

**Meeting of April 25, 2018
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman, Kevin Garvey, Michael Mandel, Stephen Sweeney, Robert Dell, Blythe Yost and Bruce Bond

MEMBERS ABSENT: William Young, Vice-Chairman

ALSO PRESENT: Rick Pakola, Deputy Town Attorney; Jane Slavin, Director, Department of Building, Zoning, Planning Administration and Enforcement Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the meeting to order at 7:30 p.m. Kevin 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:

Continued Item from March 14, 2018 Meeting:

Lee Construction LLC Site Plan **PB #18-12**
Kopunek Subdivision - Lot #2 **Continued: Revise**
Prepreliminary/ Preliminary/ Final Site **Plan**
Plan and SEQRA Review
23 Sterling Avenue, Tappan
77.06/2/69.2; R-15 zoning district

New Items:

Blauvelt Coach Diner **PB #18-16**
Conditional Use Permit **Continued: Submit**
Prepreliminary/ Preliminary/ Final **Additional Information**
and SEQRA Review (Route 303 Overlay Zone)
587 Route 303, Blauvelt
70.10/3/17; CC zoning district

125 South Greenbush Site Plan - Loading Docks **PB #18-17**
Prepreliminary/ Preliminary/ Final Site Plan **Final Site Plan**
and SEQRA Review **Approval Subject**
125 South Greenbush Road, Orangeburg **to Conditions/ Neg. Dec.**
74.07/1/15.1; LI zoning district

125 South Greenbush Internal **PB #18-18**
Commercial Subdivision Plan **Final Internal**
Prepreliminary/ Preliminary/ Final **Commercial Subdivision**
and SEQRA Review **Plan Approval Subject**
125 South Greenbush Road, Orangeburg **to Conditions/ Neg. Dec.**
74.07/1/15.1; LI zoning district

Celtic Sheet Metal Site Plan Amendment **PB #18-19**
Request to Land-Bank Parking Spaces **Continued: Revise**
Prepreliminary/ Preliminary/ Final Site Plan **Plans**
and SEQRA Review
1 Corporate Drive, Orangeburg
73.20/1/32; LIO zoning district

TOWN CLERK'S OFFICE
2018 MAY 11 P 3:55
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**Meeting of April 25, 2018
Town of Orangetown Planning Board**

The decisions of the April 11, 2018 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Michael Mandel, aye, Blythe Yost, aye; Robert Dell, aye; Stephen Sweeney, aye, Kevin Garvey, aye and Bruce Bond, aye.

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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:20 p.m.

DATED: April 25, 2018

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



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PB#18-17: 125 South Greenbush

Permit #47236

Site Plan – Loading Docks

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

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TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board

RE: 125 South Greenbush Site Plan - Loading Docks: The application Alexander Properties, applicant for 125 So. Greenbush LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as “**125 South Greenbush Site Plan- Loading Docks**”, 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 125 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 15 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 25, 2018** at which time the Board made the following determinations:

Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 18, 2018.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated April 23, 2018.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 19, 2018.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated April 19, 2018.
5. A letter from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III, dated March 28 2018.
6. A letter from the Rockland County Department of Health, signed by Elizabeth Mello, dated June 9, 2017.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated March 28, 2018.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated April 4, 2018.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated April 16, 2018.
10. An interdepartmental memorandum from Michael Bettmann, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown, dated April 17, 2018, with an attachment.

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11. A Short Environmental Assessment Form, signed by Donald Brenner, dated March 23, 2018.
12. A Project Narrative prepared by the applicant.
13. Site Plan prepared by Jay Greenwell, PLS, dated January 19, 2018, last revised March 22, 2018, noting addition of loading docks.
14. Architectural Plans prepared by Poskanzer Skott Architects:
 - A-2: Proposed Warehouse Plan, Existing Conditions, dated February 27, 2018
 - EX-1: Existing Warehouse Plan, Existing Conditions, dated December 28, 2017
15. Building Permit Referral dated January 12, 2018, signed by Rick Oliver, Building Inspector.

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

Public Comment:

Barry Sietel - 210 South Greenbush Road, Orangeburg; raised concerns regarding the current and future traffic on South Greenbush Road. Mr. Sietel held that the hours of operation are 24 hours a day and the noise is constant. In addition, he noted that the site has a significant amount of trash. Mr. Sietel requested the Board to enforce the "No Right Hand Turn Sign", leaving the site.

