUG 16 A 11:33
TOWN CLERK'S OFFICE

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB #17-40: Defiant Brewing Company

Permit #46527

Preliminary Site Plan and Conditional Use Permit Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 26, 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: Defiant Brewing Company Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review and Conditional Use Permit

LOCATION: The site is located at 4-6 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, and Lot 1. /40 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

TOWN CLERK'S OFFICE
2017 AUG 16 A 11:33
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Town of Orangetown Planning Board Decision
July 26, 2017
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TO: John Atzl, Atzl, Nasher & Zigler, 234 North Main Street, New
City, New York 10956
FROM: Orangetown Planning Board

RE: **Sparkill-Palisades Fire District Site Plan:** The application of the Sparkill-Palisades Fire District, owner, for Prepreliminary/ Preliminary Site Plan Review, at a site known as "**Sparkill – Palisades Fire District 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 520 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.05, Block 2, Lots 60 & 61 in the RG/R-15 zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 26, 2017**, the Board made the following determinations:

John Atzl and Jerome Jefferson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 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 26, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 20, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 25, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 20, 2017.
6. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated July 11, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28 & 30, 2017.
8. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated July 5, 2017.
9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated July 10, 2017.
10. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath, Assistant Fire Inspector, dated July 17, 2017.
11. A letter from the New York State Department of Environmental Conservation, signed by Joseph Murray, Environmental Analyst, Division of Environmental Permits, dated July 21, 2017.

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Town of Orangetown Planning Board Decision
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12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Action Chair, dated July 5, 2017.
13. A letter from the Sparkill Palisades Fire District, dated July 11, 2017, amended July 26, 2017, signed by William Sullivan.
14. A letter from Martin Sendlewski, Architect/Planner, architect for the applicant, signed by Sean Hilgeman, AIA, dated July 24, 2017.
15. A Full Environmental Assessment Form signed by William Sullivan, dated June 9, 2017
16. A copy of the Building Permit Referral signed by David Majewski, Building Inspector dated June 29, 2017.
17. Plans entitled Sparkill-Palisades Fire District, prepared by Atzl, Nasher & Zigler, P.C. Engineers – Surveyors- Planners, dated May 15, 2017:
 - Drawing 1: Existing Site
 - Drawing 2: Site Plan
 - Drawing 3: Grading Plan
 - Drawing 4: Erosion & Sediment Control Plan

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

Public Comment:

Laurie Peek, 262 Washington Street, Tappan; speaking on behalf of the Sparkill Creek Watershed Shoreline Committee, raised concerns regarding the impact of the proposed development on the banks of the Sparkill Creek. She wanted to know what they were going to do with the plantings along the shore line.

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 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, absent 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 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, absent and Stephen Sweeney, aye, the Board declared itself Lead Agency.

TOWN CLERK'S OFFICE
2017 AUG 16 A 11:33
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
July 26, 2017
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Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Nasher & Zigler, 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, Rockland County Sewer District #1, Rockland County Drainage Agency, Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, New York State Department of Environmental Conservation, Palisades-Sparkill Fire District and having reviewed proposed Site Plans by prepared by Atzl, Nasher & Zigler 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;

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- 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 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, absent 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 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. No new development shall take place on the east side of the lot or shall there be any new encroachment on the north side of the lot, other than the existing parking on the lot.
4. A Flood Plain Permit shall be submitted for this project.
5. The proposed addition shall have an Elevation Certificate issued.
6. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Variance	Required	Existing	Proposed
Side Yard	100 feet	69 feet	35.7 feet
Total Side Yard	200 feet	189.9 feet	156.5 feet

