

**Meeting of December 20, 2017  
Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** Kevin Garvey, Chairman and Stephen Sweeney

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

Mr. Robert Dell called the meeting to order at 7:30 p.m.  
Mr. Dell 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>New York City Football Club Sign Location Plan</b> Prepreliminary/ Preliminary/ Final Sign Location Plan Review Old Orangeburg Road, Orangeburg 73.12/1/3.2; RPC-R zoning district	<b>Final Sign Location Plan Approval Subject to Conditions Reaffirmation of Neg. Dec.</b>	<b>PB #17 - 61</b>
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<b>Anda Realty Site Plan</b> Amendment to Final Site Plan Approval with Conditions, PB #11-58, dated Dec. 14, 2011 Prepreliminary/ Preliminary/ Final Review 153 East Central Avenue, Pearl River 68.16/6/39; CS zoning district	<b>Continued: Submit Revised Plans</b>	<b>PB #17 - 62</b>
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<b>Defiant Brewing Company</b> Final Site Plan and Conditional Use Permit Review 4-6 Dexter Park, Pearl River 68.20/1/1./40; LI zoning district	<b>Final Site Plan and Conditional Use Permit Granted Subject to Conditions</b>	<b>PB #17 - 63</b>
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<b>Bergson Subdivision Plan</b> Amendment to Prepreliminary Subdivision Plan Approval, PB #16-05, dated June 14, 2017 and SEQRA Review 56 Woods Road, Palisades Palisades Historic District 78.18/1/3.1 & 3.2; R-80 zoning district	<b>Preliminary Approval Subject to Conditions Reaffirmation of Neg. Dec.</b>	<b>PB #17 - 64</b>
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**Other Business:** The Board referred a Village of South Nyack referral to the Department of Environmental Management and Engineering for review.

- Living Christ Church – Olsen Center. Review of 4 lot Subdivision of property located within 200 feet of municipal boundary; 149-157 Piermont Avenue, South Nyack.

The Planning Board had no comment.

The decisions of the December 13, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond 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; Stephen Sweeney, absent and Thomas Warren, 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 Bruce Bond and seconded by Thomas Warren and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for January 10, 2018.

**DATED: December 20, 2017**  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**



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**PB #17 - 61: New York City Football Club  
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**TO: Ian Wilson, 600 3<sup>rd</sup> Avenue, 30<sup>th</sup> Floor  
New York 10016**  
**FROM: Orangetown Planning Board**

**RE: New York City Football Club Sign Location Plan:** The application of New York City Football Club, owner, for Prepreliminary/ Preliminary/ Final Sign Location Plan Review at a site known as “**New York City Football Club Sign Location 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 on Convent Road/ Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 3.2 in the RPC-R zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 20, 2017**, at which time the Board made the following determinations:

Brian Quinn and Tony Lynn appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 13, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated December 20, 2017.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 15, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 30, 2017.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 20, 2017.
6. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated November 16, 2017.
7. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated December 6, 2017.
8. Letters from the New York State Department of Transportation, signed by Michael Manning, Traffic Safety and Mobility Group, dated December 4, 2017.

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9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Joan Soloman, Acting Chair dated November 15, 2017.
10. A Short Environmental Assessment Form signed by Ian Wilson dated November 8, 2017.
11. A Project Narrative dated November 8, 2017.
12. Site Survey Plan prepared by Insite, A-010.
13. Signage Plans prepared by Rafael Vinoly Architects:
  - A-013- Professional Soccer Training Facility
  - Building Brand Graphics Overview
  - South Elevation Street Frontage onto Old Orangeburg Rd.- Main Entrance
  - South Elevation Street Frontage onto Old Orangeburg Rd.- Service Entrance
  - Perimeter Fencing – East Fencing and Partnership Logos
  - Perimeter Fencing – North Fencing and Partnership Logos
  - Perimeter Fencing – South Fencing (A) and Partnership Logos
  - Perimeter Fencing – South Fencing (B) and NYCFC Branding
  - South Elevation – Building Entrance; Partnership Logos, NYCFC Branding, CFC Branding
  - East Elevation – Interview Zone; Partnership Logos and Partnership Logos
  - East Elevation – “Drum”; NYCFC Branding and CFG Branding
  - West Elevation – “Drum” Partnership Logos
  - East Elevation – Player Entrance; NYCFC Branding and NYCFC Branding
14. Copy of the Building Permit Referral, dated May 19, 2016, signed by Glenn Maier, Building Inspector.
15. A letter from Montalbano, Condon & Frank, signed by Brian Quinn, dated December 15, 2017.

