

**Meeting of June 28, 2017  
Town of Orangetown Planning Board**

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

**MEMBER ABSENT:** Robert Dell and William Young

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

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

**New Items:**

**Nolan Monument Site Plan**

**PB #17-31**

Prepreliminary/ Preliminary/ Final Site Plan  
and SEQRA Review  
508 Route 303, Orangeburg  
Route 303 Overlay Zone  
74.07/1/7; CC zoning district

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

**Linen Choice Site Plan**

**PB #17-32**

Prepreliminary/ Preliminary Site Plan  
and SEQRA Review  
Amendment to Final Site Plan  
Approval; PB #04-103 dated October 13, 2004  
57 North Troop Road/Glenshaw Street, Orangeburg  
70.18/2/17; LI zoning district

**Continued to the  
July 12<sup>th</sup> Meeting**

**Project Sycamore Data Center Site Plan**

**PB #17-33**

Final Site Plan Review  
Convent Road, Pearl River  
73.08/1/1, 3 & 4; RPC - OP zoning district

**Final Site Plan  
Approval Subject  
to Conditions**

The decisions of the June 14, 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, absent; Robert Dell, absent;  
Stephen Sweeney, aye and Thomas Warren, aye.

Since there was no further business to come before the Board, a motion to  
adjourn the meeting was made by Thomas Warren and seconded by  
Michael Mandel and agreed to by all in attendance. The meeting was adjourned  
at 10:00 p.m. The next Planning Board meeting is scheduled for July 12, 2017.

**DATED: June 28, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*



**PB#17-31: Nolan Monument Site Plan  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #46391**

**Town of Orangetown Planning Board Decision  
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York  
10901  
FROM: Orangetown Planning Board

RE: **Nolan Monument Site Plan:** The application of Dan Nolan, applicant, for Nolan Monuments, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for an addition at a site known as "**Nolan Monument 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 508 Route 303, Orangeburg, in the Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 7 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 28, 2017**, the Board made the following determinations:

Jay Greenwell and Dan Nolan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 21, 2017.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 28, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 22, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 19, 2017.
5. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated June 8, 2017.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 23 & 25, 2017.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated May 31, 2017.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 19, 2017.





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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chair, dated June 7, 2017.
10. Building Permit Referral dated April 24, 2017, signed by Michael Manzare, Building Inspector.
11. Short Environmental Assessment Form signed by Jay Greenwell, PLS, dated May 24, 2017.
12. Site Plan prepared by Jay Greenwell, PLS, dated March 15, 2017.
13. Architectural Plans prepared by Robert Hoene, R.A., dated February 8, 2017, revised April 17, 2017:
  - A1.0: General Notes and Elevations
  - A2.0: Foundation Plan, Floor Plan and Section
14. A project narrative, prepared by Jay Greenwell, PLS, dated May 16, 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, absent; Robert Dell, absent; 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 Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; 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 Robert Hoene, 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 Drainage Agency, Rockland County Sewer District No.1, Rockland County Highway Department, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Jay Greenwell, PLS and Robert Hoene, R.A., 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 Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; Thomas Warren, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.





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**DECISION:** In view of the foregoing and the testimony before the Board, the application was **Granted 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. The proposed addition is minor and has no significant impacts on the appearance of the building, therefore the Town of Orangetown Architecture and Community Appearance Board of Review is waived.
4. The Short Environmental Assessment Form appears to be in order.
5. The applicant shall relocate/ modify the existing sanitary building connection.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  1. A review shall be completed by the New York State Department of Transportation, and all required permits obtained.
  2. A review shall be completed by the County of Rockland Drainage Agency, and all required permits obtained.
  3. Map Note #15 must be updated to reference Suez as the water supplier.



