

**Meeting of February 8, 2017
Town of Orangetown Planning Board**

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

MEMBERS ABSENT: Michael Mandel and Thomas Warren

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

Skae Resubdivision Plan	PB #17-08
Reapproval of the Resubdivision Plan Review	Reapproved
and Reaffirmation of SEQRA	
337 – 330 Blaisdell Road, Orangeburg	
76.08/1/3 & 4; LIO zoning district	

Skae Site Plan	PB #17-09
Prepreliminary/ Preliminary Site Plan,	Continued at Applicant's
Special Permit and SEQRA Review	Request: Submit
337 – 330 Blaisdell Road, Orangeburg	Additional Information
76.08/1/3 & 4; LIO zoning district	

Sami Construction Minor Subdivision Plan	PB #17-10
Prepreliminary/ Preliminary/	Continued
Final Subdivision Plan	
and SEQRA Review	
70 Hickory Hill Road, Tappan	
77.09/1/25; R-15 zoning district	

J & M North Corp. Site Plan	PB #16-24
Prepreliminary/ Preliminary/ Final Site Plan,	Final Site Plan
Internal Commercial Subdivision Plan	and Internal
and SEQR Review	Commercial Subdivision
327 North Middletown Road, Pearl River	Approval Subject to
68.08/1/4; CO zoning district	Conditions/ Neg. Dec.

A motion was made and moved to go into Executive Session to discuss
PB #17-10 at 8:07 p.m. by Bruce Bond and seconded by Stephen Sweeney and
carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman,
aye; Michael Mandel, absent, William Young, aye; Robert Dell, aye;
Stephen Sweeney, aye and Thomas Warren, absent.

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Planning Board Meeting

A motion was made and moved to close the Executive Session 8:12 p.m. by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, absent.

The decisions of the January 25, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent, 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 Stephen Sweeney and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for February 22, 2017.

DATED: February 8, 2017

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

Cheryl Coopersmith

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PB #17-08: Skae Training Resubdivision Plan – Reapproval of Final Resubdivision Plan Approval Subject to Conditions

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

RE: Skae Resubdivision Plan: The application of Peter Skae, (Donald Brenner, Attorney for the applicant) for Reapproval of the Final Resubdivision Plan Approval, PB #15-11, dated February 25, 2015, at a site known as “**Skae Resubdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York and the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 337 – 330 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, February 8, 2017**, at which time the Board made the following determinations:

Donald Brenner and Sarah Torrens appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report, dated February 1, 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 February 8, 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 2, 2017.
4. Copies of the following decisions: PB #15-11: Skae Training Resubdivision Plan – Final Resubdivision Plan Approval Subject to Conditions, dated February 25, 2015.
5. Survey for Skae Training Resubdivision Plan, prepared by Sparaco & Youngblood, PLLC dated September 12, 2014, revised October 22, 2014.
6. An email from residents of Old Tappan, New Jersey: Lloyd Aanonsen, Steven Vizoukis, Robert Scozzafava and Michael Ro, dated February 3, 2017.

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

Public Comment:

Steve Vizoukia, 23 Longview Court, Old Tappan, New Jersey; expressed concerns regarding the easement rights to the site and requested the Board to hold its decision and let the ongoing litigation find conclusion.

Robert Scozzafava, 29 Longview Court, Old Tappan, New Jersey; noted that there was pending litigation in the Bergen County Court over the easement to the property, and requested the Board to hold off until litigation is completed.

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There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye; Michael Mandel, absent and Thomas Warren, absent.

REAFFIRMATION OF SEQRA

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 Stephen Sweeney and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; 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 Sparaco & Youngblood, PLLC and the Town of Orangetown’s engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Department of Planning, Rockland County Department of Highways and having reviewed proposed Site Plans by prepared by Sparaco and Youngblood, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman, aye; William Young, aye; Michael Mandel, absent; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, absent, the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was Granted Reapproval of the Final Resubdivision Plan Subject to the following conditions:

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

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2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with previous and applicable conditions in all Board Decisions: ZBA #15-01, Variances Pre-Existing Non-Conforming structure approved to remain on Property with the Specific Condition that the structure's use shall be conforming with the LIO District Approved, dated January 7, 2015, PB #14-40, Preliminary Resubdivision Plan Approval Subject to Conditions/ Neg. Dec, dated October 22, 2014 and PB #15-11, Final Resubdivision Plan Approval Subject to Conditions, dated February 25, 2015.
4. It is the understanding that the approved Subdivision map was never filed with Rockland County Office of Land Records and therefor the map needs Reapproval from the Orangetown Planning Board so it can be filed with the County. No objection to a Reapproval.
5. The Rockland County Department of Health (RCDOH) reviewed the plans and found that no RCDOH approvals are needed for this application.
6. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
7. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
8. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

