

**Meeting of July 31, 2019  
Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Thomas Warren, Chairman  
Stephen Sweeney  
Michael Mandel  
Bruce Bond, alternate (arrived late)  
Michael McCrory  
Robert Dell

**MEMBERS ABSENT:** William Young, Vice-Chairman

**ALSO PRESENT:** Jane Slavin, Director, Department of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Debbie Arbolino, Administrative Aide

Thomas Warren, Chairman called the meeting to order at 7:30 p.m.  
Mr. Warren 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 the November 14, 2018 Meeting:**

**Rubano Site Plan** **PB #18-42**  
Critical Environmental Area  
Prepreliminary/Preliminary/  
Final Site Plan and SEQRA Review  
1129 & 1131 Route 9W, Upper Grandview  
71.05/2/24 & 29; RG zoning district  
**Continued: Submit  
Resubdivision Application**

**Continued item from the May 22, 2019 Meeting:**

**Fitzsimons Subdivision Plan** **PB #19-31**  
Prepreliminary/ Preliminary/  
Final Subdivision Plan  
and SEQRA Review  
315 Blauvelt Road, Pearl River  
69.09/5/75; R-15 zoning district  
**Preliminary Subdivision  
Plan Approval Subject  
to Conditions  
Neg. Dec.**

**Continued item from the July 17, 2019 Meeting:**

**Instrumentation Laboratory Site Plan** **PB #19-45**  
Route 303 Overlay Zone  
Prepreliminary/ Preliminary/  
Final Site Plan and SEQRA Review  
526 Route 303, Orangeburg  
70.19/1/45; LO zoning district  
**Preliminary Site Plan  
Approval Subject  
to Conditions  
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**New Items:**

**Dynamic Productions USA Site Plan** **PB #19-13**  
Prepreliminary/Preliminary/  
Site Plan and SEQRA Review  
300 Blaisdell Road, Orangeburg  
73.20/1/1.2; LIO zoning district  
**Postponed to  
September 11<sup>th</sup> Meeting**

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|  |  |                  |
|--|--|------------------|
| <b>Nice Pak Site Plans</b><br>Prepreliminary/ Preliminary/<br>Final Site Plan and SEQRA Review<br>2 Nice Pack Park, Orangeburg<br>74.07/1/16; LIO zoning district  | <b>Preliminary Site Plan<br/>Approval Subject<br/>to Conditions<br/>Neg. Dec.</b>                  | <b>PB #19-47</b> |
| <b>Bill Kolb Jr. Subaru Sign Plans</b><br>Prepreliminary/ Preliminary/<br>Final Sign Location Plan<br>and SEQRA Review<br>582 Route 303, Blauvelt<br>70.14/4/12; CC zoning district  | <b>Continued:<br/>Submit Revised<br/>Plans</b>   | <b>PB #19-48</b> |
| <b>Quinlan Resubdivision Plan</b><br>Final Resubdivision Plan<br>12 Center Street, Pearl River<br>68.19/2/36 & 38; RG zoning district  | <b>Final Subdivision Plan<br/>Approval Subject<br/>to Conditions</b>                               | <b>PB #19-49</b> |
| <b>Skae Rear Expansion<br/>Pole Barn Site Plan</b><br>Amendment to PB#18-35, dated<br>September 12, 2018<br>Prepreliminary/ Preliminary/<br>Final Site Plan and Reaffirmation<br>of SEQRA Review<br>337-339 Blaisdell Road, Orangeburg<br>76.08/1/4; LIO zoning district | <b>Preliminary Site<br/>Plan Approval<br/>Subject to Conditions<br/>Reaffirmation of<br/>SEQRA</b> | <b>PB #19-50</b> |
| <b>Maloney Subdivision Plan</b><br>Final Subdivision Plan Review<br>60 Fisher Avenue, Pearl River<br>68.11/2/70; R-15 zoning district  | <b>Final Subdivision Plan<br/>Approval Subject<br/>to Conditions</b>                               | <b>PB #19-51</b> |

**Other Business:**

**(1) Referral from the Village of Piermont: 171 Tweed Boulevard, Piermont:**  
The Board referred the review to the Town of Orangetown Department of Environmental Management and Engineering.

**(2) New York Power Authority Backbone Execution Plan for Western to Central/Southern New York; Lead Agency Request and Review:** The Board had no comments.

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**(3) Jara Minor Subdivision: Preliminary Subdivision Plan Approval on May 22, 2019; Request to Waive ACABOR review.** The applicant requested the Board to waive appearance/approval from the Town of Orangetown Architecture and Community Appearance Board of Review since there will be no new construction on the reconfigured lots.

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

**(4) Town Board Referral – Zone Change Request:** 636 North Greenbush Road, Blauvelt; 65.15-1-1, currently LO zone, change to MFR zone and Designation of Town Board as Lead Agency under SEQRA.

The Planning Board had no objection to the Town Board being Lead Agency on the Zone Change request of 636 North Greenbush Road, Blauvelt; 65.15-1-1, currently LO zone to MFR zone.

**RECOMMENDATION:**

**The Board raised the following concerns:**

- The proposal is for high density housing which is not compatible with the surrounding area.
- The Board strongly suggests that the Town Board examine previous Planning Board Decisions in regard to the discovery of dinosaur footprints and fossils and delineate those areas on the site in which they were found.

On motion by Robert Dell and seconded by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, absent; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

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The decisions of the July 17, 2019 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: Thomas Warren - Chairman, aye; William Young- Vice Chairman, absent; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Stephen Sweeney, aye, and Bruce Bond, aye.

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 Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 10:15 p.m. The next Planning Board meeting is scheduled for September 11, 2019.

**DATED: July 31, 2019**

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



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**TO: Frank Phillips, Phillips & Millman, 148 S. Liberty Drive, Stony Point, New York 10980**  
**FROM: Orangetown Planning Board**

**RE: Fitzsimons Subdivision Plan:** The application of Orla and Stephen Fitzsimons, owners for Prepreliminary/ Preliminary/ Final Subdivision Plan Review at a site to be known as “**Fitzsimons 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 315 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 69.09, Block 5, Lot 75; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 22, & July 31, 2019**, the Board made the following determinations:

**May 22, 2019**

**Jeffrey Millman and Ed Moran appeared and testified before the Board.**

The Board received the following communications:

1. Project Review Committee Report dated May 15, 2019.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated May 17, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., May 21, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 13, 2019.
5. A letter from Rockland County Department of Planning, from Arlene Miller, Principal Planner, dated April 11, 2019.
6. Letters from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II, dated April 12, 2019 and Joseph Arena, dated April 15, 2019.
7. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated May 17, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 23, 2019.
9. Subdivision Plans prepared by Robert Sorace, PLS, dated March 2, 2019.
10. A Short Environmental Assessment Form signed by Stephen Fitzsimons, dated March 21, 2019.
11. A Project Narrative.