**Continuation of Condition #6...**

4. The proposed plans shall comply with the Route 303 Overlay Zone, to the extent applicable.
7. The Rockland County Highway Department reviewed the site plans and information submitted and found the following:
  1. The proposed action should have a de minimis impact upon the County Highway.
  2. Due to the location and type of construction proposed, a Rockland County Highway Department Work Permit will not be required.
8. 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.
9. 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.
10. Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is within the jurisdiction of RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required for any developments within the site. The applicant shall submit an application to the RCDA immediately.
11. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
  - Rockland County Drainage Agency
  - Rockland County Sewer District No. 1
  - Rockland County Department of Health
  - Rockland County Highway Department
  - Town of Orangetown Zoning Board of Appeals
12. All reviews and approvals from various governmental agencies and Board Decisions must be obtained prior to stamping of the Site Plan.
13. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
14. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.





**Town of Orangetown Planning Board Decision  
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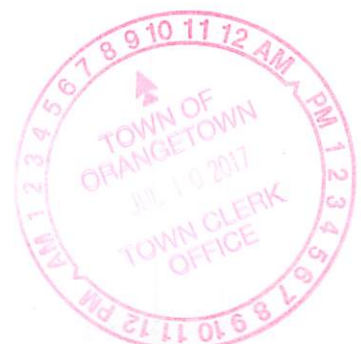
**15.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to 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.** 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.

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

**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 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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**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 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).

**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 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

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





**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.

**Overrides**

The Board made a motion to override Conditions #4, #5 & #6 of the June 19, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

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

The Board held that the proposed addition is a small project and that no additional lighting would be added to the site. A motion to override the condition 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, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.

**5.** A signage plan that conforms to the Town's standards must be reviewed. The signs must be kept out of the State right-of-way.

The Board held that there would be no change in any signage on the site since the addition is a minor change to the site and that there are no signs in the roadway right of way. A motion to override the condition 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, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.



**PB#17-31: Nolan Monument Site Plan  
Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #46391**

**Town of Orangetown Planning Board Decision  
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**Overrides continued...**

6. A landscaping plan that meets all Town requirements shall be provided.

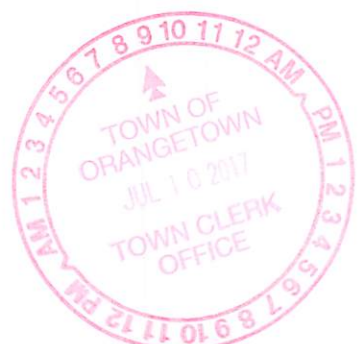
The Board held that there would be no change in the landscaping on the site and that the Board would not be requiring the applicant to add any new landscaping. A motion to override the condition was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.

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, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.

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

**Dated: June 28, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**  
attachment

*Cheryl Coopersmith*





**NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**PB#17-31: Nolan Monument Site Plan**

**Permit #46391**

**Final Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**June 28, 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: Nolan Monument 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 508 Route 303, Orangeburg, in the Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 7 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



**PB#17-33: Project Sycamore Data Center Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit # 46407**

**Town of Orangetown Planning Board Decision  
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TO: JPMorgan, 237 Park Avenue, 12<sup>th</sup> Floor, NY, NY  
FROM: Orangetown Planning Board

RE: **Project Sycamore Data Center Site Plan:** The application of JPMorgan Chase, applicant, for the Town of Orangetown, owner, for **Final Site Plan Review** at a site to be known as "**Project Sycamore Data Center 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. The site is located at on Convent Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.08, Block 1, Lots 1, 3 & 4 in the RPC-OP zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 28, 2017**, the Board made the following determinations:

Peter Czerwinski, Robert Foley, Jacob Raketich, Brian Quinn and Edward Hesselbacher appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 21, 2017.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 28 and May 24, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 23, 2017.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 28, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 20, 2017.
6. A letter from the Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated June 23, 2017.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 6, 2017.