The foregoing Resolution was made and moved by William Young and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman, aye; William Young, aye; Michael Mandel, absent; 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 8, 2017

Cheryl Coopersmith

Chief Clerk Boards and Commissions

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

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

NAME OF ACTION: Skae Training Resubdivision Plan – Reapproval of Final Resubdivision Plan Approval Subject to Conditions

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Reapproval of Resubdivision Plan Review

LOCATION: The site is located at 337 – 330 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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**PB#16-23: J & M North Corp. Site Plan:
Final Site Plan and Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Permit #44858

**Town of Orangetown Planning Board Decision
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TO: Mustafa Alkhatib, J & M North Corp. 327 North Middletown Road,
Pearl River, NY 10965
FROM: Orangetown Planning Board

RE: J & M North Corp. Site Plan: The application of J & M North Corp. owner, for Prepreliminary/ Preliminary/ Final Site Plan and Internal Subdivision Plan Review at a site known as "**J & M North Corp. Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 327 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 4 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 11 and October 26, 2016, January 11, 2017 and February 8, 2017.**

May 11, 2016

The Board received the following communications:

1. Project Review Committee Report dated May 4, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 11, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 27, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 11, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 23 & 24, 2016.
7. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of August 2, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated April 6, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated April 20, 2016.
10. A Short Environmental Assessment Form, signed by John Bezuyen, PLS, dated March 15, 2016.
11. Building Permit Referral dated November 6, 2015, signed by Glen Maier, Building Inspector.

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**PB#16-23: J & M North Corp. Site Plan:
Preliminary Site Plan and
Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

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

Public Comment:

Jessica Cancchino, 90 Secor Boulevard, Pearl River; raised concerns regarding the site being a Used Car Lot. She noted that the site was not maintained well.

Francis Nuggent, 50 Secor Boulevard, Pearl River, wanted to know if the site is a used car dealer.

Denis Angelmi, 42 Secor Boulevard, Pearl River, wanted to know if the applicant planned on any physical improvements to the site, such as signage, shrubs, the building. He raised concerns regarding the location of the storage sheds on the site.

The applicant requested a **CONTINUATION**.

October 26, 2016

Mustafa Alkhatib and Donald Brenner appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
3. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 11, 2016.
4. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 21, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 26, 2016.
6. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of August 2, 2016.

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**PB#16-23: J & M North Corp. Site Plan:
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The Board reviewed the plans. The hearing was then opened to the Public.

The applicant requested a **CONTINUATION**.

January 11, 2017

Mustafa Alkhatib and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 4, 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 January 11, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 5, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 3, 2017.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., dated December 15, 2016.
6. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated January 3, 2017.
7. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of December 1, 2016.
8. Submitted at the meeting, a Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of January 4, 2017.

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

The applicant requested a **CONTINUATION**

February 8, 2017

Mustafa Alkhatib and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 1, 2017.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 8, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 2, 2017.

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**PB#16-23: J & M North Corp. Site Plan:
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4. A letter from the Rockland County Highway Department, signed by Sonny Lin, P.E., dated January 11, 2017.
5. Site Plan prepared by John Bezuyen, PLS, dated October 6, 2015, last revision date of January 17, 2017.

The Board reviewed the plans. The hearing was then open 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 William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; William Young, aye; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; 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 John Bezuyen, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and

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**PB#16-23: J & M North Corp. Site Plan:
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Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, Rockland County Department of Health, Rockland County Department of Highway and having reviewed proposed Site Plan by prepared by John Bezuyen, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; William Young, aye; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall appear before the Town of Orangetown Architecture and Community Appearance Board of Review for landscaping and screening.
4. A note shall be placed on the Site Plan stating that no parking shall be allowed on the site at the southeast corner of the property at and near the corner of Crooked Hill and Middletown Roads, or along the eastern most side of the property abutting Middletown Road.
5. The proposed railroad ties on the site plan shall be replaced with Belgium Blocks or concrete curbing.
6. A detail for the proposed sidewalk shall be added to the Site Plans.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 1. The proposed site plan is an improvement over previously submitted plans, as more of the encroachments are being addressed. However, the southeastern corner, though now improved with gravel and plantings, still contains pavement area that is outside of the property boundary, and within the road right of way. Previous aerial photograph illustrates that prior to 2010, this area was landscaped, and not being used by the property owner. Since this land is roadway right of way, and not permitted to be used by the property owner, this entire paved area outside of the property boundary must be removed, and restored to the previous landscaped area. The site plan illustrate that this area will be removed.

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**PB#16-23: J & M North Corp. Site Plan:
Final Site Plan and
Internal Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Permit #44858

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Continuation of Condition #7...