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12. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Safety Inspector dated May 15, 2019.

13. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated April 17, 2019.

The Board reviewed the plan. The meeting was open to the public.

**Public Comments:**

Michael Kernan, 62 Douglas Court, Pearl River; raised concerns regarding the impact of the proposed development on drainage.

There being no one else from the public, a motion was made to close the Public Hearing portion of the meeting by Thomas Warren and second by Michael Mandel carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, aye and Robert Dell, aye.

The applicant requested a **CONTINUATION**.

**July 31, 2019**

**Frank Phillips, Paul Gdanski, Stephen Fitzsimons and Ed Moran appeared and testified before the Board.**

The Board received the following communications:

1. Project Review Committee Reports dated July 10 & 24, 2019
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated July 12 & 26, 2019.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 10 & 25, 2019.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 11 & 31, 2019.
5. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath Fire Inspector dated July 3, 2019.
6. A letter from the Rockland County Department of Health signed by Elizabeth Mello, P.E., dated July 9, 2019.
7. A letter from the Rockland County Highway Department signed by Dyan Rajasingham, dated July 9, 2019.
8. Subdivision for Fitzsimons prepared by Paul Gdanski, P.E., dated May 16, 2019, last revised July 18, 2019:
  - Sheet 1 of 2: Preliminary Plat
  - Sheet 2 of 2: Grading, Utility & Soil Erosion
9. A letter from Paul Gdanski, P.E., PLLC, dated July 18, 2019, entitled Response to Comments.

The Board reviewed the plan. The meeting was open to the public.

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There being no one from the public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Stephen Sweeney carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, aye.

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) 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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, 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 Paul Gdanski, P.E., 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, and having reviewed a proposed Subdivision plan by prepared by Paul Gdanski, P.E., 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;

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

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Preliminary Subdivision Plan Approval 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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The proposed plan indicates a 20.34" street frontage, with 75.0' required. A variance is required from the Town of Orangetown Zoning Board of Appeals.

4. The subdivision plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

5. A cleanout, for the proposed sanitary house connection for lot #2 shall be shown just outside the proposed house.

6. A road widening deed shall be prepared and submitted to DEMA and the Town of Orangetown Town Attorney's Office for review and approval.

**7. Drainage Review Recommendation – Brooker Engineering**

The Planning Board Drainage Consultant, Brooker Engineering found that the information provided demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering therefore recommended that the Fitzsimons Subdivision be approved for drainage subject to the following Project Comments at this time.

**Project Description**

This is the third drainage review report for this project; the last review was dated July 11, 2019. The site is located on the north side of Blauvelt Road and contains an existing single family home fronting on Blauvelt Road. The proposed new lot is a flag lot with the new lot in the rear of the property and a proposed driveway along the east property line. The site has a very flat slope, with a nominal downhill slope to the rear (north). At the time of the consultant's site visit in May 2019, the building envelope for the proposed lot was under construction with existing vegetation removed and disturbed soil evident. Standing water was evident throughout the grass back yard for Lot 1 and the disturbed area for proposed Lot 2. There is a landscaping berm along the east property line at tax lot 69.09-5-74.1 that directs concentrated stormwater runoff to the low point on Lot 2. For this submission, a drywell system has been proposed to mitigate potential increases in stormwater runoff.

For this submission, a soil percolation test and deep hole excavation was performed to assess the impact of the existing groundwater table with respect to the proposed drywell mitigation. Groundwater was observed at elevation 281.5 in the vicinity of the drywell gallery, which has a proposed bottom of stone elevation of 287.5. This is a suitable separation for the proposed design. The drywell system can function as designed without interference from groundwater; however, this shall be field verified during construction.

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**Continuation of Condition #7...**

For this submission, overflows from the drywell are directed north to the rear of the property. Previous submissions diverted the overflows to the storm drain system in Blauvelt Road. The Consultant notes that the backyard is a depression and overflows are directed to the north and west. The current plan leaves a portion of the depression along the northwest corner of the lot; overflows from the drywell are directed to this location.

**Project Comments**

1. As per the July 11, 2019 report, for ease of inspection, the depth of the drywell from invert to bottom of top slab shall be provided.
2. As previously recommended drywell covers not be located within the driveway because there has been a history of homeowners paving over the structures which would inhibit access for future maintenance inspection. The current plan locates all six drywells within the driveway. It is recommended that a **map note be added that clearly states that the drywells shall have access covers at grade and any modification of this requirement requires site plan approval.**
3. The drainage subarea maps provided for this submission shall label the drainage area being conveyed to the drywell and the maps shall be to scale. The existing stormwater runoff east of the berm along tax lot 69.09-5-74.1 shall be evaluated. It appears the berm directs offsite runoff to the property and will enter the system.
4. **A map note shall be added that requires engineer's certification of the drywell installation and the depth to groundwater should be verified during construction.**
5. The drywell overflow is directed to a low point contained in the applicant's property; this will fill with additional overflow runoff before leaving the site. The drainage report shall acknowledge this condition and the grading plan shall label the on-site low point to remain. The drainage report shall include the loss of flood storage in this area and adjust the calculations with the appropriate factor of safety necessary. **A map note shall be provided that the engineer of record should certify the as-built construction is in conformance with the approved design and drainage pattern.**

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**8.** The Rockland County Highway Department reviewed the information and offered the following comments:

- A drainage report for the proposed developments shall be prepared and submitted to the department. The report shall satisfy the County's drainage rule of "no net increase in the peak rate of discharge from the site at all design points."
- No construction work shall be performed in the site without a road work permit from the Rockland County Highway Department.

**9.** Based on the information provided, the Rockland County Health Department found that should the Planning Board require a stormwater management system, application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

**10.** 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.

**11.** The Town of Orangetown Bureau of Fire Prevention offered the following conditions:

- New York State Fire Code Section FCD 102 required access: §FCD 102.1 Access and loading. Facilities, buildings or portion of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,050 kg.)
- All driveways shall be a minimum of 12 feet wide curb to curb.
- All driveways shall have a vertical clearance of 13 feet 6 inches.
- All driveways including bridges and other supporting structure of driveways shall be constructed to support fire apparatus in all weather conditions (75,000 lbs.)

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

- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals

**13.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.

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

15. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

16. 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.

17. TREE PROTECTION: The following note shall be placed on the Subdivision 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:

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**Continuation of Condition #17...**

- 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.