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8. A Full Environmental Assessment Form, signed by Robert Foley, P.E., dated April 20, 2017. Submitted at the Preliminary Site Plan Review meeting of May 24, 2017.
9. A Stormwater Management Report, prepared by Dewberry Engineering, dated April 20, 2017, last revision date of May 26, 2017.
10. A Stormwater Pollution Prevention Plan, Volume 1 of 2 and Volume 2 of 2, prepared by Dewberry Engineering, dated May, 2017.
11. Site Plans prepared by ch2m, Dewberry Engineers and Hope Furrer, dated April 20, 2017, last revision date of May 26, 2017:
  - C001: Cover Sheet
  - C002: Existing Site Plan
  - C003: Demolition and Removals Plan
  - C100: Overall Site Plan
  - C101: Site Layout & Dimensional Control Plan – A
  - C102: Site Layout & Dimensional Control Plan – B
  - C103: Site Layout & Dimensional Control Plan – C
  - C104: Site Layout & Dimensional Control Plan – D
  - C105: Site Layout & Dimensional Control Plan – E
  - C106: Site Layout & Dimensional Control Plan – F
  - C107: Site Layout & Dimensional Control Plan – G
  - C108: Site Layout & Dimensional Control Plan – H
  - C200: Overall Grading Plan
  - C201: Grading Plan – A
  - C202: Grading Plan – B
  - C203: Grading Plan – C
  - C204: Grading Plan – D
  - C205: Grading Plan – E
  - C206: Grading Plan – F
  - C207: Grading Plan – G
  - C208: Grading Plan – H
  - C300: Overall Utility Plan
  - C301: Utility Plan – A
  - C302: Utility Plan – B
  - C303: Utility Plan – C
  - C304: Utility Plan – D
  - C305: Utility Plan – E
  - C306: Utility Plan – F
  - C307: Utility Plan – G
  - C308: Utility Plan – H
  - C701: Construction Details – Sheet 1
  - C702: Construction Details – Sheet 2
  - C703: Construction Details – Sheet 3
  - C704: Construction Details – Sheet 4
  - C705: Construction Details – Sheet 5
  - C706: Construction Details – Sheet 6



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**Continuation of submission #11...**

- C707: Construction Details – Sheet 2
- C708: Construction Details – Sheet 3
- C709: Construction Details – Sheet 4
- C710: Construction Details – Sheet 5
- C711: Construction Details – Sheet 6
- C500: Electrical Photometric Plan dated April 27, 2017
- C500: Overall Site Lighting Photometrics Plan
- 12. Stormwater Pollution Prevention Plans prepared by Dewberry Engineers, dated May 26, 2017:
  - C400.1: Cover Sheet
  - C400.2: Overall Disturbance Limit Plan
  - C400.3: Stage 1 – Phasing Plan
  - C400.4: State 2 – Phasing Plan
  - C401: Phase 1
  - C402: Phase 2
  - C403: Phase 3
  - C404: Phase 4
  - C405: Phase 5
  - C406: Phase 6
  - C407: Phase 7
  - C408: Phase 8
  - C409: Phase 9
  - C410: Phase 10
  - C411: Phase 11
  - C412: Phase 12
  - C413: Phase 13
  - C490: SWPPP Details 1
  - C491: SWPPP Details 2
  - C492: SWPPP Details 3
  - C493: Temporary Sediment Basin Plan & Details
  - DA-1: Existing Drainage Area Map
  - DA-2: Proposed Drainage Area Map
- 13. Submitted at the meeting by the applicant, plans prepared by ch2m, Dewberry Engineers and Hope Furrer, dated June 17, 2017:
  - Exhibit 1: 250' K-4 Perimeter with Easements
  - Exhibit 2: Road Improvement Schematic
- 14. Building Permit Referral dated May 10, 2017 signed by Rick Oliver, Building Inspector.
- 15. Copies of the following Board Decisions: PB #17-24, Preliminary Site Plan Approval Subject to Conditions, dated May 24, 2017 and ACABOR #17-22, Approved Subject to Condition, dated June 8, 2017 and ZBA #17-47, Zoning Board of Appeals Variance, dated June 21, 2017.