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7. The Full Environmental Assessment Form appears to be in order.
8. The drainage calculations are currently under review by DEME. However, because the Perc Rate is assumed, a field Perc Test shall be administered prior to receiving final approval for site plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
9. The drainage calculations provided shall breakdown the amount of existing vs new impervious surfaces in a table format.
10. Although water quality improvements are not normally required when the total area of disturbance is under 1 acre, the design engineer shall provide water quality improvements because this site drains directly into the Sparkill Creek. This is critical as the portion of the Sparkill Creek that this site drains to, is on the NYSDEC 303rd list of impaired waters. Any untreated waters that feed the Sparkill will only tend to exacerbate the existing problems with the Sparkill Creek. The water quality improvements (CDS system/ Oil water separators/ or other equivalent as selected by the applicant's design engineer) shall be depicted on the plans, with corresponding details and spelled out (calculations/ sizing) in the stormwater management report.
11. A post construction stormwater plan (including inspection checklists) shall be prepared for this site for the proposed stormwater systems and shall be submitted to DEME for review and approval.
12. All existing easements shall be shown on the plan, including page and liber or instrument number, and ownership.
13. The SESC plans shall be revised to comply with the NYSDEC – SMDM standard symbols.
14. Profiles for the proposed drainage piping shall be added to the drawings.
15. 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.
16. **Drainage Review - Consultant:** Sufficient information and details have been provided to demonstrate that potential significant impacts with respect to drainage have been mitigated and the Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the Sparkill-Palisades Fire District Site Plan application be approved for drainage subject to the following comments.

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Continuation of Condition #16...

1. The Site Plans shall show an equivalent amount of drainage area based on the new impervious surface directed to the drywells. This area needs to be clearly noted for ease of inspection.
2. The first floor, garage floor, and low floor elevations of the building additions shall be shown on the Site Plan. Columns supporting the addition shall be shown on the Site Plan.
3. The drywells shall be relocated outside the 100-year floodplain. The invert of the stone of the drywell is about at the invert of the Sparkill Creek; groundwater is likely to be encountered at the proposed location.
4. An elevation certificate for proposed conditions shall be provided and a map note shall be added requiring an elevation certificate for finished construction prior to issuance of a certificate of occupancy.
5. The floodway shall be shown on the Site Plan.
6. A map note shall be added that a permit is required from the Rockland County Drainage Agency.
7. The FEMA map panel shall be added to the floodplain note labeling the Sparkill Creek 100-year floodplain.
8. The 500-year floodplain shall be added to the Site Plan.
9. If the northern driveway is to be one-way to the west, the applicant may wish to consider a narrower driveway width to reduce impervious surfaces on the site.
17. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - As indicated in the June 30, 2017 letter from the Rockland county Department of Health, a review must be done by to ensure compliance with Article XIX, Mosquito Control of the Rockland County Sanitary Code.
 - The conditions and comments in the July 5, 2017 letter from the Rockland County Drainage Agency must be met. All required permits must be obtained.

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Continuation of Condition #17...

- A review shall be completed by the New York State Department of Transportation, any concerns addressed, and all required permits obtained.
- At appears that there may be federal wetlands in the northwestern portion the site. If any wetlands are to be disturbed, then a review must be completed by the United States Army Corp of Engineers. In addition, the USACOE must be added to the list of Involved Agencies for SEQRA.
- The applicant should explore alternative options for the proposed addition to minimize the impact within the 100 year floodplain.
- The Village of Piermont is one of the reasons this proposal was referred to Rockland County Planning for review. The municipal boundary is approximately 270 feet north of the subject property line. As required under Section 239n of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposal and provide any concerns related to the property to the Town of Orangetown. In addition, the Village of Piermont must be added to the Involved Agencies list for SEQRA Purposes.
- One of the two parking spaces in the northeast corner of the proposed lot appears to be undersized. This must be corrected or the parking count must be amended to reflect the lower number.
- 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.
- The proposed site plan indicates that side yard and total side yard variances will be required. The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.
- The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

18. The Rockland County Department of Highways reviewed the plans and found that the proposed action should have a de-Minimis impact upon county roads in the area. Due to the location of this parcel and a Rockland County Highway Department Work Permit will not be required for the proposed development.

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19. The Rockland County Department of Health (RCDOH) reviewed the plan and found that application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

20. 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.

21. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for any developments within this site. The RCDA is in receipt of a Stream Control Act permit application from the applicant and the proposal is going through permit review process.

22. The New York State Department of Environmental Conservation (DEC, Department) indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- **Protection of Waters:** The Sparkill Creek, Class C, DEC Water Index Number is H-13, Status is Non-protected. A Protection of Water permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams. If a permit is not required, please note, however the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. 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 waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **401 Water Quality Certification** - The project site 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) has authority under federal law to regulate wetlands in New York State. An ACOE permit may be required for this proposal. You should have the project sponsor contact the Army Corps of Engineer directly at 917-790-8511 for any permitted they might require.

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Continuation of Condition #22...

