

**Meeting of September 13, 2017  
Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** Thomas Warren and Stephen Sweeney;

**ALSO PRESENT:** Rick Oliver, Acting 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:

<b>17 Highview Avenue Parking Plan</b>	<b>PB #17-43</b>
Prepreliminary/ Preliminary/ Final Parking Site Plan and SEQRA Review 17 Highview Avenue, Orangeburg; 74.11/1/25; LI zoning district	<b>Continued at Applicant's Request</b>

<b>Pearl Mont Corp Site Plan – Sign Locations</b>	<b>PB #17-44</b>
Final Site Plan Review 164 South Pearl Street, Pearl River 72.08/1/2; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>Griffin Site Plan</b>	<b>PB #17-45</b>
Kreiger Subdivision – Lot #1 Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 27 Sunrise Lane, Pearl River 69.18/3/43.1; R-15 zoning district	<b>Preliminary Site Plan Approval Subject to Conditions Neg. Dec.</b>

<b>Cardiovascular Research Foundation Site Plan</b>	<b>PB #17-46</b>
Final Site Plan Review 8 Corporate Drive, Orangeburg 73.20/1/36; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>Brightview Senior Living Tappan</b>	<b>PB #17-47</b>
Monument Sign Location Plan Final Sign Location Plan 31 Hunt Road, Pearl River 73.15/1/10; R-80 zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>115 New York Route 303 Site Plan</b>	<b>PB#17-48</b>
Final Site Plan Review 115 Route 303, Tappan 77.07/2/1; LO zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

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**Continued Items from April 12, 2017:**

**Paragon Motors Site Plan**

**PB #17-01**

Prepreliminary/ Preliminary Site Plan  
and SEQRA Review  
64 Leber Road, Blauvelt  
70.06/1/50.4; LO zoning district

**Continued at  
Applicant's Request**

**Paragon Motors Re-subdivision Plan**

**PB #17-22**

Prepreliminary/ Preliminary/ Final  
Subdivision (Lot Line Readjustment)  
and SEQRA Review  
64 Leber Road, Blauvelt  
70.06/1/50.4 & 1./13; LO zoning district

**Continued at  
Applicant's Request**

**Continued Item from February 22, 2017:**

**Bless Enterprises Auto Shop Site Plan**

**PB #16-59**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
187 Route 303, Orangeburg  
Route 303 Overlay Zone  
74.15/1/8; LI zoning district

**Preliminary Site Plan  
Approval Subject  
to Conditions  
Neg. Dec.**

**Other Business:**

Clarification of PB#17-32: Linen Choice Site Plan, Condition #10:

"The Planning Board Recommends to the Zoning Board of Appeals that the loading berths be enclosed within the buildings."

The Board held that the ZBA should make the determination regarding the need and location of the Loading Berths.

A motion was made and moved at 9:50 p.m. to go into Executive Session to discuss 2 pending lawsuits by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, absent and Thomas Warren, absent.

Michael Mandel recused himself from the Executive Session on one of the pending lawsuits.

A motion was made and moved to close the Executive Session 10:00 p.m. by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent, William Young, aye; Robert Dell, aye; Stephen Sweeney, absent and Thomas Warren, absent.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Robert Dell and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for September 27, 2017.

**DATED: September 13, 2017**

**Cheryl Coopersmith, Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*  
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**TO: Ray Ahmadi, 227 South Mountain Road, New City,  
New York 10956**  
**FROM: Orangetown Planning Board**

**RE: Pearl Mont Corp. Site Plan – Sign Locations Plan:** The application of Raymond Ahmadi, owner, for a Final Site Plan Review at a site known as **“Pearl Mont Corp. Site Plan – Sign Locations Plan”** in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 164 South Pearl Street (Route 304), Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 72.08, Block 1, Lot2 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2017**, at which time the Board made the following determinations:

Ray Ahmadi appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 6, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Acting Director, dated September 13, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 7, 2017.
4. A letter from the Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated August 22, 2017.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 24, 2017.
6. Site Plan prepared by RA Associates dated November 6, 2007, last revised April 20, 2017.
7. Copies of the following Board Decisions: ACABOR #17-11, Approved Subject to Conditions, dated April 20, 2017; ZBA #17-21, Signage Variance, Approved with Specific Conditions, dated March 1, 2017 and PB #17-02, Preliminary Site Plan/Sign Location Approval Subject to Conditions, Neg. Dec., dated January 11, 2017.