**18.** All landscaping shown on the subdivision plan 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.

**19.** 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.

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

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

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22. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
23. 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 DEMA 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
24. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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: July 31, 2019**

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

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

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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: Fitzsimons Minor Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

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

**DESCRIPTION OF ACTION: Minor Subdivision Plan Review**

**LOCATION:** The site is located at 315 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.09, Block 5, Lot 75 in the R-15 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:

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

TOWN CLERK'S OFFICE  
2019 SEP -4 P 2:24  
TOWN OF ORANGETOWN





**PB#19-45: Instrumentation Laboratory Site Plan  
(526 Route 303 Site Plan)  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #48870  
Supersedes Permit #46508**

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10. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath, Fire Inspector, dated July 5, 2019.
11. A Short Environmental Assessment Form, signed by Randall Vlasak, dated June 10, 2019.
12. A Project Narrative prepared by Donald Brenner, dated June 7, 2019.
13. A cover letter prepared by Donald Brenner, dated January 10, 2019 with an attachment of a letter from the New York State Department of Environmental Conservation, dated January 9, 2019, signed by Michael Grosso, Division of Environmental Permits, Region 3.
14. A Building Permit Referral dated May 8, 2019, prepared by Rick Oliver, Deputy Building Inspector.
15. A copy of PB #18-06, Preliminary Site Plan Approval Subject to Conditions, dated December 12, 2018.
16. Plans prepared by EI Associates Architects and Engineers, dated April 10, 2018, last revised April 10, 2019, unless noted:
  - T01: Title Sheet
  - C01: Existing Conditions & Site Demolition Plan
  - C02: Site Plan
  - C03: Site Improvement Details
  - C04: Grading & Drainage Plan & Drainage Profiles
  - C05: Drainage Details
  - C06: Site Lighting Plan
  - C07: Landscape Plan & Details
  - C08: Soil Erosion Control Plan
  - C09: Soil Erosion Control Details & Notes
  - A30: Elevations, dated September 11, 2018, last revised February 14, 2019

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

The applicant requested a **Continuation**.

**July 31, 2019**

Donald Brenner, Rob Walsh and Randall Vlasak appeared and testified.

The Board received the following communications:

1. A Project Review Committee Review dated July 17, 2019.
2. Plan prepared by EI Associates Architects and Engineers, dated July 19, 2019, last revised July 24, 2019.

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

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) 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 Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Michael McCrory, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, 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 EI Associates, 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 No.1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by EI Associates, 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;

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

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

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

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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. Increase the berm along Route 303 by 6 inches for a total height of 3 feet 9 inches. Bring the berm in a southerly direction before it turns for a distance of 60 to 70 feet. Consider for visual unity, a small mound or berm on the southerly side (not to interfere with sight distance) closer to the driveway; make a nice fish tale on the berm.
5. All required setback dimensions shall be shown on the Site Plan.
6. The rear yard setback indicated on the Bulk Table is 25.4' however, the plan shows 25'. The applicant shall review and revise accordingly.
7. The applicant is proposing a detention basin in the front yard along Route 303. Chapter 43, Article XIII, Route 303 Overlay District applies; Per 13.10.10 B (14), *In no case shall the above ground detention basin be sited within any buffer area or within any front yard setback area or within the designated street line.* A zoning variance shall be sought from the Town of Orangetown Zoning Board of Appeals.
8. Per Chapter 43, Article V, Section 5.224, Table 3.11, LO district, Column 7, Number 3, *No parking is permitted in any yard.* A zoning variance shall be sought from the Town of Orangetown Zoning Board of Appeals.
9. Per Chapter 43, Article V, Section 5.22; all required yards shall be unobstructed. Variances are required for the existing wooden lean-to structure as it is located within the 100' setback. Dimensions to the structure and the pre-fab canopy over the dumpster shall be shown.
10. No parking is permitted in the 25' drainage easement.
11. Note if there is any building mounted lighting proposed and indicate on the site lighting plan and elevations.
12. Floor plans must be submitted showing the proposed use, layout and equipment. The applicant is required to make application to the Town of Orangetown Zoning Board of Appeals for Performance Standards Review.
13. The height of the existing and proposed building shall be indicated on the elevations.
14. The site, landscaping and architectural plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

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15. A full SWPPP including drainage calculations shall be prepared for this site plan, and submitted to DEME for review and approval. The applicant's engineer is reminded that the SWPPP/ drainage calculations must address water quality and water quantity. Also, the SWPPP shall clearly describe how the proposed stormwater design meets the requirements for green infrastructure/ new construction and redevelopment and be designed in accordance with the January 2015, including any and all updates, version of the New York State Stormwater Management Design Manual (NYSDEC SMDM.) The applicant's engineer is also reminded that in accordance with the NYSDEC SMDM no more than 5 acres of disturbance can be undertaken at one time without special permission from the MS4 (Town of Orangetown.) Disturbances over 5 acres require additional design and inspection measures that need to be spelled out in the required SWPPP.

16. The SWPPP shall describe in detail the maintenance requirements and procedures for the proposed stormwater system. These written procedures shall be made part of the post construction stormwater maintenance agreement in tandem with the inspection checklists.

17. The SWPPP/ drainage calculations shall include an analysis of the receiving headwall & piping to which the stormwater basin will outlet to. By calculation, it shall be determined if the existing piping is adequate to receive stormwater flow, for up to the 100yr. storm discharge, from the basin. This analysis may indicate that the receiving headwall & piping needs to be upsized.

18. Soil borings, perc tests and determination of ground water elevations shall be performed at the subsurface detention system location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest.

19. The proposed stormwater basin, as shown on the drawings does not contain a forebay, how will stormwater quality be achieved?

20. The area of disturbance shall be listed on the drawings and listed in the SWPPP narrative.

21. Additional drainage structures (catch basins and piping) shall be added to the northern parking area. It appears that the current design will be inadequate to handle a large scale storm and the overland runoff created by the new/ expanded parking area. Also, there are no structures (catch basins and piping) along the eastern side of the proposed parking lot. However, the proposed grading will direct runoff there.

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**22.** Cross-sections through the proposed stormwater pond shall be added to the drawings. This cross section shall include water quality/ channel protection/ overbank protection/ extreme flood control elevations, low flow channel and corresponding storage volumes, as well as outlet control structure outlets with corresponding elevations, emergency spillway with elevation, maintenance access path with elevation, etc.

**23.** The stormwater pond maintenance path and emergency spillway shall be labeled on the basin, on the plans. Also, the maintenance path shall be 12 feet wide, in accordance with the NYSDEC-SMDM. Also, the drawings shall clearly indicate how/ where the maintenance path shall be accessed.

**24.** The unnamed catch basin, along the eastern side of the existing parking lot in front of the current building (which is connected by piping to inlet #12), shows an exhaust pipe that will exhaust it flow into the side of the proposed FES #11 and it piping. This is unacceptable. This confluence of exhausted stormwater runoff area shall be redesigned.

