

Meeting of October 25, 2017
Town of Orangetown Planning Board

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

MEMBER ABSENT: Michael Mandel

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

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

Items:

U.S. Information Systems Project Site Plan Final Site Plan Review 25 Ramland Road, Orangeburg 73.20/1/26; LIO zoning district	Rescheduled to a Future Meeting	PB #17-51
Orangetown Plaza Internal Commercial Subdivision of Space Plan Prepreliminary/ Preliminary/ Final Subdivision Plan and SEQRA Review 37 Route 303, Tappan 77.15/1/34; CS zoning district	Final Internal Commercial Subdivision of Space Plan Subject to Conditions Neg. Dec.	PB #17-55
The Pointe at Lake Tappan Site Plan Performance Bond Release Recommendation to the Town Board Veterans Memorial Drive, Pearl River 73.10/1/4, 5, & 6 (partial); OP & PAC zoning districts	Recommendation to the Town Board to Release Performance Bond	PB #17-56

Other Business:

1. Property owner for 68.16-1-2, 64 Walter Street Pearl River, requested the improvement of his property with a 4.5 foot fence with evergreen plantings at the North West corner of the property; running south approximately 50+ feet from the northerly corner and across the northerly property line for 93.30 feet. The Planning Board recommended that the applicant appear at the Project Review Committee and have the Bureau of Fire Prevention provide input into the placement of the fence. Depending upon the discussions with the PRC, the applicant may need to appear as a "Consultation" with the Planning Board.

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2. The New York City Football Club (section 73.12, block 1, lot 3.2) is proposing the installation of four (4) pole mounted video cameras to document their practice sessions for training purposes. The proposed camera poles will be approximately 46' in height, one pole and camera assembly will be installed along each side of the training field. The Planning Board determined that a formal application is not required and gave the Building's Department the authority to review the improvement of the property.

3. The Board reviewed and recommended that the Town Board be Lead agency in the proposed revision to the local law relating to Telecommunications Antennas Chapter 43, §10.5.

The decisions of the September 27, 2017 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, 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 9:00 p.m. The next Planning Board meeting is scheduled for November 8, 2017.

DATED: October 25, 2017

Cheryl Coopersmith
Chief Clerk Boards and Commissions



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**PB#17-55: Orangetown Plaza Internal Commercial
Subdivision of Space Plan
Final Approval Subject to Conditions/ Neg. Dec.**

Permit #46107

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

**RE: Orangetown Plaza Internal Commercial Subdivision of Space
Plan:** The application of Orangetown Plaza, Inc. owner for Preliminary/
Preliminary/ Final Internal Commercial Subdivision Plan Review a site to be
known as "**Orangetown Plaza Internal Commercial Subdivision of Space
Plan**", a total floor area of 22,665 square feet, for a subdivision of two spaces
with approximately 12,506 square feet and 10,159 square feet respectively, 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 37 Route 303, Tappan, Town of
Orangetown, Rockland County, New York, and as shown on the Orangetown Tax
Map as Section 77.15, Block 1, Lot 34 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, October 25, 2017, the Board made the following determinations:

Donald Brenner and Joseph Modafferi appeared and testified before the Board.
The Board received the following communications:

1. Project Review Committee Report dated October 18, 2017.
2. An Interdepartmental memorandum from the Office of Building, Zoning,
Planning Administration and Enforcement, Town of Orangetown, signed by
Jane Slavin, R.A., A.I.A. Director, dated October 25, 2017.
3. An Interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E., dated October 20, 2017.
4. A letter from the Rockland County Department of Planning, signed by
Douglas Schuetz, Acting Commissioner of Planning, dated October 13, 2017.
5. Letters from the Rockland County Department of Health, signed by
Scott McKane, P.E., Senior Public Health Engineer, dated
September 28 & 29, 2017 and October 2, 2017.
6. Letters from the Rockland County Highway Department, signed by
Joseph Arena, Senior Engineering Technician, dated
September 27 & October 3, 2017.
7. A letter from the Rockland County Drainage Agency, signed by
Vincent Altieri, Executive Director, dated October 2, 2017.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra,
Engineer II, dated October 6, 2017.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by
Dan Sullivan, Chair, dated October 4, 2017.
10. A Short Environmental Assessment Form, dated September 19, 2017,
signed by Mark Parnett, agent.

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11. A letter from JMC, Planning Engineering Landscape Architecture & Land Surveying, LLC, signed by Joseph Modafferi, Jr. RLA, dated September 20, 2017; with an attachment of a Project Narrative.
12. Internal Subdivision Site Plan prepared by JMC Site Development Consultants, LLC, dated September 19, 2017.
13. Subdivision Plans prepared by Dennis Noskin Architects, dated June 15, 2016, last revised December 16, 2016:
 - A-1: Construction Drawings, Partition Types
 - A-2: Ceiling Life Safety
 - A-3: Door Schedule
14. A Building Permit Referral dated January 10, 2017, signed by Michael Manzare, 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 Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely JMC Site Development Consultants, LLC, and Dennis Noskin Architects and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Highway Department and having reviewed proposed Subdivision of Internal Space Plan by prepared by namely JMC Site Development Consultants, LLC, and Dennis Noskin Architects a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted Final Internal Commercial Subdivision of Space 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. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application.
3. Based on the information provided, the Rockland County Highway Department poses no objection to the proposed action as presented. Due to the location and type of construction, a work permit from the County Highway Department will not be required.
4. Based on the information provided and maps available to the Rockland County Drainage Agency (RCDA), the site is within the jurisdiction of the RCDA. However, the current proposal appears to result little/no obstruction to the flow of floodwater and will have minimal /no site disturbance and/or increase in impervious area. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested for the current proposal. However, please be advised that, any future improvements at this site will require a permit or a determination otherwise from the RCDA.

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5. 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.

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

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

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

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

9. 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.

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

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

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

13. 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

14. 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 William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel absent; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, 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: October 25, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board (attachment)**



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NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PB#17-55: Orangetown Plaza Internal Commercial

Permit #46107

Subdivision of Space Plan-Final Approval

Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

October 25, 2017

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

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

NAME OF ACTION: Orangetown Plaza Internal Commercial Subdivision of Space Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision of Space Plan Final Approval Subject to Conditions

LOCATION: The site is located at 37 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 34 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Jane Slavin, R.A., A.I.A., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

**PB #17-56: the Pointe at Lake Tappan Site Plan
Recommendation to the Town Board
to Release the Performance Bond**

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

RE: The Pointe at Lake Tappan Site Plan: The application of Donald Brenner, applicant for a **"Recommendation to the Town Board to Release the Performance Bond for the Pointe at Lake Tappan Site Plan"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the South Side of Veterans Memorial Drive, East of the existing Blue Hill Office Complex and West of Blue Hill South Drive, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map; Section 73.10, Block 1, Lots 4, 5, & 6 (partial); OP and PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 25, 2017**, at which time the Board made the following determinations:

Donald Brenner appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated October 18, 2017.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated October 25, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by James Dean, Superintendent of Highways dated October 17, 2017 and Joseph Moran, Commissioner, dated August 28, 2017.

The Board reviewed the submitted information. The hearing was then opened to the Public.

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

RECOMMENDATION: In view of the foregoing, the Planning Board **Recommended to the Town of Orangetown Town Board to Release the Performance Bond.**

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**PB #17-56: the Pointe at Lake Tappan Site Plan:
Recommendation to the Town Board
to Release the Performance Bond**

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

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

**Dated: October 25, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**



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