

**Meeting of February 22, 2017**  
**Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** Kevin Garvey, Chairman and Thomas Warren

**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Melissa Pezzullo, Stenographer and Cheryl Coopsmith, Chief Clerk.

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

<b>62-76 Route 303, LLC Site Plan</b>	<b>PB #17-11</b>
<b>Nicks Convenience Store</b>	<b>Final Site Plan</b>
Final Site Plan Review	<b>Approval Subject</b>
62-76 Route 303, Tappan	<b>to Conditions</b>
77.15/1/42; CS zoning district	

<b>Bless Enterprises Auto Shop Site Plan</b>	<b>PB #16-59</b>
Prepreliminary/Preliminary Site Plan	<b>Continued at</b>
and SEQRA Review	<b>Applicant's</b>
187 Route 303, Orangeburg	<b>Request: Revise</b>
Route 303 Overlay Zone	<b>Plans</b>
74.15/1/8; LI zoning district	

<b>115 New York Route 303 Site Plan</b>	<b>PB #16-69</b>
Prepreliminary/ Preliminary Site	<b>Preliminary Site Plan</b>
Plan Review and SEQRA	<b>Approval Subject to</b>
115 Route 303, Tappan	<b>Conditions/ Neg. Dec.</b>
77.07/2/1; LO zoning district	

**Other Business:**

1. Town Board Referral – Zoning, proposed sale and conceptual development (Data Center) of Town owned lands, formerly a part of the Rockland Psychiatric Center, comprising a part of Tax Lot 73.08-1-1.

The Planning Board reviewed and recommended the referral from the Town Board for the zone change at the Rockland Psychiatric Center site from the current R-80 to RPC-OP. The Planning Board also consented to the Town Board to act as Lead Agency in the SEQRA review of the project.

2. Camp Sunshine Climbing Wall (HKC): A representative of HKC requested the Planning Board to review plans for a climbing wall, located within the interior of the HKC campgrounds property. The Board gave the Building's Department the authority of oversight to review/approve the project.

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

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**February 22, 2017**  
**Planning Board Meeting**

The decisions of the February 8, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, absent; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, abstain; Stephen Sweeney, aye and Thomas Warren, absent.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 8:40 p.m. The next Planning Board meeting is scheduled for March 8, 2017.

**DATED: February 22, 2017**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**

*Cheryl Coopersmith*

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**PB# 17-11: 62-76 Route 303, LLC Site Plan  
(Nicks Convenience Store) - Final Site Plan  
Approval Subject to Conditions**

**Permit #45791**

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

RE: 62-76 Route 303, LLC Site Plan (Nicks Convenience Store): The application of Shailesh Patel, applicant for 62-76 Route 303, LLC, owner, for Final Site Plan Review at a site to be known as **"62-76 Route 303, LLC Site Plan (Nicks Convenience Store)"**, 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 62-76 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 42 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meeting held **Wednesday, February 22, 2017**, the Board made the following determinations:

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 15, 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 22, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 16, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 17, 2017.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 30, 2017
6. A copy of PB #17-05; Preliminary Site Plan Approval Subject to Conditions, dated January 11, 2017.

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7. Survey Map prepared for 62-76 Route 303, LLC prepared by Azzolina & Feury Engineering Inc., dated August 21, 2015, last revised July 27, 2016.
8. A copy of the Building Permit Referral dated September 22, 2016, signed by Glen Maier, 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 Robert Dell and carried as follows: Kevin Garvey, Chairman, absent; 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. The applicant shall comply with the previous decision: PB #17-05; Preliminary Site Plan Approval Subject to Conditions, dated January 11, 2017.
4. The handicap parking spaces shall be more clearly designated at the site, and labeled on the Site Plan.
5. The applicant is proposed a 360 square foot addition to the rear of the building. The Planning Board waived all of the requirements of Site Plan approval.
6. The existing sanitary sewer building connection shall be shown on the plan, including all inverts.

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7. 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, any concerns addressed, and any required permits obtained.

8. 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.

9. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required.

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

**Override**

The Board made a motion to override Condition #1 of the February 17, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning for the following reasons:

The comment referred to conditions #2 and #3 of the January 5, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning relating to the omission of a plan containing a vicinity map, scale and north arrow.

The Board held that the final set of plans will be provided to the Rockland County Planning Department containing the requested information.