The Board reviewed the plan. The meeting 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 Thomas Warren 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; Stephen Sweeney, absent; and Thomas Warren, aye.

**REAFFIRMATION OF SEQRA**

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Rafael Vinoly Architects and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Health, Rockland County Sewer District No. 1, New York State Department of Transportation, Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Plans by prepared by Rafael Vinoly Architects 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.

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

**A motion was made to waive the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review. by Michael Mandel and second by Thomas Warren and carried as follows: Kevin Garvey, Chairman, absent; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, absent.**

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The applicant is proposing an additional sign on the front of the building as well as advertising on the interior of the windscreen, which will be erected around the football field. The original Sign approval remains as approved.

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5. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
1. The comments in the November 16, 2017 letter from the Rockland County Department of Highway must be met.
  2. The Town of Orangetown must be satisfied that all signage conforms to the Town's sign standards.
6. The Rockland County Highway Department had the following comments which are incorporated herein as conditions of approval:
- The sign(s) must conform to all applicable building and zoning regulations of the Municipality in which they will be located.
  - The sign(s) shall not be a distraction to drivers or obstruct any traffic control signs in the vicinity.
  - A Work Permit from the Rockland County Highway Department will not be required for the sign installation as proposed location is not in the County's Right of Way.
7. Based on the information provided, there are no Rockland County Health Department approvals needed for this application.
8. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
9. The New York State Department of Transportation reviewed the information and held that the project has minimal impact on the state highway system and the Department has no additional comments.
10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and 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. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Town of Orangetown Zoning Board of Appeals
  - Rockland County Department of Health
  - New York State Department of Transportation
  - Rockland County Sewer District No. 1

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**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.

**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.

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**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.

**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 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).

**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

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

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, Chairman, aye; Michael Mandel, aye; William Young, aye; Stephen Sweeney, absent; Thomas Warren, aye; and Robert Dell, 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: December 20, 2017  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



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**Reaffirmation**

**State Environmental Quality Review Regulations**

**NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**PB #17 - 61: New York City Football Club**

**Permit #45399**

**Sign Location Plan**

**Final Sign Location Plan Approval Subject to Conditions**

**Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**December 20, 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: New York City Football Club Sign Location Plan; Approval Subject to Conditions**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Sign Location Plan Review**

LOCATION: The site is located at 1174 Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 3.2 in the RPC-R zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

Jane Slavin, R.A., A.I.A., 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 #17-63: Defiant Brewing Company  
Final Site Plan Approval Subject  
to Conditions**

**Permit #46527**

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

**RE: Defiant Brewing Company Site Plan and Conditional Use**

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

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 20, 2017** the Board made the following determinations:

Donald Brenner and Neill Acer appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 13, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated December 20, 2017.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 15, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 21, 2017.
5. Letters from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated December 6, 2017.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 13, 2017.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated December 16, 2017.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector dated December 4, 2017.
9. Commercial Subdivision Plan prepared by Jay Greenwell, PLS, LLC, dated March 16, 2015, last revised on June 23, 2017.
10. Copies of the following Board Decisions: ZBA #17-81; Off Street Parking Variances approved, dated October 18, 2017, and PB #17-40, Preliminary Site Plan and Conditional Use Permit Approved Subject to Conditions, dated July 26, 2017/ Neg. Dec.

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

**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 Board requested that the "Key Plan" on the Architectural Plan prepared by SNS Architects & Engineers PC, dated April 12, 2017, last revised April 20, 2017, entitled "Egress Analysis for Defiant Brewery at 4-6 Dexter Plaza, Pearl River, New York", be enlarged and placed on its own Plan Sheet. The Plan shall note the tenant spaces as "Tenant A, Tenant B, etc.; as well as note the demising wall(s).
4. The Applicant has expanded the existing Conditional use into existing storage space within the building.
5. The Commercial Subdivision Plan shall be specific to the L4 location and indicate the tenant interior demising walls, main entrance/exits and the allocated space for each tenant.
6. The Commercial subdivision table indicates tenant L4 as light industrial/storage, however the conditional use for "nightclub" per Table 3.11, column 4, number 9 shall be listed.