Margie Sietel – 210 South Greenbush Road, Orangeburg; told the Board that since they purchased their property, the traffic on South Greenbush Road has increased. She requested that the applicant create their own road access to the site.

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

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The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by Bruce Bond and carried as follows Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, aye, Bruce Bond, aye and, Kevin Garvey, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jay Greenwell, PLS and Poskanzer Skott Architects, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Drainage Agency and Rockland County Health Department, 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;

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

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

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

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2. The following note shall be placed on the Site Plan: "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 install a sign noting "No Right Hand Turn", at the roadway leaving the project site.

4. The hours of operation shall not be changed from its current hours.

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

- The comments in the March 28, 2018 letter from the Rockland County Highway Department must be met.
- The Planning Board must ensure that sufficient parking is provided for the four separate uses that will now occupy the subdivided building. The parking layout must delineate the specific areas dedicated for each unit.
- A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- Map Note #6 on the subdivision plan lists the parcel to be within the LIO district. This shall be corrected to be the LI zoning district.

6. The Rockland County Highway Department reviewed the plan and provided the following comments:

- The proposed action would have a de-Minimis impact upon the County Highway system. When the Planning Board approval is granted for the proposed action, the applicant is required to obtain a work permit from the Rockland County Highway Department prior to beginning of any construction activities.

7. 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.

8. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA; however, the current proposal does not require a Stream Control Act permit. Any future decisions or determinations made by the municipal land use boards and departments regarding this site shall indicate that it is within the jurisdiction of the RCDA and that a permit or a determination otherwise from the RCDA would be required for any developments at this site. The RCDA recommends that the municipal departments ensure the project with any land disturbance has adequate soil erosion and sediment control measures to prevent sediment from leaving the site.

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9. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and walked received the application and fee for a Certificate of Compliance Fire Safety from the applicant as well walked the space with applicant, Ray Mulligan. The Bureau offered the following comments.

- **The new tenant, Prime Packaging Corp. will be using 63,000 square feet of the existing building for the storage of cardboard boxes, mostly folded on pallets. As per NYS Bc311.2, that is classified as an S-1 Moderate Hazard Storage. (applicant provided with section of the NYS Code).**
- **Correct the following: The travel distance for S-1 Occupancy in a sprinklered building is 250 feet, however presently, the travel distance is over 330 feet.**

- **Note the following:**
 - **Portable Fire Extinguishers are in place and property spaced**
 - **There is adequate Emergency Lighting for the space**
 - **Fire Sprinklers have been evaluated to protect the Commodity**

10. 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 #1**
- **Rockland County Health Department**
- **Rockland County Drainage Agency**

11. 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.

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

13. 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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14. 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.

15. 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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16. 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.

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

18. 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 Site 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).

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

20. 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

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

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Override

The Board made a motion to override Conditions #2 and #5 of the April 19, 2018 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#2. If required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

The Board held that the proposed subdivision in a division of space inside an existing structure and is not filed with Rockland County Clerk's Office.

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

#5. An access way for Clausland Mountain Park exists along the southern boundary of the parcel. Also, along the boundary of the site is parking that is used for truck trailer storage. A berm or evergreen landscaping must be planted along the southern boundary to shield the outside storage of trucks from the county park land.

The Board held that Berm is not necessary given the length of the access way to Clausland Mountain Park. In addition, the Board held that the creation of the berm would create a disturbance to the site and the impact of the berm to the park would be de-minimis.

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Bruce Bond, aye; Blythe Yost, aye; Robert Dell, nay; Stephen Sweeney, aye; Kevin Garvey, aye and Michael Mandel, 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: April 25, 2018
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

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10. A Short Environmental Assessment Form, signed by Donald Brenner, dated March 23, 2018.
11. A Project Narrative prepared by the applicant.
12. Commercial Subdivision Plan prepared by Jay Greenwell, PLS, dated January 19, 2018, last revised March 22, 2018, noting addition of loading docks.
13. Architectural Plans prepared by Poskanzer Skott Architects:
 - A-2: Proposed Warehouse Plan, Existing Conditions, dated February 27, 2018
 - EX-1: Existing Warehouse Plan, Existing Conditions, dated December 28, 2017
14. Building Permit Referral dated January 12, 2018, signed by Rick Oliver, Building Inspector.