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

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Jackie and Matthew Clonen, 84 Grand Avenue, Pearl River, raised concerns regarding the constant glaring of lights into her house and the noise from the customers using the car wash. She suggested to the Board that signs be placed at the site requesting that car radios be turned off after 9:00 p.m. at the car wash. Ms Clonen also requested that motion detectors be placed on the site lighting.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #17-11, Approved Subject to Conditions, dated April 20, 2017; ZBA #17-21, Signage Variance, Approved with Specific Conditions, dated March 1, 2017 and PB #17-02, Preliminary Site Plan/Sign Location Approval Subject to Conditions, Neg. Dec., dated January 11, 2017.
4. The height of the monument sign at the North entrance shall be labeled on the Site Plan. The sign detail does not include the double sided logo portion as part of the height and sign area. Please include that portion of the sign in the calculations.
5. Provide a sign table on the plan indicating sign number, type of sign, sign height, individual sign areas and total sign area.

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

1. All proposed signage shall conform to the Town's sign standards and meet the conditions required by the Town of Orangetown Architecture and Community Appearance Board of Review at their April 20, 2017 meeting.
2. A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
3. A review must be completed by the Rockland County Drainage Agency, any concerns addressed and all required permits obtained.

7. Based on a letter dated December 28, 2016 from the Rockland County Drainage Agency, the Agency held that based on an evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. However, the current proposal appears to 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 at this time. However, please be advised that any future improvements at this site will require a permit or a determination otherwise from the RCDA.

8. Based on the information provided, there are no Rockland County Health Department approvals needed for this application.

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

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

11. 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.

12. **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 #12...**

- 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.

**13.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**14.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

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**PB#17-44: Pearl Mont Corporation Site Plan  
Final Site Plan/ Sign Location  
Approval Subject to Conditions**

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16. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the 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).

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

18. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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

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

**Dated: September 13, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*

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**PB #17-45: Griffin Site Plan**  
**(Kreiger Subdivision – Lot #1)**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Permit #46504**

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**TO: Steven Griffin, 27 Sunrise Lane, Pearl River, New York**  
**FROM: Orangetown Planning Board**

**RE: Griffin Site Plan:** The application of Steven Griffin, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as "**Griffin Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43.1 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 13, 2017**, the Board made the following determinations:

Steven Griffin, Lino Sciarrette and Jennifer Griffin appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated September 6, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Acting Director, dated September 13, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 1, 2017.
4. Letters from Brooker Engineering, signed by Kenneth DeGennero, P.E., dated September 13 & August 29, 2017.
5. A Letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 7, 2017.
6. A copy of a letter to Steven Griffin, from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 12, 2017.
7. A letter from the Rockland County Department Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated August 24, 2017.

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**PB #17-45:Griffin Site Plan  
(Kreiger Subdivision – Lot #1)  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #46504**

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8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated September 6, 2017.
9. A Short Environmental Assessment Form signed by Steven Griffin, dated July 31, 2017.
10. Site Plan prepared by Robert Sorace, PLS and Paul Gdanski, P.E., dated July 28, 2017.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, 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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**PB #17-45: Griffin Site Plan  
(Kreiger Subdivision – Lot #1)  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

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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 Robert Sorace, PLS and Paul Gdanski, P.E., 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: Rockland County Department of Health, - Rockland County Sewer District #1, Town of Orangetown Zoning Board of Appeals, and having reviewed proposed Site Plans by prepared by Robert Sorace, PLS and Paul Gdanski, P.E., 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 William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, absent, 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 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.
3. The revised drainage plan shall be reviewed by Brooker Engineering and DEME. The Building Department received the revised drawings and calculations dated September 12, 2017 and is satisfied that minimum requirements have been met or exceeded.
4. The Short Environmental Assessment Form appears to be in order.
5. The project shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of review.
6. The project shall be reviewed by the Town of Orangetown Zoning Board of Appeals for front yard and total side yard variances.
7. The application has received Rockland County Department of Health approval, dated September 12, 2017.
8. Drainage calculations prepared and sealed by a NYS Licensed Professional Engineer, for the proposed drywells shall be submitted for review and approval.
9. The drainage calculations shall include an explanation as to what will happen if stormwater runoff exceeds the capacity of the proposed drywells.
10. A perc test and determination of groundwater elevations shall be performed at the location of the proposed drywells. These tests/ investigations shall be performed in the spring when the ground water table is typically at its highest. This shall be done prior to this proposal receiving Final approval. The applicant's engineer shall provide a copy of the groundwater elevation and the field perc test results to DEME and the Building Department for review and approval.