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





**Town of Orangetown Planning Board Decision**

**June 28, 2017**

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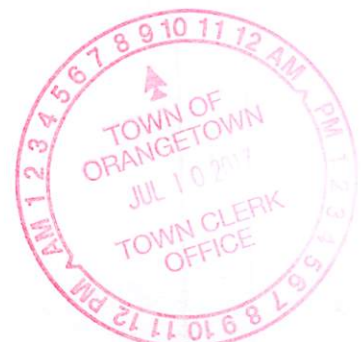
**Public Comment:**

Donald Brenner: 10 Dorsey Court, Orangeburg; questioned the Board regarding the applicant's submission of a Landscaping Plan at Preliminary Review. He also requested that the applicant disclose the hours of operation of the business and times of the day the generators are exercised. He also wanted to know if the applicant had a sewer permit. Lastly, Mr. Brenner questioned the Board if the applicant provided any entity disclosure information.

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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; Thomas Warren, aye 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. The applicant shall comply with all pertinent and applicable Board Decisions: ZBA #17-47, Zoning Board of Appeals Variance, dated June 21, 2017; PB #17-24, Preliminary Site Plan Approval Subject to Conditions, dated May 24, 2017 and ACABOR #17-22, Approved Subject to Condition, dated June 8, 2017.
4. The Full Environmental Assessment Form appears to be in order.
5. Details of the substation shall be provided such as height of the equipment, height of the enclosure, type of enclosure, etc.
6. A "blow up" detail for the proposed stormwater detention facility shall be added to the drawings. Details for the facility (i.e. cross-sections, berm reinforcing, aquatic bench, safety bench, plantings, emergency spillway, maintenance accessibility, storage volume vs design storm vs elevation, etc.) shall be added to the plans.



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7. Soil erosion and sediment control plans and details, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control (Blue Book), November, 2016 versions, shall be submitted to DEME for review and approval. Also, NYSDEC standard symbols shall be used for the SESC plan.
8. Sanitary calculation, prepared and sealed by a New York State Licensed Professional Engineer shall be prepared and submitted to DEME for review and approval. The applicant is reminded that the proposed increase in sanitary flow to the Town's existing sanitary facilities (transmission mains, sanitary pumping station, forced main, etc.), MAY require improvements/ upgrades to the Town's facilities in order to accommodate the additional flow. The costs of these upgrades will be borne by the applicant.
9. The proposed sanitary infrastructure (pumping station, forcemain) shall be labeled as private on the drawings.
10. A note shall be added to the plans indicating the proposed sanitary and storm sewer infrastructure are to be private and the sole responsibility of the property owner.
11. Plans and profiles for all proposed sanitary and storm sewer mains shall be added to the drawings, including all facility crossings that they encounter.
12. Road/ driveway profiles shall be added to the drawings.
13. All proposed easements shall be shown on the plans, including metes and bounds and intended ownership.
14. Legends shall be added to the plans.
15. The datum for the contours shall be given on the plans.
16. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
17. Iron pins shall be drawn and labeled at each property corner.
18. The supplied SWPPP / drainage calculations supplied are under review by DEME. However, graphical inflow and outflow hydrographs shall be developed for both pre and post construction.
19. Soil borings, perc tests and determination of groundwater elevations shall be performed at all proposed "above" ground and underground drainage detention systems. These tests/ investigations shall be performed in the spring when the ground water 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 can be witnessed. This shall be done prior to this proposal receiving Final approval.





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**20.** The SWPPP shall contain table listing the existing total area of impervious cover (in acres-preferably broken down by buildings, driveways, roads, sidewalks, etc.) and a table listing the total proposed impervious cover (in acres-broken down by buildings, sidewalks, utility structures, etc.) It shall also compare and contrast existing impervious cover vs new impervious cover (including full build out of southern portion of site.

**21.** Neither the Civil Site Plans nor the SWPPP plans depict the utility work that will be taking place between the project site and Orangeburg Road/ Old Orangeburg Road. This work needs to be shown on both sets of plans as it directly ties into the phasing and area of disturbance limits for this project.

**22.** A table shall be added to the SWPPP listing each section and the total area of disturbance (aod) for that section + the aod for the offsite utility work that is to take place during each phase/ section.