- **Endangered and Threatened Species:** According to Department records, the following state-listed species have been recorded within or near the project site: least bittern (US threatened). The potential impacts of the proposed project on these species shall be fully evaluated during the review of the project pursuant to SEQR and the DEC permitting process. The Department recommends the use of erosion and sediment control measures (i.e. silt fence) during all ground disturbance associated with the project in order to maintain the water quality of the surrounding aquatic resources (i.e. streams and wetlands).
- Please note that if the above conservation measure (i.e. erosion and sediment controls) cannot be incorporated within project plans, then additional study and review of impacts to these species by a qualified individual may be required by the Department.
- The absence of other species data does not necessarily mean that additional rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, Department files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. DEC cannot provide a definitive statement on the presence or absence of all rare or state listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
- **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.
- **Floodplains:** It appears that the site is partially within the mapped 100-year floodplain and floodway, according to Federal Emergency Management Agency's Map No. 36087C0193G. The potential impacts of development within areas should be evaluated during the review of the project pursuant to SEQR. In order to develop within the 100- year floodplain and / or floodway, the project sponsor must apply for and receive a floodplain development permit from the Town of Orangetown, and must comply with the local floodplain development requirements.

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23. 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
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- New York State Department of Environmental Conservation
- Palisades-Sparkill Fire District

24. 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.

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

26. 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.

27. 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:

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Continuation of Condition #27...

- 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.

28. 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.

29. 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.

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

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

33. 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 DEMA 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

34. 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 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, absent and Stephen Sweeney, aye.

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

**Dated: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions**
attachment

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NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB #17-41: Sparkill-Palisades Fire District Site Plan Permit #46585
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

Town of Orangetown Planning Board Decision
July 26, 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: Sparkill-Palisades Fire District Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 520 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.05, Block 2, Lots 60 & 61 in the RG/R-15 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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**PB#16-36: RRIS Corp Site Plan:
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #45162

**Town of Orangetown Planning Board Decision
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: RRIS Corp. Site Plan: The application of Paul Adler, owner, for Prepreliminary/ Preliminary Site Plan Review at a site known to be known as **"RRIS Corp. 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 1 Route 340, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 26 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 26, 2017**, the Board made the following determinations:

Donald Brenner and Jesse Cokeley appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 19, 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 26, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 20, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 25, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 20, 2017.
6. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated July 11, 2017.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28 & 30, 2017.
8. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 13, 2017.
9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated July 10, 2017.
10. A letter from the New York State Department of Environmental Conservation, signed by Victoria Lawrence, Division of Environmental Permits, dated July 18, 2017.

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11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Action Chair, dated July 5, 2017.
12. A Short Environmental Assessment Form signed by Paul Adler, dated June 2, 2017.
13. A Project Narrative prepared by the applicant.
14. Stormwater Management Report prepared by Maser Consulting dated June 16, 2017.
15. RISS Corporation Preliminary Major Site Plan, prepared by Jesse Cokeley, Maser Consulting, dated June 6, 2017:
 - Sheet 1 of 9: Cover Sheet
 - Sheet 2 of 9: Project Notes
 - Sheet 3 of 9: Demolition Plan
 - Sheet 4 of 9: Layout Plan
 - Sheet 5 of 9: Grading, Drainage and Utility Plan
 - Sheet 6 of 9: Soil, Erosion & Sediment Control Plan
 - Sheet 7 of 9: Construction Details
 - Sheet 8 of 9: Construction Details
 - Sheet 9 of 9: Construction Details
16. Building Permit Referral dated March 8, 2016, signed by Rick Oliver, Building Inspector.

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

Public Comment:

Mary Cardenas, Town of Orangetown Museum Director of the Orangetown Historical Museum and Archives and 66 Pine Tree Lane, Tappan; provided the Board with a handout noting that the project site housed a "boxing" training site for Jack Dempsey, a world heavyweight title boxer in the 1920's. Mrs. Cardenas noted that the site is part of Orangetown's history and should be honored with a commemorative plaque as "Gus Wilson's Prize Fighting Training Camp".

Larry Vale, 389 Kings Highway, Tappan: raised concerns regarding the impact to the Sparkill Creek from the development of the site. Construction on this site would increase flooding, requesting the Board to address these issues. Mr. Vale reviewed the plans and did not see any infiltration at the site and requested the Board to review the plans for green infrastructure. He requested that the applicant submit a Full Environmental Assessment Form.