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11. The slope of the proposed driveway shall be given on the plans and a profile of the driveway shall also be provided on the plans.

12. All proposed grading shall be added to the plans, including grading for the new driveway.

13. The metes and bounds for the existing sanitary sewer that crosses at the western most corner of the property, shall be given on the plans.

14. A detail for the proposed driveway shall be added to the plans.

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

Details and drainage calculations have been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated; Brooker Engineering therefore recommends that the Griffin Site Plan application be approved for drainage subject to the above Project Comments.

**Project Description**

This is the first drainage review report for this project; the last drainage review was dated August 29, 2017. The proposed work includes a garage addition, new porch, and a second story addition over an existing 1-1/2 story residential story structure. The lot was created as part of the Krieger subdivision. No drainage information was provided at the time of the subdivision; drainage review was deferred to Site Plan approval for the new lots.

Stormwater runoff flows downhill in a southeasterly direction through the site. The storm drainage system in Sunrise Lane in front of the lot discharges to an open channel along the southwest corner of the property. Stormwater detention is provided by two proposed drywells in the rear (northeast) side of the building.

**Review of Additional Information**

Drainage calculations have been provided to support the drywell design. The overall additional impervious area of 1800 SF has been listed. Proposed grading has been provided to demonstrate how the site will operate with respect to drainage post-construction.

**Project Comments**

1. As per the August 29, 2017 drainage review report, the proposed grading shall show positive drainage away from the building in all directions, including the front yard.

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**Continuation of Condition #15...**

2. The first floor elevation, proposed garage floor elevation, and porch elevations have been added to the plan per previous comments. The plans shall indicate if a basement floor is proposed under the new garage. If so, the footing drain shall be added to the plan.
3. Top and bottom of wall elevations have been added to the plan; however, the lower retaining walls do match the proposed topography and shall be corrected. The existing 138 contour on the south side of the building does not tie into proposed grade. Details for the retaining walls shall be added to the plan. A section detail through the tiered retaining walls shall be provided. Separation distance between the two tiers shall be provided.
4. As per the August 29, 2017 drainage review report, the elevation of the trench drain in front of the garage and a detail for the trench drain shall be added. Pipe material, size, and slope from the trench drain to the drywell shall be provided.
5. As per the August 29, 2017 drainage review report, detailed grading at the driveway entrance and along Sunrise Lane shall be provided to demonstrate that runoff from Sunrise Lane will not flow down the driveway.
6. The new driveway grading appears to have a slope significantly greater than 2% listed at the driveway entrance to Sunrise Lane. Existing grading at Sunrise Lane shall be provided to verify the driveway slope. The proposed contours shall cross the driveway at the locations determined by the proposed slope to ensure the embankment that will be created on the north side of the driveway turnaround is not too steep.
7. Driveway dimensions shall be added to the plan.
8. For ease of inspection, the site plan shall show the area intended to be directed to the drywells to ensure the intent of the drainage design is constructed and verified.
9. The drywells shall have an open grate instead of a solid cover. The overall inside height of the drywell shall be shown on the detail.
10. There are several discrepancies between the drywell calculations and the detail/Site Plan that shall be corrected, including the three feet surrounding stone envelope and effective height of the structure.

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**Continuation of Condition #15...**

11. Detailed calculations for the 24-hour soil percolation rate shall be provided (Item 6 in the Drywell Calculations); it appears that percolation from the sides might be included in the calculations. Additionally, the overall system only stores 1.5 inches of rainfall over the new impervious areas, which is lower than what is typically provided.

12. Test pits shall be performed to verify the presence of groundwater and assumed percolation rate.

13. A plan view detail shall be added for the drywells and the proposed elevations shall be added to the Detention Basin Drywell Detail.

16. The Rockland County Department of Health (RCDOH) granted approval for the Stormwater Facility/ Article 19 Mosquito Control; noting that this approval is solely for compliance with Article 19 of the Rockland County Sanitary Code and other agency approvals may be necessary for this project.

17. 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.

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

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. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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**22. 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 preserve 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.

**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.

**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.

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**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, 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).