**23.** The SWPPP shall generally describe what the southern portion of the property could be used for if full build out were to occur.

**24.** The layout of the proposed extended stormwater basin does not seem to match any of the examples of the basins found in the NYSDEC Stormwater Management Design Manual (NYSDEC-SMDM.) Its shape is too uniform/ rectangular, no plantings are shown, there is no pilot channel connecting the forebay to the micropool, no anti-seep collar on the outlet pipe, etc. The SWPPP and drawings shall describe exactly which basin from the NYSDEC-SMDM the proposed basin is designed after (i.e. P1, P2, etc.) and add all required elements (with accompanying details) as shown in the Manual.

**25.** As per the NYSDEC-SMDM, a 25 foot pond buffer (i.e. no structures/ driveways/ parking area, etc.) from the maximum water surface elevation of the pond shall be provided and shown on the drawings and described in the SWPPP.

**26.** Berm reinforcement and during construction stabilization features shall be depicted for the detention basin. Details for same shall be added to the drawings.

**27.** The SWPPP and the drawings shall show and describe the material that will make up the emergency spillway (i.e. rip rap or other approved material.)

**28.** It appears on drawing C307 that the proposed 12 foot wide maintenance access path just dead ends at the outlet structure. The access path shall either have a turnaround or an exit (as per the manual.) Also, the SWPPP and drawings shall describe any "reinforcement" or stabilization item to be used along the maintenance path.



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

**30.** A fixed sediment marker shall be added to the detention basin. A detail for same, clearly showing actual height at which sediment is to be removed from the basin, shall be added to the drawings.

**31.** The contours along/ around the proposed basin shall be labeled.

**32.** All existing easements that are to be abandoned shall be labeled as such on the plans.

**33.** In section 1B, Drawing C401, a "new multiuse utility easement" is proposed. The drawing shall state who is the beneficiary of said easement and provide metes and bounds for said easement (as was previously stated in PB Decision #17-26, Condition #30.)

**34.** The ownership of the roads shall be clearly identified on the drawings.

**35.** During any construction on the project site, all construction vehicles shall use the roadway entrance/exit to Veterans Memorial Drive.

**36.** All easements will be in place prior to the stamping of the Site Plan. The applicant has indicated it has and/or will enter into a Memorandum of Understanding with the Town of Orangetown and the New York State Office of Mental Health regarding easements at the former RPC campus regarding traffic circulation in relation to the subject premises. All easements and/or understandings with respect to same must be in place and shown on the plans. The applicant shall provide such easements and/or understandings and if determined to be necessary, a title report outlining same, to the Town Attorney's Office for review and approval.

**37. Drainage Review**

The applicant has provided a significant stormwater management facility that can provide a zero net increase in peak stormwater runoff rates. The project can mitigate potential significant adverse impacts with respect to stormwater quantity and quality. The Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the Project Sycamore Data Center Site Plan be approved for drainage subject to the following Project Comments.





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**Continuation of Condition #37...**

This is the second drainage review report for this project; the first drainage review was dated May 24, 2017. The 60.96 acre site is located at Rockland Psychiatric Center and is bounded by Convent Road to the north, 3rd Avenue to the west, 1st Avenue to the east, and Oak Street on the south.

The 60.96 acre site has approximately 17.8 acres of impervious area under existing conditions. The site slopes downhill to the west. A 3.4 acre stormwater management facility is proposed at the southwest corner of the site and provides 14.5 acre feet of storage for the 100-year design storm. Twin 36-inch pipe convey the outfall from the stormwater management basin to Lake Tappan; no detail of this exact route has been provided for this submission.

The drainage calculations use a "full build out" impervious area of 80% under the remaining 14.92 acre portion that is to remain undisturbed. This results in a total impervious area of 25.64 acres under proposed conditions in the hydrologic model.