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7. The Commercial subdivision table shall list each occupant's actual use.
8. The Comments of the July 26, 2017 memorandum by OBZPAE still apply.
9. The Applicant will need to provide calculations to demonstrate that the plumbing fixtures as shown meet NYS code.
10. The Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - The comments in the July 17, 2017 letter from the Rockland County Highway Department must be met.
  - A review must be completed by the Rockland County Drainage Agency and all required permits obtained.
  - A review must be completed by the New York State Department of Transportation and all required permits obtained.
11. The Rockland County Department of Highways reviewed the plans and offered the following comments:
  - Based upon the plans and information provided, the proposed action should a de-Minimis impact upon the County highway system. The Highway Department pose no objection to the plan as presented.
  - Since the proposed action involves internal space construction a Rockland County Highway Department work permit will not be required for proposed improvements.
12. Based on the information provided, the Rockland County Health Department (RCDOH) held that there are no RCDOH approvals needed for this application.
13. This site was previously reviewed and determined that it is within the jurisdiction of the Rockland County Drainage Agency (RCDA). Therefore, a permit or a determination otherwise from the RCDA, pursuant to the Rockland County Stream Control Act is required for any developments within this site. However, the current proposal is for an internal expansion/ subdivision and therefore a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested at this time. However, any future site improvements that include land disturbance or increase in impervious area will require a permit or a determination otherwise from the RCDA.

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**14.** The Town of Orangetown Bureau of Fire Prevention offered the following comments. These notes must be placed on the Site Plan and Construction Plans;

1. An NFPA 72 compliant fire alarm system must be installed/ extended into the new space.
2. An NFPA 13 compliant fire sprinkler system must be installed/ extended into the new space.
3. Illuminated exit signs with battery backup must be provided in the new space.
4. Emergency lighting must be provided in the new space and all paths of egress.
5. Fire extinguishers must be installed in approved locations.
6. Carbon monoxide detectors connected to the fire alarm system in supervisory mode must be installed.
7. Certification of flame retardant application for wood wall covering must be provided by company that did treatment.
8. Certificate of Compliance fee must be adjusted for increase occupancy.
9. A signed and striped fire lane must be provided the railroad track side of the building and in rear of building. Location must be approved by the Bureau of Fire Prevention.
10. Power to stage where live music is performed must be arranged so that any activation of the fire alarm system will cause power to be stopped.
11. Total occupancy number must be approved by this office.

**15.** 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.

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

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17. 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.

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, Chairman, absent; Bruce Bond, Vice Chairman, aye; Robert Dell, aye; Thomas Warren, aye; William Young, aye; Michael Mandel, aye, and Stephen Sweeney, 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: December 20, 2017**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**



TOWN OF ORANGETOWN  
2018 JAN 19 P 12:56  
TOWN CLERK'S OFFICE



**PB #17-64: Bergson Subdivision; Amendment to Preliminary Subdivision Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**December 20, 2017**

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**TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,  
New York 10901**

**FROM: Orangetown Planning Board**

**RE: Bergson Subdivision Plan:** The application of Palisades 9W LLC, applicant, Wyandanch Washington Realty LLC, owner, for an **Amendment to PB#16-05, Preliminary Subdivision Approval with Conditions**, dated June 14, 2017, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review, at a site known as "Bergson Subdivision Plan" in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 20, 2017**, the Board made the following determinations:

Jay Greenwell and Simon Bergson appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 13, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated December 20, 2017.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 15, 2017.
4. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated December 19, 2017.
5. A letter from Rockland County Department of Highway, signed by Joseph Arena, Senior Engineering Technician, dated December 12, 2017.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 13, 2017.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Associate Engineer, dated December 6, 2017.
8. A letter from the Department of Army, US Army Corps of Engineers, New York District, signed by Brendan Newell, Project Manager Western Section, dated December 12, 2017.
9. An email from the Rockland County Drainage Agency from Shajan Thorrakara, dated December 12, 2017.