**25.** The soil erosion and sediment control plan shall utilize standard NYSDEC symbols.

**26.** It appears on drawing C08 that the proposed limit of disturbance runs outside of the actual property, along NYS Route 303, in order to construct the stormwater pond as presently shown. This is unacceptable. All of the proposed work shall be fully contained on the site.

**27.** Profiles for all proposed drainage piping shall be added to the drawings.

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

**29.** The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

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**30. Drainage Review Recommendation - Brooker Engineering**

Drainage calculations have been provided for this submission that demonstrates that potential significant adverse impacts with respect to stormwater runoff can be mitigated and therefore recommends that the 526 Route 303 Site Plan be approved for drainage subject to the following conditions.

**Project Description**

Brooker Engineering previously reviewed this site for drainage for the approval of additional parking spaces and site modifications made since the approved 1986 Site Plan. No new exterior work was proposed at the time of that application and the Drainage Consultant approved for drainage subject to no conditions in the July 7, 2018 report.

This is the second drainage review report for this new project consisting of a building addition and parking lot expansion; the last review was dated July 1, 2019. A 68 feet by 321 feet building addition is proposed on the north side of the building and an approximately 260 feet by 116 feet parking lot expansion is proposed at the northeast corner of the property. An additional parking lot expansion is proposed along the eastern parking lot. A stormwater management basin is proposed in the existing grass lawn area along the east side of the property fronting Route 303.

**Additional Information Reviewed**

Since the last drainage review report, the applicant has submitted a Stormwater Pollution Prevention Plan that contains calculations to support the sizing of the stormwater management basin. Drainage calculations have been provided that demonstrate that the stormwater management basin is adequately sized to produce no net increases in peak stormwater runoff rates. The project increases impervious surfaces by 1.54 acres; this occurs over an existing grassy area. The basin provides storage for 6.6 inches of stormwater runoff over the proposed new impervious areas and reduces peak flows by about 50%.

**Project Comments**

1. Drainage calculations shall be provided that demonstrate that the stormwater management basin is adequately sized to produce no net increases in peak stormwater runoff rates.

2. The Sparkill Creek is located on the east side of Route 303 in the vicinity of the site. There is no mapped FEMA floodplain on the property, but there is a tributary to the Sparkill along the southern property line. There is a drainage ditch located from the local storm system to the tributary. A hydrologic and hydraulic analysis of the tributary shall be performed to demonstrate the proposed stormwater management system will not be surcharged by the tributary and provide the presumed stormwater runoff volume intended for the local runoff.

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**Continuation of Condition #30...**

3. Provide additional information for the existing storm drainage pipe that crosses under the existing driveway from the proposed stormwater management basin to the drainage ditch. It appears the ditch is back pitched with sedimentation occurring along the channel, thereby reducing the capacity of the ditch. The ditch shall be evaluated and improvements may be required.

4. A swale is proposed along Route 303 that concentrates stormwater runoff to about the location of the existing driveway entrance to Route 303. Provide more detail for the path of stormwater at this location.

5. It appears the limit of disturbance along the northeastern side of the existing parking lot, near proposed catch basin inlet #12, may create a low point along the limit of disturbance that will result in ponding. Provide more detail in this location to demonstrate the drainage pattern.

6. Provide more detail along the east side of the existing east parking lot (near the high point with elevation 99.06) to demonstrate the drainage pattern at this location.

7. Provide soil testing data to support the use of an infiltration basin to provide water quality mitigation.

8. Provide the supporting calculations for the stage versus storage and stage versus discharge curves in the SWPPP.

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

- A review shall be completed by the New York State Department of Transportation, and any comments or concerns addressed.
- A review must be done for the stormwater management system by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

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**Continuation of Condition #31...**

- The lighting plan shall be amended to demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- The proposed plans shall comply with Article XIII, Section 13.10B for the Route 303 Overlay Zoning District to the extent applicable.
- The site plan indicates 301 parking spaces are required for this property; however 320 are to be provided. Justification for why 19 extra spaces are necessary shall be included.
- Area designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees.

**32.** Based upon the plans and information received, Rockland County Highway Department requested the following; **a drainage report for the proposed improvement shall be submitted to the Highway Department for review.**

**33.** The Rockland County Health Department reviewed the submitted information and found that application is to be made to the Health Department for review of the stormwater system for compliance with the County Mosquito Code.

**34.** 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.

**35.** The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:

- A fire lane must be provided on the north side of 2 story addition at a minimum width of 26 feet.
- Provide a site plan showing a fire apparatus with the following dimensions navigating the north, east and south sides of the building; the overall length 48 feet, length from center of front axle to center of rear axle 285 inches.
- Clarify the proposed use of the 2 and 1 story additions.
- NFPA 13 compliant fire sprinkler coverage must be provided.
- NFPA 72 compliant fire alarm coverage must be provided.
- Emergency lighting, exit signage and an egress plan must be provided per chapter 10 of the New York State Fire Code.

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

**37.** 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 Highway Department

**38.** 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.

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

**40. 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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**41.** 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.

**42.** 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.

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

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

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

**46.** 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

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

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TOWN OF ORANGETOWN

**PB#19-45: Instrumentation Laboratory Site Plan (526 Route 303 Site Plan)**      **Permit #48870**  
**Preliminary Site Plan Approval Subject**      **Supersedes Permit #46508**  
**to Conditions/ Neg. Dec.**

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**48.** 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.

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, absent; Bruce Bond, absent; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye and Stephen Sweeney, 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: July 31, 2019**      *Cheryl Coopersmith*  
**Cheryl Coopersmith, Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**

*attachment*

TOWN OF ORANGETOWN  
2019 SEP -4 P 2:25  
TOWN CLERK'S OFFICE



**NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB#19-45: Instrumentation Laboratory Site Plan (526 Route 303 Site Plan) Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.** **Permit #48870  
Supersedes Permit #46508**

**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: Instrumentation Laboratory Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 526 Route 303, in the Route 303 Overlay Zone, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 45 in the LO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

TOWN CLERK'S OFFICE  
2019 SEP -4 P 2:25  
TOWN OF ORANGETOWN



**PB #19-47: Nice Pak Site Plans  
Outdoor Tank Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48687**

**July 31, 2019  
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**TO: William Cavazzini, 2 Nice Pak Park, Orangeburg, New York 10962  
FROM: Orangetown Planning Board**

**RE: Nice Pak Site Plans:** The application of PDI, Inc., applicant for Picker Properties, LLC, owner, for a Prepreliminary/ Preliminary/ Final Site Plan Review of the **installation of 2 outdoor storage tanks**, at a site known as “**Nice Pak Site Plans**”, 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 2 Nice Pak Park, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 16; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 31, 2019** at which time the Board made the following determinations:

William Cavazzini, Eric Emmett and Joseph Bozzutti appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 24, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 26, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 25, 2019.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E. dated July 22 & 31, 2019.
5. Letters from Rockland County Department of Planning, signed by, Douglas Schuetz, Acting Commissioner of Planning and Michael Kezner, dated July 15, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated July 25, 2019.
7. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated July 1, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 26, 2019.
9. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated July 5, 2019.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated June 19, 2019.