**Project Comments**

1. As per the May 24, 2017 drainage review report, any large, directly connected, impervious areas shall be a single drainage subarea in the revised model.
2. As per the May 24, 2017 drainage review report, the drainage analysis assumes a "full build out" impervious area of 80% over the undeveloped portion of the site (60.96 acres total, 48.77 acres impervious area assumed). This is a conservative parameter for the design for the stormwater facilities; however, it may impact the size of the orifice that regulates the overflow and result in larger openings than what is required under the current proposed conditions. The larger openings may not have the desired routing effect for what is constructed initially. An additional hydrologic scenario shall be modeled to demonstrate the routings can be achieved with the proposed impervious areas. Stormwater mitigation may be achieved for additional future work by changing the size of the orifice at that time.
3. As per the May 24, 2017 drainage review report, the storm drainage pipe system that discharges to the headwall 260 feet south of Convent Road and 60 feet west of 2<sup>nd</sup> Avenue (west of the proposed substation) shall be located and shown on the plan.



**Continuation of Condition #37...**

4. As per the May 24, 2017 drainage review report, there is a long concrete trough on the east side of 1<sup>st</sup> Avenue. This shall be field surveyed and added to the plans. The contributing drainage area to this trough shall be incorporated into the hydrologic analysis. The proposed retaining wall and regrading of 1<sup>st</sup> Avenue conflicts with this trough.

5. As per the May 24, 2017 drainage review report, the existing conditions curve number used in the hydrologic model shall be lower to reflect the overgrown wooded areas, including over existing pavement, that currently exist.

6. As per the May 24, 2017 drainage review report, the drainage area maps shall provide breakdowns of the existing and proposed land use cover. The existing conditions data shall be made clearer.

7. As per the May 24, 2017 drainage review report, the narrative states the "proposed outfall location will require a conveyance run that will carry the discharge flow further to the west, to a stable stream location discharging into the Lake Tappan Reservoir". A detailed plan shall be provided for this aspect of the stormwater management system prior to any final signature.

8. The latest submission has provided off-site drainage basins that contribute stormwater runoff to the site. In Appendix VII, the sub basin delineations shall be incorporated into the Proposed Conditions Drainage Area Map.

9. A schematic shall be provided of the subareas used in the hydrologic model and the routings and additions of the subarea hydrographs.

10. Supporting information for curve number calculations shall be provided.

11. The calculations shall show no net increase in peak runoff rates for the 1-year design storm.

**38.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval, it was noted at the Meeting that the applicant has satisfied all of the following conditions:

- The comments in the May 15, 2017 letter from the Rockland County Department of Highways must be met. All required Work Permits must be obtained.





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**Continuation of Condition #38...**

- The conditions in the June 6, 2017 letter from the Rockland County Department of Health must be met.
- More than 20 generators are proposed as backup power for the site. Are the generator screens/ walls sufficient to attenuate the noise from these generators? Does a noise study need to be completed? These issues must be addressed, particularly since the northern generators face a residential area.
- All proposed signage must be illustrated on the Site Plan, and shall conform to the Town's sign standards.
- Areas designated 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 provide specific locations on the site for the snow piles so that the number of parking spaces meant for the employees will not be impacted.
- Who will be responsible for the maintenance of the proposed stormwater management basin. Maintenance responsibilities must be notated on the Site Plan.
- The Town fire inspector and/ or the Rockland County Office of Fire and Emergency Services must review the Site Plan to ensure that adequate circulation is provided in the event an emergency arises. This review should include whether the proposed emergency access can accommodate fire equipment, a process to access the gates if the emergency access is needed to be used, and whether there is adequate water pressure/ volume for firefighting purposes.
- Data centers are generally large consumers of water. A review must be completed by Suez to ensure that there is adequate water supply for the proposed use.
- 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 #38...**

- The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources (or Environmental Permits) for the proposed facility for the proposed generators on site.
- The applicant must provide as-built drawings and other documentation to the New York State Department of Environmental Conservation, Region 3 that illustrates the design and installation, as per code, of the petroleum bulk storage tanks for the proposed generators. These tanks must also be registered with them.
- 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.