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 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, absent and Stephen Sweeney, aye.

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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 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, aye; Thomas Warren, absent 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 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 Highway Department, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Drainage Agency, New York State Department of Environmental Conservation, and having reviewed proposed Site Plan by prepared by Maser Consulting 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;

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- 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, aye; Thomas Warren, absent 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 Preliminary Site Plan 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. As part of Orangetown history a commemorative plaque shall be placed on the north end of the site noting that it was the location of "Gus Wilson's Prize Fighting Training Camp". The applicant shall contact Mary Cardenas, Museum Director of the Orangetown Historical Museum & Archives, for additional information.
4. The applicant shall investigate moving the footprint of the structure slightly over to the west.
5. The applicant shall attempt to preserve as many trees as possible on the east side of property.

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

Variance	Required	Existing	Proposed
Front Yard	0 or 45 feet		25 feet
Side Yard	0 or 12 feet	3.4 feet	5 feet

7. The CS Zone district allows retail/ service businesses with accessory storage which shall be within a completely enclosed building.

8. No outdoor loading berths are permitted except by permission of the Town of Orangetown Zoning Board or Appeals or the Planning Board. Please clarify if the loading will be done internally or externally.

9. The proposed retaining wall shall be designed by a New York State Professional Engineer.

10. The Short Environmental Assessment Form appears to be in order.

11. The stormwater management report is under review by DEME. However, the total amount of existing and proposed impervious surfaces shall be detailed on the drawings (by providing a separate map/ maps outlining/ cross hatching the E & P impervious surfaces) and the stormwater management report (by providing tables for E & P impervious surfaces, listing where they are derived from.)

12. The total area of disturbances shall be listed and shown on the plans. The applicant/ applicant's engineer is reminded that any disturbance over 1 acre will require a full SWPPP.

13. Although water quality improvements are not normally required when the total area of disturbance is under 1 acre, the design engineer shall provide water quality improvements because this site drains directly into the Sparkill Creek. This is critical as the portion of the Sparkill Creek that this site drains to, is now under consideration (i.e. On the NYSDEC's tentative revised list of impaired waters), and in all probability will be added to the NYSDEC 303rd list of impaired waters. Any untreated waters that feed the Sparkill will only tend to exacerbate the existing problems with the Sparkill Creek. The water quality improvements (CDS system/ Oil water separators/ or other equivalent as selected by the applicant's design engineer) shall be depicted on the plans, with corresponding details and spelled out (calculations/ sizing) in the stormwater management report.

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14. Soil borings, perc tests and determination of groundwater elevations shall be performed at the proposed pervious paver location. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. DEME and the Building Department shall be notified when this work is to be done so that the test tests can be witnessed. This shall be done prior to this proposal receiving Final approval.

15. Design, installation and maintenance details for the pervious pavers shall be added to the stormwater management plan.

16. It appears that the locations of the existing sanitary mains, the portions that are shown on the Site Plan, (see comment #17 below), are incorrect. For example, the manhole that the new 8 inch main is "tying" into is actually in a Rockland county Sewer District #1 interceptor (the Town of Orangetown has no manholes on this property.) The applicant's engineer shall contact the Town of Orangetown Sewer Department AND the Rockland County Sewer District # 1 to verify the actual locations of all the existing sanitary mains and show them correctly on the drawings. Then the applicant's engineer can determine if a new 8 inch sanitary main is necessary and where and to whom it will connect.

17. The location of all existing sanitary sewer mains, throughout the site, shall be shown on the drawings.

18. All existing easements shall be shown on the plan, including page and liber or instrument number and ownership.

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

20. Profiles for the proposed drainage and sanitary piping shall be added to the drawings.

21. 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.

22. The datum for the contours shall be given on the plans.

23. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the Benchmark elevation.

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24. Drainage Recommendation – Drainage Consultant

The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage and the Sparkill Creek can be mitigated. The Planning Board's Drainage Consultant, Brooker Engineering, therefore recommends that the RRIS Site Plan be approved for drainage subject to the following Project Comments:

This is the third drainage review report for this project; the last review was dated November 29, 2016. The property is located along the north side of Route 340, just east of Route 303. There are two existing buildings on the site that are to be removed. Stormwater runoff flows west on the site toward the Sparkill Creek. The site is encumbered by the Sparkill Creek 100-year floodplain. The building has been elevated to a proposed first floor elevation of 77.5 NAVD, which meets New York State Building Code by providing two feet of freeboard above the 100-year base flood elevation of 75.5 NAVD.