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11. A letter from the New York State Department of Environmental Conservation, signed by Michael Grosso, Division of Environmental Permits, Region 3, dated July 2, 2019.
12. A Short Environmental Assessment Form signed by William Cavazzini, dated July 8, 2018.
13. Building Permit Referral to the Planning Board dated March 25, 2019 prepared by Rick Oliver, Deputy Building Inspector.
14. Site Plan prepared by Greenman – Pedersen, Inc. dated May 29, 2019, last revised May 30, 2019.
15. Erosion and Sediment Control Plan prepared by Mainstay Engineering Group, Inc., dated March 4, 2019, last revised April 29, 2019.
16. Structural Sections prepared by Mainstay Engineering Group, Inc., dated December 17, 2019, last revised April 29, 2019.

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

**Public Comment:**

Allyson Sullivan, 42 Arthur Street, Blauvelt, requested that the applicant submit a Full Environmental Assessment Form. She raised concerns regarding other chemicals on the property, the distance from other tanks and the proximity to the residents. Ms Sullivan questioned if the Short Environmental Assessment Form would be submitted to the Zoning Board of Appeals.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (al) 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 Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, absent, the Board declared itself Lead Agency.

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, Greenman – Pedersen, Inc and Mainstay Engineering Group, Inc., 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 Highway Department, Rockland County Drainage Agency, Rockland County Department of Planning, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; Greenman – Pedersen, Inc and Mainstay Engineering Group, Inc., 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 Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, absent, the Board made a Negative Declaration pursuant to SEQRA.

**ACABOR:** 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 Robert Dell and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, absent; Robert Dell, aye; Bruce Bond, absent; Michael McCrory, aye; Stephen Sweeney, aye and Michael Mandel, aye.

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

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

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4. The applicant is proposing a new exterior 10,000 gallon hydrogen peroxide storage tank and a 7,000 gallon acidic acid storage tank on the east side of the building, covered by a canopy. Removal of a 10'-0" wide x 64'-0" area of existing grass and approximately 16'-0" x 64'-0" area of existing pavement.
5. The actual dimensions of the proposed tanks shall be shown on the plans.
6. Performance Standards Review and approval is required from the Town of Orangetown Zoning Board of Appeals.
7. The following items must be revised on the Short Environmental Assessment Form: Number 2, revise to "Yes" and all agencies listed  
Number 5, a. revise to "No"  
Number 13, b  
Number 14
8. The applicant's engineer shall calculate the total amount of proposed impervious area.
9. The applicant/ applicant's engineer shall provide written description for spill containment/ cleanup for both on and off hour work schedule.

**10. Drainage Review Recommendation – Brooker Engineering**

The applicant is proposing to add a roof structure over a portion of the east side of the building over an area that is mostly impervious gravel/asphalt. The applicant has demonstrated the drainage flow pattern and provided information with respect to the capacity of the existing on-site wetland to receive this additional stormwater runoff. Based on the information provided, potential significant adverse impacts with respect to increases in stormwater runoff can be mitigated. Therefore, Brooker Engineering, the Planning Board Drainage Consultant recommends that the Nice Pak Site Plan be approved for drainage subject to the following Project Comments.

**Project Description**

This is the second drainage review report for this project; the last review was dated July 22, 2019. The site located at 2 Nice Pak Park in the LIO zoning district. The property is developed with an existing building and parking areas. There are wetlands located along the east side of the property, and stormwater runoff flows southwest through the site.

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**Continuation of Condition #10...**

The application proposes two exterior liquid storage tanks for the manufacturing use along the east side of the building in a gravel parking lot. The total area of disturbance is 1,918 SF, all located on the east side of the building over largely impervious area.

**Review of Additional Information Received**

The applicant has clarified the proposed scope of work with the most recent submission. Proposed stormwater management pond shown on the north side of the plan is shown per an old set of plans and not proposed for this submission. Change in grading in the east parking lot is as per a previous design. The scope of work is limited to the containment structure located on the east side of the building. Stormwater runoff will flow southwest to an existing wetland/stormwater management facility that is part of the overall development. The wetland is oversized with respect to the capacity of the existing impervious area, as per the applicant's historic observation. The limit of disturbance is 1,918 SF located on the east side of the building over areas that are mostly gravel and asphalt. The existing drainage pattern is remaining the same.

**Project Comments**

1. Proposed grading shown on the plan outside the limits of the proposed work shall be removed from the plan. As per discussion with the applicant's engineer, the proposed stormwater pond on the north side of the building is not proposed.
2. As per the July 22, 2019 report, the existing pavement/crushed stone pavement limits on the east side of the building shall be clearly shown on the site plan. The existing berm shall be shown on the plan with existing contours demonstrating the actual location.
3. The drainage calculations provided have been designed per NYS/International Plumbing Code. The calculations shall be designed for the 100-year, 24 rainfall event, with standards as per the NYSDEC 2015 Stormwater Design Manual.
4. As per the July 22, 2019 report, any historic fill and regrading in the wetlands shall be shown on the site plan. The berm along the edge of parking for the trailers shall be shown with an updated topographic survey in this area.
5. The calculations provided demonstrating the capacity of the wetland storage area shall be signed and sealed by an engineer. The calculations shall include the 100-year, 24 hour design storm, the subarea directed to the wetland storage area, and the stage versus storage and stage versus discharge routing characteristics of the pond.

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**11.** The Planning Board requires that the compacted zone area be lined with 20ml plastic liner to be seamed, if necessary.

**12.** The tanks are to be separated as much as possible while maintaining the proposed approved drainage footprint. A wall shall be placed between the two tanks extending as high as 10 feet tall.

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

- A review must be completed by the County of Rockland Department of Health and all required permits and/or approvals obtained.
- A review shall be completed by the County of Rockland Division of Environmental Resources and any comments or concerns addressed.
- By State Law, the applicant must register with the local fire inspector using Form 209U for the proposed chemical bulk storage materials.
- Under SARA – Title 3, the applicant must register with the Rockland County Fire Training Center.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- In order to prevent unauthorized access to the adjacent County Park through the subject site, access control measures should be installed and shown on the site plan.
- The Vicinity Map must contain a scale and north arrow.

**14.** A Rockland County Department of Health (RCDOH) reviewed the information submitted and offered the following comments:

- The proposed storage tanks will require registration with the NYSDEC Chemical Bulk Storage program.

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**15.** 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.