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

1. The Site Plan shall contain a trench restoration detail for the Sanitary Sewer Connection within Convent Road.
2. All parking to be contained on site shall be in accordance to current Town Zoning Code. All required parking shall be provided and parking shall be adequate for type of use. The Rockland County Highway Department remand the parking requirements to be set by the Town of Orangetown Planning Board as part of their Site Plan approval process.
3. A Rockland County Highway Department Road Opening Permit will be required for the proposed sanitary sewer connection with Convent Road, as well as any other utility connection that may be necessary which require disruption to the paved surface within Covent Road.
4. The applicant shall be aware of and responsible to obtain any overweight hauling permits that may be necessary to transport over state, county and local roadways. The Rockland County Highway Department require Hauling Permits for vehicles utilizing county roadways that exceed the following limits:
  - Greater than 8½ feet in width
  - Greater than 13½ feet in height
  - Greater than 40 feet in length
  - Greater than 80,000 pounds in weight





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**Continuation of Condition #39...**

5. A Rockland County Highway Department Work Permit will be required for the proposed construction, in addition to any and all permits required by the local municipality and various involved governmental agencies, and shall be secured prior to the start of any excavation or construction on site. In order to obtain a Highway Department Permit, the following items which apply to this development must be provided:

- Copy of Signed Final Subdivision/ Site Plan Drawings
- A Certified Copy of the Final Approval from Municipal Board (Town, Village, Planning, Zoning, etc....)
- A copy of 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 County 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 owner, legal representative, owners' contractor or the owners engineering firm.

**40.** The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comments:

1. RCDOH 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.
2. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.



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**41.** The Rockland County Drainage Agency (RCDA) has previously reviewed the site and determined that it is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not required. However, as an interested and involved agency pursuant to SEQRA, the RCDA offers the following comment(s) regarding the above referenced proposal based on the information submitted and request that the Town of Orangetown ensures that the applicant has fully addressed the comments indicated below prior to granting any final approvals for this project:

1. Please have the applicant/ consultant indicate/ delineate the proposed condition drainage areas, including contributing drainage area of the proposed basin, and the existing condition drainage areas with time of concentration (Tc) path and distances on the Drainage Area maps consistent with the Runoff Analysis. The Drainage Area Maps included do not show the specific drainage areas with Tc path and distances used in the Runoff Analysis.
2. The Stormwater Management Report, page 5, indicates that pipe flow/ conveyance system calculations provided in Appendix III are based on 25-year design storm events; however, the Runoff Analysis appear to indicate that the proposed basin will receive 100-year storm runoff inflow. Also, the grading plans do not demonstrate how runoff from 100-year storm events that overflows the pipe conveyance system designed for 25-year storms will be conveyed in to the proposed basin. Please have the applicant/ consultant demonstrate that 100-year storm runoff from the entire contributing area will be conveyed into the basin or re-size the stormwater conveyance pipe system as necessary to convey 100-year storm runoff to the basin, to be consistent with the Runoff Analysis.
3. Please have the applicant/ consultant provide a detail for the outlet structure on project drawings that provides specific information about the outflow openings consistent with the opening details used in the Stormwater Management Report.
4. Please have the applicant/ consultant provide a sectional detail of the proposed basin on the project drawings and revise the project drawings to demonstrate that the proposed basin meets the requirements for the proposed Micropool Extended Detention Pond, such as aquatic bench, maintenance access, emergency spillway and stable outfall as per the New York State Stormwater Management Design Manual





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**42.** The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments; place as notes on the Site Plan, and submit plans for review and approval, as noted:

- Install an NFPA 13 Compliant Sprinkler system with plans submitted to the Bureau for review and approval prior to the Site Plan being Stamped with the Planning Board Office, with Fire flow calculations provided and with 4" Storz FDC.
- Install and maintain an NFPA 72 Compliant Fire Alarm System with plans submitted to the Bureau for review and approval prior to the Site Plan being stamped with the Planning Board Office; Connected to Rockland County 44-Control, with cut sheets provided and Amber and Red strobes, as per Orangetown Code.
- Install and maintain Carbon Monoxide alarms as per NFPA 720.
- Install and maintain Emergency Lighting as per NEC.
- Provide and maintain portable fire extinguishers as required by NFPA 10.
- Provide Fire Access as per NYS Fire Code appendix FCD, with plans submitted to the Bureau for review and approval prior to the Site Plan being stamped with the Planning Board Office
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau.
- Provide Key Box (Supra).
- Provide information on any sub systems. (Vesda) FM200 Pre-Act systems, UPS Systems, with plans submitted to the Bureau for review and approval prior to the Site Plan being stamped with the Planning Board Office.
- Provide information regarding any Generators; total fuel storage, etc. with plans submitted to the Bureau for review and approval prior to the Site Plan being Stamped with the Planning Board Office.
- Hazardous Material Permit is required.
- Install a Communications Command Center in the Building Lobby with plans submitted to the Bureau for review and approval prior to the Site Plan being stamped with the Planning Board Office. This would provide for greater safety to firefighters in the event there is a need to respond to an incident at the building.



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**43.** 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.

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

**45. 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.

**46.** 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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47. 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.

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

49. 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).

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

51. 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

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

53. 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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**Overrides**

The Board made a motion to override Conditions 4, 5, 6, & 7 of the June 23, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

**#4.** The frontage along Convent Road is currently wooded with mature trees. The applicant is proposing to plant October Glory Red Maples in the wooded area. It is not clear as to why the existing trees will be removed and new, young trees planted in their place. The wooded area must remain, and be supplemented with other landscaping as needed, particularly since this is the portion of the site that is adjacent to a residential area.

The Board held that this modification was overridden at Preliminary review, PB#17-26, and the applicant restudied the site planting plan for Final Site Plan Review. The applicant demonstrated security concerns requiring the removal of certain existing trees. The updated landscaping plan has addressed this concern and has been reviewed and approved by ACABOR.

A motion to override Condition #4 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, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.

**#5.** Sheet C003 illustrates the trees that are to remain. A large cluster of trees to remain is shown along the northern property boundary along Convent Road, However sheets C100, C101, and C102 show that a row of October Glory Red Maple trees will be planted in this same area. This discrepancy must be clarified, and the applicant must indicate if the trees in this area will remain or be replanted. As noted above, it is recommended that the natural vegetative buffer area be maintained. The new trees shall be planted further south nearer the perimeter security fence.

The Board held that a similar modification was overridden at Preliminary review, PB #17-26, regarding removal of trees and planting due to security of the site. The Board found that the Landscaping and Tree Plans were reviewed and approved on June 8, 2017 by the Town of Orangetown Architecture and Community Appearance Board of Review for review as ACABOR #17-22 and the Planning Board finds the proposed landscaping appropriate for this site.

A motion to override Condition #5 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, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.





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**Overrides Continued....**

**#6.** Additional landscaping must be provided around the generators to help act as a noise barrier.

The Board held that the generators were reviewed and approved for Performance Standards by the Town of Orangetown Zoning Board of Appeals on June 21, 2017 and by the Town of Orangetown Architecture and Community Appearance Board of Review for landscaping on June 8, 2017. As held in the override in PB#17-26, the applicant had provided evidence to the Board that the generators will only be in use during emergency situations and will be tested on a monthly basis during daylight hours.

A motion to override Condition #6 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; Michael Mandel aye; William Young, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.

**#7.** Very little landscaping is being proposed for the site. To help reduce the visual impact of the large building, additional landscaping must be provided around the building and the site.

The Board found that the Landscaping and Tree Plans were reviewed and approved on June 8, 2017 by the Town of Orangetown Architecture and Community Appearance Board of Review for review as ACABOR #17-22 and the Planning Board finds the proposed landscaping appropriate for this site.

A motion to override Condition #7 was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, absent; Stephen Sweeney, aye; Robert Dell, absent and Thomas Warren, aye.

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

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

**Dated: June 28, 2017**

**Cheryl Coopersmith**

**Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*