For this revision, the applicant has changed the proposed use from a hotel building and associated parking to a retail/service building with lower parking requirements. The proposed conditions impervious surface is reduced from existing conditions and there is a net increase in flood storage on the site as a result of the proposed grading.

Project Comments

1. More topography is needed along the east property line to evaluate the impacts of the proposed retaining wall and building with respect to the off-site stormwater runoff pattern. It is not clear if this proposed wall is higher or lower than the off-site grades. Topography shall be extended off-site to demonstrate the flow pattern.
2. It is not clear if a sidewalk is proposed in the rear of the building. There are doors located in the rear of the building that would presumably require a sidewalk.
3. More detail is needed in the five feet corridor between the rear of the building and the property line to demonstrate positive drainage away from the building.
4. A cross section shall be added in the rear of the building showing how the building face that is located five feet offset from the property line will be constructed with a retaining wall along the property line.
5. The proposed grading slopes towards the building along the south side and shall be revised.

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**Continuation of Condition #24 Drainage Recommendation – Drainage
Consultant**

6. The slope on the south side of the ridge line behind the building is extremely flat; this shall be reevaluated and additional inlets added as necessary.
7. Add a map note to the Site Plan that the building is slab on grade.
8. The drainage report shall verify that the proposed field inlet at the northeast corner of the proposed building can receive stormwater flow from the contributing drainage area, including any off-site runoff. If this inlet clogs the building could flood from ponding in the rear parking lot because the ridge line just west of the inlet is at elevation 77.5, which is the same as the first floor elevation of the building.
9. Provide the supporting calculations for the existing and proposed impervious surface breakdowns and the earthwork analysis.
10. Provide profiles of the storm drainage lines.
11. Label proposed ground cover in areas where pavement is being removed and no pavement is being added.
12. A footing drain shall be shown for the building as some portions of the adjacent grade are above the first floor elevation.
13. An Elevation Certificate shall be provided for proposed conditions and a map note shall be added stating "An Elevation Certificate shall be provided for the as-built construction prior to the issuance of a Certificate of Occupancy."
14. As per our November 29, 2016 report, the vertical datum of the survey shall be provided on the Site Plan in General Note 2 on Drawing 2.
15. As per our November 29, 2016 report, map notes shall be added to the Site Plan, "A Floodplain Development Permit is required form the Local Floodplain Administrator." and "A Rockland County Drainage Agency Stream Control Act Permit is required for this Site Plan."
16. As per our November 29, 2016 report, the floodway limits of the Sparkill Creek shall be shown on the plan.

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

- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- As per the June 20, 2017 letter from the Rockland County Department of Health, applications must be made for sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code and for compliance with the County Mosquito Code.
- A review must be completed by the Rockland County Drainage Agency, and all required permits obtained.
- A review must be done by the Rockland County Sewer District #1, any concerns addressed, and any permits obtained.
- A review must be completed by the Rockland County Office of Fire & Emergency Services and any raised comments or concerns addressed.
- The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- The fire department connections shall be designated on the site plan and kept clear for any access by the emergency response vehicles.
- All proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

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Continuation of Condition #25...

- Areas dedicated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designated specific locations on the site for snow piles, especially since only a minimum number of parking spaces are being provided, will eliminate the loss of parking spaces meant for the patrons and employees of the businesses.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).
- 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.
- Low evergreen landscaping or a berm must be provided in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the road.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 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.

26. The Rockland County Highway Department held that based on the plans and information provided, the proposed action shall have a de Minimis impact upon County Roads in the area. In addition, due to the location of this parcel, a Rockland County Highway Department Work Permit will not be required for the proposed construction.

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27. The Rockland County Health Department (RCDOH) reviewed the information provided and found the following:

- RCDOH must approved 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 RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

28. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required for any developments within this parcel. Please have the applicant submit an applicant to the RCDA immediately.

29. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

1. The District **owns and maintains** sewers in **two (2)** easements on the above property.
 - a) No permanent structures may be built within the District easements.
 - b) Please have the engineer submit a foundation analysis to show if the District's sewers are within the zone of influence on the soil caused by the proposed building.
 - c) If any foundation work or other type 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.
 - d) 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.
 - e) 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.
2. The sanitary sewer for this project shall connect to Orangetown's sewer, as shown on Sheet #5 (Grading, Drainage & Utility Plan). Please inform Rockland County Sewer #1 of all development in this project.