2. An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. A permit is required for the proposed development.
3. The previous version of the site plan showed the pavement outside the property boundary along the northwestern portion of the site, which extends onto a portion of tax lot 68.08-1-3, was to be removed. The current set of plans do not indicate that the macadam will be removed. In addition a fence was also installed over the property line, but the plans do not indicate removal of this item either. The site plan must note that both the fencing and the paved area are to be removed so that no encroachments exist.
4. As indicated in the December 15, 2016 letter from the Rockland County Department of Health, the existing monitoring wells must be shown on the site plan to ensure that there are no conflicts with any of the proposed improvements.
5. A landscaping plan must be provided that notes the type of plants proposed in the southeastern corner of the site.
6. All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
7. The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.

The Board held that the applicant has satisfied all of the following Rockland County Planning Department conditions:

1. The convenience part is a pre-existing non-conforming use in the CO zoning district. A use variance was granted in 1996 for a gas station; and the convenience store use was a permitted use when the site was previously zoned CC. However, the current zoning does not permit either uses, and since two uses are proposed on the site, a commercial subdivision will need to occur. In addition, several changes have been made over time to the site plan. If it is determined that more than 50% of the site plan has been expanded, then a use variance will have to be sought. It must be determined if a use variance is warranted, and an internal subdivision must be obtained for the two uses on the site.
satisfied

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Continuation of Condition #7...

2. This use does not appear to be permitted use, and therefore it is not clear how the parking analysis numbers were derived or the bulk requirements obtained. In addition, no parking information was provided for the food mart/ convenience store use. It must be clarified what parking and bulk requirements are needed, and all components of the site factored into the parking calculations, auto repair and convenient store uses. **satisfied**
3. The previous plan indicates that required parking was 3 + 4 for each service bay, or 11 spaces. This seems to indicate that there are two service bays. The current plans indicate that 6 + 4 for each bay, or 15 spaces are required. If there are two service bays, then the total required would be 14, not 15 parking spaces. As requested above, it must be noted how is the "6" required spaces is derived, and what the parking calculation is based on. The parking analysis must be corrected if the number of parking spaces required is the total of "6 + 4" for each service bay (2)". **satisfied**
4. It is not clear how access will be provided to the air pump and vacuum located in the northeastern corner of the site. Less than 10 feet is being provided to access either of these features. They should be moved to a more accessible location of the site. **satisfied**
5. the paved areas on the site plan that are not being used for parking or driveway shall be removed and landscaped. This will help to break up the large macadam areas while reducing the amount of stormwater runoff from the site. These areas include the northeastern corner, the southwestern corner, and the southeastern portion of the site. This will also reduce the ability of vehicles to park within roadway right of ways, which can impede sight distance, and cause other safety concerns. **satisfied**
6. A new office area is proposed for the site. The square footage of the office space must be provided. The floor area ratio calculation provided does not seem to include the additional square footage. All building area must be listed and included in the floor area ratio calculation and parking requirements. **satisfied**

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8. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments:

- Please clarify if the proposed site plan shows a propane tank that is to be relocated, is this an individual tank or a barbeque type propane tank exchange. What is the quantity of the propane to be stored? Further comments cannot be made until this information is provided.

9. The Rockland County Highway Department reviewed the site plans and based upon the plans and information received, no major constructions are planned. The proposed action would not have foreseeable adverse impact to county roads in the area. The proposed work lies within 500 feet from the closest county roads, a Rockland County Highway Department work permit will be required for the proposed development.

10. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comment:

1. The existing monitoring wells are to be shown to ensure that there are no conflicts with any of the proposed improvements.

11. 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.

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

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

13. 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.

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

15. 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

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specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

16. 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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17. 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.

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

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

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

21. 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

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

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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 #13 of the January 3, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

"13. A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the County highway."

The Board held that no new lighting was proposed for the site and that the existing lighting was satisfactory.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel absent; 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 8, 2017
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment

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

**PB#16-23: J & M North Corp. Site Plan: Final Site Plan Approval Subject to
Conditions/ Neg. Dec.
February 8, 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: J & M North Corp. Site Plan: Final Site Plan and
Internal Commercial Subdivision Approval Subject to Conditions/ Neg. Dec.**
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Site and Internal Commercial Subdivision Plan
Review**

LOCATION: The site is located at 327 North Middletown Road, Pearl River,
Town of Orangetown, Rockland County, New York, and as shown on the
Orangetown Tax Map as Section 68.08, Block 1, Lot 4 in the CO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS
need not be prepared because the proposed action does not significantly affect
air quality, surface or ground water quality, noise levels or existing external
traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural
or cultural resources of the neighborhood. No vegetation, fauna or wildlife
species will be affected as a result of this proposed action. The proposed action
is consistent with the Town of Orangetown's Master Plan and will not have any
adverse economic or social impacts upon the Town or its businesses or
residences.

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice
is sent: - Commissioner, New York State Department of Environmental
Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant,
Involved Agencies

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