**16.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not required.

**17.** Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) offered the following information:

- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at [nysparks.com/shop/online-tools](http://nysparks.com/shop/online-tools).

**18.** 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 Highway Department
- Rockland County Drainage Agency
- Rockland County Health Department
- Rockland County Department of Planning
- New York State Department of Environmental Conservation

**19.** 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.

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

**21. 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:

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**Continuation of Condition #21...**

- 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.

**22.** 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.

**23.** 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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**24.** 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.

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

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

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

**28.** 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

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

The foregoing Resolution was made and moved by Stephen Sweeny and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Robert Dell, aye; Stephen Sweeney, aye, and Bruce Bond, 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: July 31, 2019  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board Attachment**

*Cheryl Coopersmith*  
TOWN OF ORANGETOWN  
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**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB #19-47: Nice Pac Site Plans  
Outdoor Tank Site Plan  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

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Town of Orangetown Planning Board Decision**

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: Nice Pac Site Plans Outdoor Tank Site Plan: Preliminary Site Plan Approval Subject to Conditions**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 2 Nice Pak Park, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 16; 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:

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

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

TOWN CLERK'S OFFICE  
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**PB #19-49: Quinlan Minor Resubdivision  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
July 31, 2019  
Page 1 of 6**

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

**RE: Quinlan Resubdivision Plan:** The application of Kathleen Duane, owner, for Final Resubdivision Plan (Lot Line Change) and SEQRA Review at a site to be known as "**Quinlan Resubdivision**", 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. The site is located at 12 Center Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lots 36 & 38 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 31, 2019**, the Board made the following determinations:

Kathleen Duane and Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 24, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., Director, dated July 26, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 25, 2019.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated July 23, 2019.
5. A letter from Rockland County Department of Health, signed by Liz Mello, P.E., Senior Public Health Engineer, dated July 30, 2019.
6. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Douglas Sampath, Fire Inspector, dated July 3, 2019.
7. Resubdivision Plan prepared by Robert Sorace, PLS, dated December 14, 2018, revised June 17, 2019.
8. Copies of the following Board Decisions: ZBA #19-54, Section 280-a Exception Approved, dated June 5, 2019, PB#19-15, Preliminary Subdivision Approval Subject to Conditions, dated March 13, 2019 and Other Business at the June 12, 2019 Planning Board Meeting: ACABOR waived.

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**PB #19-49: Quinlan Minor Resubdivision  
Final Resubdivision Plan Approval  
Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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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 Bruce Bond and seconded by Michael Mandel carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, aye.

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

1. The following note shall be placed on the Resubdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #19-54, Section 280-a Exception Approved, dated June 5, 2019, PB#19-15, Preliminary Subdivision Approval Subject to Conditions, dated March 13, 2019 and Other Business at the June 12, 2019 Planning Board Meeting: ACABOR waived.
4. The applicant shall provide the roadway easement agreement to the Board.

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**5. The Resubdivision does not show the development of Tax Lot #68.19/2/36. The applicant is requesting a waiver of the Resubdivision requirements under Section 21-13 of the Land Development Regulations by not showing existing and proposed contours, drainage, stream relocation, existing trees, etc. It shall be clearly labeled on the Resubdivision plan that "Lot #36 is not approved as a Building Lot and if the applicant or future applicant wishes to obtain a building permit for Lot #36, then the applicant or future applicant will be required to appear before the Orangetown Land Use Boards for Site Plan Review and any other agencies or boards required for review and approval prior to granting an approval for development of that lot." Similarly, a note shall also be placed on the Resubdivision Plat stating the following: "Should the existing structure on Lot #38 be demolished and a new structure be built, then the applicant or future applicant shall appear before the Orangetown Land Use Boards for Site Plan review and any other agencies or boards required for review and approval prior to granting any building permits for undertaking such work."**

**6. More information (grading, trees, existing and proposed sanitary house connections with inverts, location of sanitary main, proposed dwelling, driveway to new dwelling, existing structures, if applicable, etc.) shall be added to the drawing to show viability of the proposed Resubdivision. A proper site plan that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.**

**7. All driveway opening(s) opposite proposed Resubdivision shall be shown on the plans.**

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

- As required by the Rockland County Stream Control Act, the Resubdivision 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 Town of Orangetown must ensure that the utility easement and right of way over tax lot 68.19-2-38 are recorded on the deed for both parcels.

**9. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comment:**

- All driveways shall be a minimum of 12 feet wide curb to curb.
- All driveways shall have a vertical clearance of 13 ft. 6 inches.
- All driveways including bridges and other supporting structures of driveways, shall be constructed to support fire apparatus in all weather conditions (75,000 lb.)

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10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Resubdivision Plats prior to signing the final plans.

11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Resubdivision 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Resubdivision Plan Approval pursuant to Town Code §21 and §6A.

**13. TREE PROTECTION: The following note shall be placed on the Resubdivision 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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14. All landscaping shown on the Resubdivision plan 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.

15. 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.

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

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

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, 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: July 31, 2019  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



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**PB#19-50: Skae Site Plan**

**Permit #47781**

**Building Expansion**

**Amendment to PB#18-35, dated September 18, 2018**

**Preliminary 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: Skae Site Plan – Building Expansion:** The application of Peter Skae, LLC, owner, for Prepreliminary/ Preliminary/ Final Amendment to Preliminary Site Plan Approval, PB#18-35, dated September 18, 2018, at a site known as “**Skae Site Plan – Building Expansion Plan, Amendment to PB#18-35**” 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 337-339 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 4 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 31, 2019** at which time the Board made the following determinations:

Donald Brenner, Steven Sparaco and Peter Skae appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 17, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 26, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 25, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 30, 2019.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 15, 2019.
6. Letters from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III, dated July 15, 2019.
7. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., dated July 30, 2019.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer II, dated July 22, 2019.

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9. Site Plans entitled "Pole Barn Addition for Skae Training" prepared by Sparaco & Youngblood PLLC dated April 24, 2019, unless noted:

- 1 of 5: Site Plan
- 2 of 5: Part Plans, Grading, Utilities, Erosion Control Plan
- 3 of 5: Existing Conditions Plan
- 4 of 5: Details
- 5 of 5: Details, dated March 27, 2019

10. Copy of PB#18-35, Preliminary Site Plan Approval Subject to Conditions, dated September 12, 2018.

11. Building Permit Referral dated June 13, 2018, prepared by Rick Oliver, Building Inspector.

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

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

**Reaffirmation of SEQRA:**

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

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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 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;
- 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;