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30. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) holds that the project will require NYSDEC permits as indicated below:

- **Protection of Waters**

A protection of Water Permit is required to physically disturb the bed or banks of any stream identified as Protected. The Sparkill Creek is DEC Water Index ID H-13, Class C(T) and considered "protected and a tributary of Sparkill Creek, DEC Water Index ID H-13-9, Class B, also considered "protected" are located within or near the project site.

A Protected of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected."

- **Freshwater Wetlands**

This site is not within a New York State protected Freshwater Wetland.

- **Water Quality Certification**

The project site appears to contain federally regulated wetland area. The United States Army Corps of Engineers (ACOE) may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from DEC.

- **State Listed Species**

DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified. The absence of other species data does not necessarily mean that additional rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, Department files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. DEC cannot provide a definitive statement on the presence or absence of all rare or state listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

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Continuation of Condition #30...

- **Coastal Management Zone**
This project is not located within the Coastal Management Zone/
- **FEMA Floodplains/ Floodways**
The project site indicated is located within a Federal Emergency Management Agency Floodplain/Floodway. The project sponsor shall contact the local municipality to determine if any additional jurisdictions are applicable to the proposal.
- **SPDES Stormwater (Construction)**
Compliance with current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) is required for project that disturb one or more acres of land. However, the total area of proposed disturbance could not be determined from the submitted materials. If more than one acre is proposed to be disturbed, the applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SPDES General Permit noted above. As the Town of Orangetown is an MS4 area the Town has responsibility for review of the SWPPP. The MS4 Acceptance Form must be submitted to DEC.
- **Cultural Resources**
Review of the statewide records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources, contact the New York State Office of Historic Preservation.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Highway Department
- Rockland County Sewer District No.1
- Rockland County Department of Health
- Rockland County Drainage Agency
- New York State Department of Environmental Conservation

32. 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.

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

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34. 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.

35. 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.

36. 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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- 37.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 38.** 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).
- 39.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 40.** 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
- 41.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- 42.** 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.
- 43.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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Override

The Board made a motion to override Conditions #8 and #9 of the July 20, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#8. Lot area deduction calculations for land within the 100 year flood plain must be provided to determine the net lot area useable for development of the site.

The Board held that this comment was not applicable to this site project.

A motion to override the condition #8 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, absent.

#. The overall, this proposed site plan has series problems with regard to traffic circulation and pedestrian safety. At it's July 12, 2017 meeting, the Rockland County Planning Board voted unanimously to recommend a denial of this application due to these serious deficiencies. This proposal must be reduced in size and scope, in order to address the concerns listed below.

9.01: The 7 parallel parking spaces and part of the access way must be relocated out of the 100 year floodplain.

9.02: the parallel spaces are located on the left side of the driveway as vehicles enter the site, encouraging drivers to cut across the access way to utilize them. This will impeded circulation and must be redesigned.

9.03: The overhead doors are located along the main façade, encouraging delivery vehicles to stop along the access way/ fire lane, and must be relocated.

9.04: The turn at the northwestern corner of the building is too tight and does not allow for adequate sightlines to ensure vehicle and pedestrian safety. This must be redesigned.

9.05: The pedestrian walkway along the northern side of the building ends abruptly at the aforementioned turn. The pedestrian path must be redesigned to give pedestrians safe access to the businesses.

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Continuation of Override:

9.06: Access to the trash enclosure is blocked by two parking spaces. The enclosure must be relocated to allow full access.

9.07: No curbing is shown along the edges of the parking areas and must be added.

9.08: The main parking area and handicapped –accessible space are inconveniently located far from the front entrances and must be relocated.

9.09: There is not an adequate turn around space in the main parking area. The lot must be redesigned to allow vehicles to turn around without the need to enter parking spaces to do so.

9.10: The access way is at an angle to the street, making right turns difficult for vehicles existing the property, and must be redesigned.

9.11: There is not enough room along the east side of the building for a walkway, retaining wall and to maintain existing trees. This area must be redesigned to create an adequate walkway and maintain the wall and trees.

The Board held that Rockland County Planning Department needed to provide additional clarification since these comments appear to be contradictory and disjointed.