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

Public Comment:

Barry Sietel - 210 South Greenbush Road, Orangeburg; raised concerns regarding the current and future traffic on South Greenbush Road. Mr. Sietel held that the hours of operation are 24 hours a day and the noise is constant. In addition, he noted that the site has a significant amount of trash. Mr. Sietel requested the Board to enforce the "No Right Hand Turn Sign", leaving the site.

Margie Sietel – 210 South Greenbush Road, Orangeburg; told the Board that since they purchased their property, the traffic on South Greenbush Road has increased. She requested that the applicant create their own road access to the site.

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

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PB#18-18: 125 South Greenbush Permit #47104
Internal Commercial Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by Bruce Bond and carried as follows Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, aye, Bruce Bond, aye and, Kevin Garvey, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jay Greenwell, PLS and Poskanzer Skott Architects, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Drainage Agency and Rockland County Health Department, 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;

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

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

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

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PB#18-18: 125 South Greenbush Permit #47104
Internal Commercial Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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2. The applicant shall install a sign noting "No Right Hand Turn", at the roadway leaving the project site.

3. The hours of operation shall not be changed from its current hours.

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

- The comments in the March 28, 2018 letter from the Rockland County Highway Department must be met.
- The Planning Board must ensure that sufficient parking is provided for the four separate uses that will now occupy the subdivided building. The parking layout must delineate the specific areas dedicated for each unit.
- A review must be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- Map Note #6 on the subdivision plan lists the parcel to be within the LIO district. This shall be corrected to be the LI zoning district.

5. The Rockland County Highway Department reviewed the plan and provided the following comments:

- The proposed action would have a de-Minimis impact upon the County Highway system. When the Planning Board approval is granted for the proposed action, the applicant is required to obtain a work permit from the Rockland County Highway Department prior to beginning of any construction activities.

6. 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.

7. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA; however, the current proposal does not require a Stream Control Act permit. Any future decisions or determinations made by the municipal land use boards and departments regarding this site shall indicate that it is within the jurisdiction of the RCDA and that a permit or a determination otherwise from the RCDA would be required for any developments at this site. The RCDA recommends that the municipal departments ensure the project with any land disturbance has adequate soil erosion and sediment control measures to prevent sediment from leaving the site.

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8. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and walked received the application and fee for a Certificate of Compliance Fire Safety from the applicant as well walked the space with applicant, Ray Mulligan. The Bureau offered the following comments.

- The new tenant, Prime Packaging Corp. will be using 63,000 square feet of the existing building for the storage of cardboard boxes, mostly folded on pallets. As per NYS Bc311.2, that is classified as an S-1 Moderate Hazard Storage. (applicant provided with section of the NYS Code).
- Correct the following: The travel distance for S-1 Occupancy in a sprinklered building is 250 feet, however presently, the travel distance is over 330 feet.
- Note the following:
 - Portable Fire Extinguishers are in place and property spaced
 - There is adequate Emergency Lighting for the space
 - Fire Sprinklers have been evaluated to protect the Commodity

9. 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 #1
- Rockland County Health Department
- Rockland County Drainage Agency

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

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

12. All 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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13. 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.

14. 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.

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

16. 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 Site 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).

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

18. 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

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

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PB#18-18: 125 South Greenbush Permit #47104
Internal Commercial Subdivision Plan
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
April 25, 2018

Town of Orangetown Planning Board Decision
April 25, 2018
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Override

The Board made a motion to override Conditions #2 and #5 of the April 19, 2018 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#2. If required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

The Board held that the proposed subdivision in a division of space inside an existing structure and is not filed with Rockland County Clerk's Office.

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

#5. An access way for Clausland Mountain Park exists along the southern boundary of the parcel. Also, along the boundary of the site is parking that is used for truck trailer storage. A berm or evergreen landscaping must be planted along the southern boundary to shield the outside storage of trucks from the county park land.

The Board held that Berm is not necessary given the length of the access way to Clausland Mountain Park. In addition, the Board held that the creation of the berm would create a disturbance to the site and the impact of the berm to the park would be de-minimis.

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by Bruce Bond and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Bruce Bond, aye; Kevin Garvey, aye, Blythe Yost, aye, Robert Dell, aye; Stephen Sweeney, aye; and Michael Mandel, 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: April 25, 2018
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Cheryl Coopersmith
TOWN OF ORANGETOWN
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