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10. A copy of the Full Environmental Assessment Form signed by Jay Greenwell, PLS, dated April 6, 2017, revised November 20, 2017.
11. A letter from Jay Greenwell, PLS, dated November 14, 2017.
12. A Narrative Summary prepared by Jay Greenwell, PLS, dated November 15, 2017.
13. A letter from the New York/New Jersey Trail Conference, signed by Edward Goodell, Executive Director, dated November 14, 2017.
14. Copy of PB #16-05, Preliminary Subdivision Approval Subject to Conditions, Neg. Dec., dated June 14, 2017.
15. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of October 30, 2017:
  - Sheet 1 of 3: Subdivision of Property
  - Sheet 2 of 3: Subdivision of Property
  - Sheet 3 of 3: Subdivision of Property

The Board reviewed the plan. The meeting was 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 Thomas Warren and second 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, aye; and Stephen Sweeney, absent.

**REAFFIRMATION OF SEQRA**

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 having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Environmental Conservation, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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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 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, aye; and Stephen Sweeney, absent; 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 **Amendment to the Preliminary Approval Subject to the Following Conditions:**

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**PB #17-64: Bergson Subdivision; Amendment to Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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1. All prior relevant conditions of PB#16-05, Preliminary Subdivision Approval Subject to Conditions, Neg. Dec., dated June 14, 2017; remain in effect.
2. The applicant has proposed dedicating Lot #4 as an area for parkland and/or recreation. Due to its size and location, the Town of Orangetown Parks and Recreation Department is not desirous of having said land dedicated to the Town. The Department of Parks and Recreation recommends that this land be dedicated to the State and/or New York York/New Jersey Trail conference due to its vicinity to Tallman State Park. The Planning Board finds that such a dedication adequately addresses any issues related to recreation sites in Town Code §21-20. In the event either the State of New York or the Trail Conference do not accept same within one year of the filing of the subdivision map, this decision hereby requires that Lot #4 shall not be a "buildable" lot or subdivided further. The Director of OBZPAE may require the applicant or owner of the property to return to the Planning Board for review of this condition, and the Planning Board may require that a covenant be filed with the Rockland County Clerk identifying this area as a "conservation easement" or such other covenant as the Planning Board may deem appropriate.
3. The applicant/ owner is advised that any/ all future development requires Planning Board review.
4. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  1. The comments in the December 6, 2017 letter from the Rockland County Department of Health must be met.
  2. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
  3. A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed, and permits obtained.
  4. A review must be completed by the Palisades Interstate Park Commission and any comments 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.

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**Continuation of Condition #4...**

6. Prior to start of construction or grading, a soil and erosion control plan shall be developed that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
  7. There shall be no net increase in stormwater runoff from the site.
  8. When the lots are to be developed further, a stormwater pollution prevention plan (SWPPP) must be provided, if deemed to be required. The SWPPP shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
  9. 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).
5. The Rockland County Department of Highways reviewed the plans and information and found that the proposed action should have a de minimis impact upon county roads in the area. Due to the location of this parcel a Rockland County Highway Department Work Permit will not be required.
6. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:
- Formal application for Realty Subdivision approval is to be made to the Rockland County Health Department.
  - Sanitary sewer extension approval is needed for the gravity portion of the sewer. Application is to be made to the RCDOH for a sanitary sewer extension.
  - A Transportation Corporation must be formed in accordance to Article 10. "Sewage-works Corporations" of New York State Transportation Corporation Law. If separate force mains are constructed in the easement instead of the proposed share force main, the need for the Transportation Corporation will be eliminated.
  - Separate application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
7. 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 and the agency has no further comments.

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**PB #17-64: Bergson Subdivision; Amendment to Preliminary Subdivision  
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8. 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 no future correspondence is requested for this site.

9. The New York District, U.S. Army Corps of Engineers notes that the Full Environmental Assessment form indicates that there are wetlands located on the parcel and if the development will involve work in the waters of the United States, including the discharge of fill material into streams or wetlands, then the proposed activities may require a Department of the Army permit.

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

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

**Dated: December 20, 2017**  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
attachment



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

**PB #17-64: Bergson Subdivision; Amendment to Preliminary Subdivision  
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**Town of Orangetown Planning Board Decision  
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

**NAME OF ACTION: Bergson Subdivision; Amendment to Preliminary  
Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Amendment to Preliminary Subdivision Plan  
subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 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:

Jane Slavin, R.A., A.I.A., 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, Town Supervisor, Applicant, Involved Agencies

TOWN CLERK'S OFFICE  
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