A motion to override the condition #9 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, absent.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Stephen Sweeney 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, 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: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

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

**PB#16-36: RRIS Corp Site Plan:
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #45162

**Town of Orangetown Planning Board Decision
July 26, 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: RRIS Corp Site Plan; Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 26 in the CC 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 OF ORANGETOWN

**PB #17-09: Skae Site Plan and Wireless
Antenna Special Permit and Preliminary Site Plan
Approval Subject to Conditions
July 26, 2017**

Permit #46014

**Town of Orangetown Planning Board Decision
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Skae Site Plan and Wireless Antenna Special Permit: The application of Peter Skae, for Prepreliminary/ Preliminary Site Plan Review and Special Permit, at a site known as "**Skae Site Plan and Wireless Antenna Special Permit**", in accordance with Article 16 of the Town Law of the State of New York and the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 337 – 330 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, February 8, May 10, May 24 & July 26, 2017** at which time the Board made the following determinations:

February 8, 2017

Donald Brenner and Peter Skae appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 1, 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 February 8, 2017, with an attachment entitled "Artistic Rendering of Proposed Antenna."
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 2, 2017.
4. A letter from the Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated January 27, 2017.
5. A letter from the Rockland County Highway Department, signed by Sonny Lin, P.E., dated February 2, 2017.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 4, 2017.
7. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated January 27, 2017.
8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, Acting Chair, dated January 4, 2017.

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9. A copy of the Building Department Referral, dated November 18, 2016, signed by Building Inspector, Rick Oliver.
10. Site Plans prepared by Sparaco & Youngblood, dated November 11, 2016:
 - Sheet 1 of 2: Conceptual Site Plan for Skae Training
 - Sheet 2 of 2: Conceptual Site Plan for Skae Training
11. A copy of the Short Environmental Assessment Form dated December 22, 2016, signed by Peter Skae.
12. An email from residents of Old Tappan, New Jersey: Lloyd Aanonsen, Steven Vizoukis, Robert Scozzafava and Michael Ro, dated February 3, 2017.

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

Public Comment:

Richard Burke, 34 Orangeburg Road, Old Tappan, New Jersey; held that the equipment is old for personal use and too large for the neighborhood.

The applicant requested a **CONTINUATION**.

May 10, 2017

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 3, 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 May 10, 2017, with an attachment entitled "Artistic Rendering of Proposed Antenna."
3. A report from Ronald E. Graiff, P.E., Radio Frequency consulting Engineer, signed by Roald E. Graiff, dated March 23, 2017.
4. A report from Papay Engineering & Construction, Inc. signed by Peter E. Papay, P.E., dated April 5, 2017.

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

The applicant requested a **CONTINUATION**.

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**PB #17-09: Skae Site Plan and Wireless
Antenna Special Permit and Preliminary Site Plan
Approval Subject to Conditions
July 26, 2017**

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May 24, 2017

Sarah Torrens appeared and testified.

The Board received the following communications:

1. A letter from Donald Brenner, P.E., LL.B., dated May 23, 2017.

The applicant requested a CONTINUATION.

July 26, 2017

Donald Brenner and Peter Skae appeared and testified.

The Board received the following communications:

1. Town Board Resolution No. 372, 373 & 374: Hardship Exemption Temporary Moratorium Telecommunication Facilities Columcille, LLC (Skae) 76.08-1-3 337 Blaisdell Road dated July 11, 2017.
2. A report from Ronald E. Graiff, P.E., Radio Frequency consulting Engineer, signed by Roald E. Graiff, dated March 23, 2017.
3. A report from Papay Engineering & Construction, Inc. signed by Peter E. Papay, P.E., dated April 5, 2017.
4. Project Review Committee Report dated July 19, 2017.
5. Submitted at the meeting by the applicant, a letter in support by an abutting property owner, St. John's Malankara Orthodox Church of India – Rockland, Inc., dated July 26, 2017, signed by George Varghese, CPA, Treasurer.
6. Submitted at the meeting by the applicant, a report prepared by Providence Engineering Corporation, a Stress Analysis to determine whether the tower will be compliance with TIA 22-G Structural Standards for Antenna Supporting Structures and 2015 International Building Code, dated July 7, 2017.
7. All prior correspondence.

The Board reviewed the submitted information. The meeting was open to the public.