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

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PB# 17-11: 62-76 Route 303, LLC Site Plan  
(Nicks Convenience Store) - Final Site Plan  
Approval Subject to Conditions

Permit #45791

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The foregoing Resolution was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, absent; 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: February 22, 2017

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

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**PB#16-69: 115 New York Route 303 Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #45632**

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

**RE:** 115 New York Route 303 Site Plan: The application of 115 Route 303, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as **"155 New York Route 303 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 115 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, Lot 1; in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 22, 2017**, the Board made the following determinations:

Donald Brenner, Frank Relf and Stephen Honan appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated February 15, 2017 and November 2, 2016.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 22, 2017 and November 9, 2016.
3. Two Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., one received February 17, 2017 and one dated November 3, 2016.
4. Letters from Brooker Engineering dated February 21 and February 13, 2017 and October 30, 2016, signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 4, 2016.
6. A letter from the Rockland County Highway Department signed by Sonny Lin, P.E., dated November 9, 2016.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 12, 2016.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated October 12, 2016.
9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated November 1, 2016.

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10. A letter from the New York State Department of Environmental Conservation, signed by Rebecca Crist, Division of Environmental Permits, Region 3, dated October 14, 2016.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chair dated October 5, 2016.
12. Building Permit Referral dated August 8, 2016, signed by Glenn Maier, Building Inspector.
13. Short Environmental Assessment Form signed by Brain Donaghy, dated September 16, 2016.
14. Plans prepared by Frank Relf, R.A., dated May 5, 2016:
  - A-100.00: Proposed Exterior, First Floor Plan, revised September 16, 2016
  - A-001.00: Site Plan, revised November 11, 2016
  - A-002.00: Signage and Site Details, revised November 11, 2016
  - Proposed Building Rendering, undated

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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, absent; 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 William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, absent; 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 Frank Relf, R.A., and having heard from the following offices, officials and/or Departments (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested



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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency, Rockland County Sewer District No.1, Rockland County Department of Health, New York State Department of Environmental Conservation and having reviewed proposed Site Plan by prepared by Frank Relf, 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 William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, absent; 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. This Site Plan application approval is ONLY for the construction of the Handicap Ramp, Pylon Sign Location and Signage Location on the Building. As such, all full compliance with the other requirements of Chapter 21A, "Site Development Plan Approval" is unnecessary and hereby waived. Any other issues related to the signs, in particular the size of the proposed signs would require a variance from the Zoning Board of Appeals. ACABOR must also approve of the signs prior to consideration of Final Site Plan Approval.

4. The Short Environmental Assessment Form, item 3b shall be answered.

5. The proposed signs require a separate building permit application to be submitted to the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement.

6. The proposed signage of 254 square feet exceeds the allowable signage area of 60 square feet; therefore, a variance from the Town of Orangetown Zoning Board of Appeals (ZBA) needs to be sought and/or a reduction in the proposed size of the sign should be addressed by the applicant. Please be advised the sign details need to be submitted by the applicant and reviewed by the Building Inspector to confirm the proposed total sign area prior to appearing before the ZBA.

7. The signage needs to appear at the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval.

8. A detail of the proposed handicap ramp shall be provided on the Site Plan.

9. The setback for the proposed pylon sign from the Route 303 right of way shall be shown on the Site Plan. A 20 foot minimum setback is required; the applicant stated that the pylon sign will be placed at the 20 foot setback and it shall be noted on the site plan.

10. All existing easements shall be shown and labeled on the plan, including page and liber or instrument number, purpose of the easement, what facility, if any, is in the easement, metes and bounds, and ownership.

11. The existing sanitary building connection shall be shown on the Site Plan.

12. The Drainage Consultant to the Planning Board, Brooker Engineering found that the no new impervious area is being added, a nominal amount of land disturbance is proposed, and the existing drainage patterns are being maintained. The project will result in no significant adverse impacts with respect to drainage that require mitigation and therefore recommend that the 115 Route 303 Site Plan be approved for drainage subject to the following Project Comments:

115 Route 303  
Project  
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82 1 11 6  
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**Continuation of Condition #12...**

**Project Description**

This is the third drainage review report for this project, the last review dated February 13, 2017. The property is located at the northeast corner of the intersection of Route 303 and Kings Highway. There is an existing building on the site and the project proposes site alterations with no modification to the building footprint. A fire access lane is proposed along the North and West sides of the building.

No drainage information has been provided. The Sparkill Creek is located along the northwest portion of the property and is a mapped FEMA floodplain. Floodplain information has not been provided on the Site Plan. For the February 13, 2017 review, the proposed fire access road around the building was removed from the plan.

The applicant has resubmitted Drawing A-001.00, "Site Plan" and added a note stating the total land disturbance is 368 square feet and no new impervious surfaces are being added. The land disturbance consists of a new handicap ramp over existing impervious area. Please note that the revised drawing that was submitted contains the last revised date of 11/11/2016, which is the same as the previous submission.