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- 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: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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4. The applicant shall provide in writing, the use of the proposed pole barn.
5. Explain in writing, what is the construction and use in connection between the existing wood frame structure and proposed pole barn.
6. The Site Plan indicates the existing two story frame dwelling. Is the frame structure being used as a dwelling? As stated in the Town of Orangetown Zoning Board of Appeals Decision #15-01, the pre-existing non-conforming structure was permitted to remain with specific condition that the structure's use shall be conforming to the LIO district.
7. The Bulk Table shall indicate the existing and proposed setbacks and proposed height for the accessory structure. The current Bulk Table indicates the dimensions and variance as they relate to the main building.
8. In accordance with the Town of Orangetown Town Code, Chapter 43, § 9.2, Degree of non-conforming bulk not to be increased; a variance will be required from the Zoning Board of Appeals.
9. The applicant's engineer shall provide calculations showing the existing and increase impervious area for the site. These calculations shall include a tabular breakdown of the total area of disturbance listed on drawing 2 of 3.
10. The 15 inch HDPE overflow/ outlet pipe and rip rap exhaust area shall be shown on drawing 1 of 3.
11. The post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for this site shall be amended to include the proposed subsurface detention system, catch basin, and piping. The revised document shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

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12. The drainage calculations supplied are under review by DEME.
13. Although listed in the table of contents, the Soil borings and perc tests are NOT in the drainage calculations supplied. This information shall be submitted.
14. The inlet/ outlet manhole detail indicates a 6 inch pipe (presumably from roof leaders) entering this drainage manhole. However, the design drawings do not show this connection. The drawings and the details shall be coordinated.
15. A SESC legend shall be added to the soil erosion and sediment control plan. Also, catch basin protection shall be added to the plan.
16. The referenced datum benchmark (sanitary manhole – Note #6) shall be shown on the plans.

**17. Drainage Review Recommendation – Brooker Engineering**

Sufficient detail and drainage calculations have been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant therefore recommends that the Skae Pole Barn Addition Site Plan be approved for drainage subject to the following Project Comments.

This is the second drainage review report for this project; the last review was dated September 10, 2018. Additionally, the drainage consultant previously performed a drainage review for the athletic training center building on the west side of the property. The current project consists of a new pole barn addition on the east side of the property. Access for this portion of the site is via a private drive off of Orangeburg Road. The proposed building and new parking lot is for an office and warehouse use. The two uses are independent and each has separate stormwater management facilities. There is a wetland between the two areas of land disturbance per each site plan application.

Stormwater runoff flows downhill in a westerly direction through the site. Approximately 13,500 square feet of new impervious area is being added to the site. Stormwater detention is provided by 21 Stormtech 3500 chambers. An outlet structure is provided to regulate outflows and provide the stormwater routing. The outlet structure discharges to the wetlands on the property.

**Project Comments**

1. As per the September 10, 2018 drainage review letter, the drainage narrative describes an off-site subarea but this is not included in the hydrologic model. Evaluate stormwater runoff from the east that enters the property and may be conveyed to the detention system.

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**Continuation of Condition #17...**

2. As per the September 10, 2018 drainage review letter, provide a hood over the outlet pipe in the proposed catch basin at the northwest corner of the parking lot.

3. As per the September 10, 2018 drainage review letter, provide a plan view detail of the detention system. Provide elevations of the isolator row and regular stormtech rows on the section.

4. The proposed finished floor elevation of the new building shall be consistent with the proposed grading. Add a footing drain for the east side of the building.

5. Show detailed grading between the existing building and proposed building to provide positive drainage between the buildings.

6. As per the September 10, groundwater on the detention system profile.

7. Include the design and invert elevations of the manifold pipes in the detention basin section. If infiltration is not being used due to high groundwater, the elevated manifold pipes will not be able to dewater the sump in the detention pipes. An underdrain may be required.

8. If infiltration is not being used volume in the stone shall not be included in the detention storage routing calculations.

9. Remove the roof leader connection from the outlet structure detail.

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

- An updated review must be completed by the Rockland County Department of Health, to ensure compliance with the County Mosquito Code.
- A updated review must be completed by the Rockland County Highway Department, all comments and concerns addressed, and any required permits obtained.
- The applicant refers to a tax map designation of 76.08-1-3 for the property on the 2019 land use board application whereas the Town of Orangetown Planning Board Decision of September 12, 2018 refers to it as 76.08-1-4. Our records indicate that the 76.08-1-3 parcel was merged with the 76.08-1-4 parcel, and the former tax parcel no longer exists. This must be updated to reflect the proper designation and to avoid confusion in the future when referencing this parcel.

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**Continuation of Condition #18...**

- Rockland County Department of Planning last reviewed this parcel for site plan review in February, 2018 for the shed and 75' antenna. The site plan that corresponded to that application was dated November 11, 2016, with a revision date of January 2, 2018. The application before us now is dated April 24, 2019, with no revision dated listed. However, additions since 2017, such as the 75' antenna and shed are not depicted on this set of plans. The plans submitted must contain the most up to date information, particularly for approved facilities. A revised site plan, illustrating all components of the site must be provided.
- Prior to any grading or construction on the site, all soil and erosion control measures must be in place for the site. These measures must be the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

**19. The Rockland County Department of Health (RCDOH) offered the following comment:**

- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

**20. The Rockland County Highway Department offered the following comment:**

- The proposed driveway configuration requires permanent access easements through private properties. The permanent easements shall be prepared and recorded in the Rockland County Clerk's Office prior to obtaining a road work permit from the Rockland County Highway Department

**21. 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.**

**22. 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.**

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

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**24.** 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.

**25. 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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**26.** 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.

**27.** 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.

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

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

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**PB#19-50: Skae Site Plan  
Building Expansion  
Amendment to PB#18-35, dated September 18, 2018  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #47781**

**Town of Orangetown Planning Board Decision  
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31. 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

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

The foregoing Resolution was made and moved by Stephen Sweeney seconded by Bruce Bond and carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, 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: July 31, 2019

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

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE



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

**PB#19-50: Skae Site Plan** **Permit #47781**  
**Building Expansion**  
**Amendment to PB#18-35, dated September 18, 2018**  
**Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision July 31, 2019**

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 Site Plan Building Expansion**  
**Amendment to PB#18-35, dated September 18, 2018**  
**Skae Site Plan Building Expansion**

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

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

**DESCRIPTION OF ACTION: Site Plan Amendment Review**

LOCATION: The site is located at 337-339 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 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 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:

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

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

**PB #19-51: Maloney Minor Subdivision; Final Subdivision Plan Approval  
Subject to Conditions**

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

**RE: Maloney Minor Subdivision:** The application of Michael Maloney, owner, for Final Subdivision Plan Review at a site to be known as "**Maloney Minor 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. The site is located at 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 31, 2019**, the Board made the following determinations:

Jay Greenwell, Donald Brenner and Michael Maloney appeared and testified. The Board received the following communications:

1. A Project Review Committee Report dated July 24, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 26, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 25, 2019.
4. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., dated July 22 2019.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated July 25, 2019.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated July 30, 2019.
7. A letter from the Village of Chestnut Ridge Planning Board, dated July 30, 2019, signed by Antoni Lucion.
8. Subdivision Plans prepared by Jay Greenwell, PLS, dated March 24, 2015, last revised June 21, 2019:
  - Sheet 1 of 3: Subdivision of Property for Maloney
  - Sheet 2 of 3: Grading, Drainage & Utility Plan with Erosion Control
  - Sheet 3 of 3: Profile

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**PB #19-51: Maloney Minor Subdivision; Final Subdivision Plan Approval  
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9. Copies of the following Board Decisions: Town Board Resolution – Watercourse Diversion, dated March 12, 2019, ZBA#18-67, Floor Area Ratio for Lot #1, Street Frontage for Lot #2 Variances Approved, dated October 3, 2018, PB#16-73, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated June 27, 2018 and a copy of the June 26, 2019 Planning Board “Other Business” noting Planning Board Waived ACABOR.