Public Comment:

Phyllis Lieberman, 26 Corrigan Way, Old Tappan, New Jersey, requested information regarding the type of communication tower planned for the site.

There being no one else 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, absent and Stephen Sweeney, aye.

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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 Bruce Bond, Vice Chairman, and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, 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 by Sparaco & Youngblood, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Health Department, Rockland County Sewer District #1, and having reviewed a Plan by prepared by Sparaco & Youngblood, 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;

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- 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, Vice Chairman and seconded by Stephen Sweeney, and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Robert Dell, aye; Thomas Warren, absent; William Young, aye; Michael Mandel, 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 Preliminary Site Plan Approval Subject to the Following Conditions:**

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

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

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3. This application is for a wireless 75 foot antenna tower. The applicant shall submit details of the 75 foot antenna tower. The following information shall be provided on the plan:
- (a) Name and address of the property owner and the applicant;
 - (b) Approximate location of nearest residential structure, if applicable;
 - (c) Type, size and location of all proposed landscaping;
 - (d) A report by a New York State licensed professional engineer, documenting compliance with applicable structural standards and describing the general structural capacity of any proposed installation;
 - (e) A description of the proposed antenna and all related fixtures, structures, appurtenance and apparatus, including height above grade, materials, color and lighting;
 - (f) A description of the antenna's function and purpose;
 - (g) The make, model and manufacturer of the antenna;
 - (h) The frequency, modulation and class of service;
 - (i) Transmission and maximum effective radiated power, and
 - (j) Direction of maximum lobes and associated radiation and compliance with FCC Regulations.
4. The applicant shall appear at the Town of Orangetown Architecture and Community Appearance Board of Review for landscaping, lighting and visual impacts.
5. The Zoning Bulk Table shall be updated to reflect the yard setbacks for the proposed antennae location. In non-residential districts, wireless communication facilities may be in side or rear yards as established in the zoning ordinance as acceptable to the Orangetown Planning Board.
6. The Short Environmental Assessment Form appears to be in order.
7. The dimensions of the proposed turn around at the shed shall be given on the drawings.
8. The total area of disturbance for the proposed site improvement (installation of electric lines, driveway, shed, antenna, etc., shall be added to the plans.
9. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

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

1. No Narrative or other information was provided regarding the 75' high antenna or the shed. Is this a satellite television antenna, wireless telecommunication facility, or some other type of antenna. Is the shed an equipment building for the antenna, or a stand-alone structure. This must be clarified in order to determine what regulations to apply for the proposed antenna and shed.
2. If a satellite television antenna is proposed, then the provisions in Section 8.14 of Chapter 43 are applicable, and all criteria, including manufacturer information, dimensions (width, depth and height) and screening must be provided. If the proposal is for a wireless telecommunication facility, then Section 8.15 of Chapter 43 is applicable to the facility. More detailed information must be provided in order to do a property evaluation of the site, determine which section of the Zoning Ordinance is applicable, and ensure that the proposal is in compliance.
3. A review must be completed by the County of Rockland Department of Highways and any concern addressed and all required permits obtained.
4. 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).

11. Rockland County Highway Department offered the following comment; based upon the site plans and information submitted, the proposed shed and antenna installation do not expect to cause any disturbance on the county roads as long as the antennas are attached to the shed. The proposed work lies within 500 feet from the closest county roads, a Rockland County Highway Department Work Permit will be required prior to the proposed development.

12. The Rockland County Department of Health reviewed the information and based on the information provided, there are no Rockland County Health Department approvals needed for this project.

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

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

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

15. 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.

16. 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.

17. 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.

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

19. 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.

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Continuation of Condition #19...

- 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.

20. 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.

21. 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.

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

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

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

25. 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

26. 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 Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Michael Mandel, aye; Thomas Warren, absent; Robert Dell, aye and Stephen Sweeney, aye.

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

**Dated: July 26, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions**
attachment

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

**PB #17-09: Skae Site Plan and Wireless
Antenna Special Permit and Preliminary Site Plan
Approval Subject to Conditions
July 26, 2017
Town of Orangetown Planning Board Decision**

Permit #46014

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: Skae Site Plan and Wireless Antenna Special Permit and Preliminary Site Plan Approval Subject to Conditions

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

DESCRIPTION OF ACTION: Special Permit and Preliminary Site Plan Approval Subject to Conditions

LOCATION: The site is located at 337 – 330 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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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