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

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

**Dated: September 13, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
attachment**

*Cheryl Coopersmith*

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

**PB #17-45: Griffin Site Plan**  
**(Kreiger Subdivision – Lot #1)**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Permit #46504**

**Town of Orangetown Planning Board Decision**  
**September 13, 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: Griffin Site Plan (Kreiger Subdivision**  
**– Lot #1) 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 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43.1 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 is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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**PB#17-46: Cardiovascular Research Foundation  
Cardiovascular Research Foundation Site Plan  
Final Site Plan Approval Subject  
to Conditions**

**Permit #46496**

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**TO: Jane Slavin, AIA, 200 Erie Street, East, Suite 1E, Blauvelt,  
New York 10913**  
**FROM: Orangetown Planning Board**

**RE: Cardiovascular Research Foundation Site Plan: The  
application** of Cardiovascular Research Foundation, owner, for Final Site Plan Review, at a site known as "**Cardiovascular Research Foundation Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 8 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 36 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2017**, the Board made the following determinations:

Joseph Montana and Hugh Linnehan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 6 2017.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Acting Director, dated September 13, 2017.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 7, 2017.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 13 & 7, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 6, 2017.
6. A letter from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician, dated August 25, 2017.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 22, 2017.

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**PB#17-46: Cardiovascular Research Foundation  
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8. CRF Facility Plans prepared by GEA, Engineering, P.C., dated June 20, 2017, last revision date of August 9, 2017:

- Drawing T-1: Title Sheet and Vicinity Map
- Drawing 1 of 3: Preliminary Amended Site Plan
- Drawing 2 of 3: Grading, Stormwater and Utility Plan
- Drawing 3 of 3: Soil Erosion Control and Stormwater Details

9. Stormwater Calculations Report prepared by GEA Engineering, P.C. undated.

10. A letter from GEA Engineering, P.C., dated August 10, 2017, signed by Steven Gamelsky, P.E., President.

11. A letter from Montana Contracting, dated September 7, 2017 with an attachment of revised Site Plans showing a rain garden in lieu of the subsurface retention system;

CRF Facility Plans prepared by GEA, Engineering, P.C., dated June 20, 2017, last revision date of September 7, 2017:

- Drawing T-1: Title Sheet and Vicinity Map
- Drawing 1 of 3: Amended Site Plan
- Drawing 2 of 3: Stormwater Plan, Section and Details
- Drawing 3 of 3: Soil Erosion Control and Stormwater Details
- Stormwater Management Rain Garden Plan, undated

12. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Sarah Pawliczak, dated August 11, 2017.

13. A copy of PB #17-38, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 26, 2017.

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

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

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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable condition of PB #17-38, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated July 26, 2017.
4. The applicant's engineer informed DEME that the drainage design currently depicted on the Site Plan is no longer valid. This is because in conducting the soil borings, per test/ determination of groundwater elevation (as requested by DEME), the applicant's engineer discovered bedrock at an elevation much higher than expected and in the area of the proposed drainage improvement, therefore, rendering the current design obsolete/ unworkable. DEME is aware that the applicant's engineer is currently working on a new stormwater design to both mitigate the stormwater flows that will be generated by the proposed construction/ addition of new impervious surfaces and avoid conflicts with the bedrock.
5. The new design and related calculations/ details, etc., will need to be reviewed and approved by DEME to ensure the adequacy of the design.
6. Plans, details, profiles, updated total area of disturbance, etc., for the new stormwater design shall be added to the drawings.
7. A post construction stormwater maintenance plan (in accordance with NYSDEC Phase II regulations) shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval.
8. 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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**9. Drainage Recommendation – Brooker Engineering**

Sufficient information and details have been provided to demonstrate that there are no potential significant impacts with respect to drainage that require mitigation. The Planning Board Drainage Consultant, Brooker Engineering, therefore recommends that the Cardiovascular Research Facility Site Plan application be approved for drainage subject to the following Project Comments.

This is the third drainage review report for this project; the last review was dated September 7, 2017. The proposed work includes an addition to the existing medical building. The addition is 25' x 52' and located on the north side of the building in an area that is currently grass. Stormwater runoff flows southeast towards Blaisdell Road.

An underground detention system is proposed to mitigate against increases in stormwater runoff rates. Overflows from the detention system enter an on-site piped storm drainage system, which discharges to an existing storm drainage system on Blaisdell Road.