**Project Comments**

1. As per out October 30, 2016 and February 13, 2017 drainage review reports, existing and proposed conditions grading plans and storm drainage plans should be provided. Positive drainage away from the buildings should be indicated. Proposed grading for the new handicap ramp shall be provided.
2. As per the October 30, 2016 and February 13, 2017 drainage review reports, any existing storm drainage systems and stormwater facilities on the site should be added to the Site Plan.
3. As per out October 30, 2016 and February 13, 2017 drainage review reports, existing first floor elevations and adjacent ground elevations should be provided. An elevation certificate should be provided for the existing structure.
4. As per out October 30, 2016 and February 13, 2017 drainage review reports, it appears the project will require approvals from the Local Floodplain Administrator and Rockland County Drainage Agency.

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**13. 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 any required permits obtained.
2. A review shall be completed by the Palisades Interstate Park Commission, and any required permits obtained.
3. As indicated in the October 12, 2016 letter from the Rockland County Drainage Agency, an application must be submitted to them, and a permit or determination obtained, since the site is within their jurisdiction.
4. The comments in the October 12, 2016 letter from the Rockland County Department of Health must be addressed.
5. 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.
6. A review shall be completed by the New York State Department of Environmental Conservation for the wetlands on the site, and required permits obtained.
7. The plans prepared by Frank Relf, Architect are deficient in that they do not contain a vicinity map, map notes, bulk table with the applicable bulk standards, or tax parcel information. The plans must be updated with this pertinent information.
8. The square footage of the existing building must be provided so that applicable bulk standards such as floor area ratio and parking needs can be calculated, and determined if the requirements are met.
9. 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.
10. All signs shall be shown on the site plan and comply with the Town's sign ordinance. Five new signs are illustrated on the site plan. The sign detail shows signage that is proposed to span the existing drive. Is this type of sign permitted? The sign details must be provided for all signs, not just the proposed pylon sign. This information must include the sign area, distance to the property line for the pylon sign, and whether the signage is to be illuminated.

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**Continuation of Condition #13...**

11. The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan. This is an opportunity for the Town to require that an existing business that is non-compliant with the overlay zone regulations, implement some of the elements outlined in the Route 303 Overlay Zone regulations.

12. 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).

14. The Rockland County Highway Department reviewed the site plans and information submitted and found that the proposed interior renovations and change of use to have minimum impact on the county road. The change of use is less than 500 feet from the closest county Road. A Rockland County Highway Department Work Permit will not be required for the proposed development.

15. The Rockland County Health Department (RCDOH) reviewed the information provided and found that should the Board require stormwater management to remediate the increase in impervious coverage, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

16. 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. In addition, the project site appears to be fully/partially within designated Federal and State/ County Wetlands(s). Therefore, the RCDA requests the lead agency to ensure that the applicant has received a permit or a written determination otherwise from the RCDA, New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers prior to the final approval. Also, the applicant shall submit a copy of the permit or written determination otherwise from the New York State Department of Environmental Conservation to RCDA.

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.

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18. The New York State Department of Environmental Conservation (DEC) 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 water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or water body by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project is near or in Freshwater Wetland NA-14, Class II. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. Although the work appears to be predominantly within existing areas of disturbance, a permit may still be required. To have the wetland boundary delineated, contact NYSDEC Bureau of Habitat at 845-256-3057. Any disturbance to the stream or associated wetlands may require a permit from the U.S. Army Corps of Engineer. Contact the Corps directly at 917-790-8511 for any permitted they might require.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.
- **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 parking expansion portion of the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools).
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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

- Rockland County Sewer District No. 1
- Rockland County Department of Health
- Rockland County Drainage Agency
- New York State Department of Environmental Conservation

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

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

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

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

#### Override

The Board made a motion to override Condition #9 of the November 4, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"9. A grading plan, which shows both existing and proposed topographic contours, must be provided. In addition, the floodplain of the Sparkill Creek and the wetlands boundaries must be delineated on the site plan, and allot deductions calculated."

The Board held that the building was existing and no external changes were to be made to the site with the exception of a handicap ramp and a pylon sign. The Board noted that all other proposed improvements are interior to the building.

A motion to override the condition was made and moved by William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, absent; 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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, absent; 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: February 22, 2017

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

Cheryl Coopersmith  
TOWN CLERK'S OFFICE  
2017 MAR 9 PM 1 28  
TOWN OF ORANGETOWN

**NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance  
PB#16-69: 115 New York Route 303 Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #45632**

**Town of Orangetown Planning Board Decision  
February 22, 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: 115 New York Route 303 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 115 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, 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 CLERKS OFFICE  
2017 MAR 9 PM 1 28  
TOWN OF ORANGETOWN