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 Bruce Bond and second by Stephen Sweeney carried as follows: Thomas Warren - Chairman; aye, William Young, Vice-Chairman, absent; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye and Michael McCrory, aye.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Subdivision Plan Approval 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.”
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable prior Board Decisions: Watercourse Diversion, dated March 12, 2019, ZBA#18-67, Floor Area Ratio for Lot #1, Street Frontage for Lot #2 Variances Approved, dated October 3, 2018, PB#16-73, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated June 27, 2018 and a copy of the June 26, 2019 Planning Board “Other Business” noting Planning Board Waived ACABOR.

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4. The watercourse diversion approval decision number from the Town Board shall be labeled on the drawings.
5. A maintenance plan shall be submitted for the proposed drywells on Lot #2. Said plan shall be added to the deed for this lot.
6. The sanitary sewer house connections for Lots #1 and #2 shall be depicted on the storm drain profile.
7. The existing 4 inch PVC drain from Lot #1 shall be shown as tying into the proposed piping system catch basin. If an easement from Lot #1 is required to reach the catch basin/ system, that easement shall be shown with metes and bounds on the plans.
8. Drainage MH #1 is incorrectly labeled as Drainage MH #2 on the profile. This shall be corrected.

**9. Drainage Recommendation – Maser Consulting**

The Drainage Consultant to the Planning Board, Maser Consulting reviewed the application and found that the proposed stormwater management plan meets the intent of the regulations and therefore recommend the Maloney Subdivision be approved for drainage subject to the following project comments:

1. A review memo dated June 26, 2018 has been previously provided by the Drainage Consultant, Maser Consulting. Some comments in said memo are no longer applicable as there have been changes to the plans subsequent to the letter. The remaining applicable comments are listed below for clarity. The consultant requests written responses to these comments on future submissions for ease of review and confirmation of any changes to the plans.
2. CB #2 and CB#3 indicated solid covers on the plan. The proposed type of the solid covers are not specified. The solid covers are also not indicated on the profile. The plans shall be revised for consistency.
3. It appears that drywells #3 and #4 will capture more runoff than drywells #1 and #2. Since drywells #3 and #4 are separate from #1 and #2, they shall be designed separately and sized according to the tributary area for each. It is also unclear how runoff from the impervious areas of Lot 1 will be captured by drywells #1 and #2. Please clarify.
4. It is unclear if the southeast roof drain is connected to drywell #4 or not. Please clarify.
5. There are still a few errors with the drywell detail:
  - a. The 8" PVC pipe from the driveway field inlet is not shown or called out for drywell #3.

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**Continuation of Condition #9...**

6. The yard inlet located in the southwest corner of the property, CB #2 and CB #3 are all located in an existing sanitary sewer easement. Please confirm that this is acceptable to the entity with rights to the easement.

7. The 344.3 spot shot in the southwest corner of the driveway shall be higher than the field inlet grate elevation in the southeast corner to direct runoff to the inlet and avoid possible ponding in the driveway. Right now they have the same elevation.

**New Comments:**

1. The previous plan had three (3) sheets. Sheets 1, 2, and 3 of 3. The current plans also have three (3) sheets; however, the sheets are numbered incorrectly. Please revise.

2. There appears to be a discrepancy with the existing 342 – contour line shown in the subdivision plan and the grading/ drainage plan on sheets 1 and 2 of 3, respectively. The correct contour line(s) shall be shown consistently throughout the entire plan set.

3. The catch basin described in detail “Catch Basin Detail – CB #1A” is not designated on the plan in the “Grading, Drainage & Utility Plan with Erosion Control,” Sheet 2 or 3. There is also no detail for the existing catch basin on Salina Road.

4. It is unclear if the drainage manhole, DMH#1, will be an open grate or a closed rim. In addition, the runoff that is generated by the swales on the east and west sides of the property will ultimately run down the drainage easement, over the concrete sidewalk, and into the catch basin. This differs quite a bit from the existing drainage pattern which collects the majority of the runoff in an existing headwall and pipes it to the existing catch basin on Salina Road. Careful consideration shall be given to the impact of channelizing the overland flow along +/- 140 linear feet in the easement. Stability calcs may be required as well.

5. There is no detail provided for the proposed drainage manhole DMH #1.

6. There is a text conflict on the callout that proposes an overflow connection to DMH #1. There is also another text conflict on the legend. Both text conflicts are on the “Grading, Drainage & Utility Plan with Erosion Control,” Sheet 2 or 3, making it hard to decipher some information.

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

- As 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.
- A review shall be done by the Rockland County Department of Health to ensure compliance with the Rockland county Sanitary code, Article XIX, Mosquito Control.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

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**Continuation of Condition #10...**

- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The lot area provided under the Notes section must be corrected to reflect that the total site is .84 acres.
- The Rockland County Department of Planning received sheets 2 of 3. Sheet 1 of 3 must be provided. In addition, the profile sheet was also labeled as sheet 2 of 3. This should be corrected and labeled properly.
- The site plan must include a vicinity map with a scale and north arrow. In addition, map notes that list all appropriate information, including the district details, must be provided.

**11.** Based on the information provided, the Rockland County Health Department found that application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

**12.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.

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

**14.** Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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

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**16. TREE PROTECTION:** The following note shall be placed on the Subdivision 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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**17.** All landscaping shown on the subdivision plan 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.

**18.** 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.

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

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

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

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

**Override**

The Board made a motion to override Condition #3 of the July 25, 2019 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#3. The Village of Chestnut Ridge is the reason this proposal was referred to this department for review. The municipal boundary is 165 feet west of the subject property line. As required under Section 249nn of the State General Municipal Law, the Village of Chestnut Ridge must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town.

The Board held that the Village of Chestnut Ridge was provided with the information and had the opportunity to respond and provide comments.

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

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

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: July 31, 2019

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

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