**Review of Additional Information**

A test pit was performed that revealed groundwater at a high elevation. The previously proposed underground detention facility has been removed from the plan and a rain garden is no proposed to provide stormwater mitigation.

**Project Comments**

1. The Stormwater Management calculations shall be dated and signed and sealed by the design engineer. The latest calculations contain information on the rain garden; however, the previous information containing the design requirements shall be compiled into one dated document.
2. Section 7 of the new drainage calculations state 290 cubic feet of detention storage are required; however the attached calculations were not included in the submission. Furthermore, the previous drainage report stated 494 cubic feet of detention volume was required. It appears the new report is providing 683 CF of storage (10" x 820" SF) and the old report proposed 520 CF of storage. This shall be clarified.
3. The rain garden has a low flow opening with a diameter of 2.41 inches. Since the drainage area contributing to the rain garden is small, it is not clear how the flood flows will be routed, i.e., the outflow opening will allow flows to pass directly through and the ten inch high elevation will not be achieved. Calculations for the sizing of the low flow opening shall be provided.
4. More detail is needed for the "Flow Diversion" Detail; the function and dimensions of this feature are not clear. The stones tie into the higher ridge north of the rain garden; it appears additional drainage area north of the rain garden is directed to the rain garden.

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

- As indicated in the August 22, 2017 letter from the Rockland County Department of Health, an application must be made to them to review the stormwater management system for compliance with the County Mosquito Code.
- Prior to any start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site 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.

11. The Rockland County Highway Department reviewed the site plans and information submitted and offered the following comments:

1. The Rockland County Highway Department determined that the proposed action should have a de Minimis impact upon the County Highway.
2. The proposed onsite drainage is going into an existing 15 inch HDPE that connects into the Rockland County Highway Department drainage system. After further review, since the existing tie into the catch basin will be utilized, **a Work Permit from the County Highway Department will not be required for this project.**

12. The Rockland County Health Department (RCDOH) reviewed the information provided and based on the information provided, application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

13. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) holds that the project will require NYSDEC permits as indicated below:

The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- **State – Listed Species:** NYSDEC has reviewed the State's Natural Heritage records and determined that the site is located within or near the following state listed species: Bald eagle, *Haliaeetus leucocapalus*: Threatened. A permit is required for the incidental taking of any species identified as "endangered" or "threatened," which can include the removal of habitat. However, after reviewing the project, staff have determined that the project is not likely to have a significant impact on bald eagle population, and does not require further review at this time.

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**PB#17-46: Cardiovascular Research Foundation  
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**Continuation of Condition #13...**

- **Protection of Waters:** There are no waterbodies that appear on the regularly maps at the location site identified, and a **Projection of waters permit is not required.**
- **Freshwater Wetlands:** The project is not within a New York State protected Freshwater Wetland. However contact the U.S. Army Corps of Engineer for any permitted they might require.
- **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).
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

**14.** 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.

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

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

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

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**18.** 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.

**19. 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:

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

**20.** 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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**21.** 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.

**22.** 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).

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

**24.** 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

**25.** 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 Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, nay; William Young, aye; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, absent.

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

**Dated: September 13, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**

*Cheryl Coopersmith*  
TOWN CLERK'S OFFICE  
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**PB #17-47: Brightview Senior Living  
Sign Location Plan  
Final Approval Subject to Condition  
Subject to Conditions**

**Permit #45922**

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

**RE: Brightview Senior Living Sign Location Site Plan:** The application of Shelter Development, LLC, applicant for Hegarty Homes, owner for Final Sign Location Site Plan Review at a site to be known as "**Brightview Senior Living Sign Location Site Plan**", accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 31 Hunt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2017**, at which time the Board made the following determinations:

Donald Brenner and Diego Villareale appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 6, 2017.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Acting Director, dated September 13, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 7, 2017.
4. A letter from Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, dated September 11, 2017.
5. A letter from the Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated August 25, 2017.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 22, 2017.
7. Sign location Plans prepared by John Meyer Consulting, Inc. (JMC), dated December 9, 2015:
  - Drawing 1: Monument Sign Location Plan
  - Drawing 2: Sign Elevations
8. A copy of ACABOR #17-33; Approved as Presented, dated September 7, 2017 and PB #17-14, Preliminary Approval Subject to Conditions, Neg. Dec., dated March 22, 2017.
9. A copy of the Building Permit Referral, dated February 4, 2016, signed by Glenn Maier, Building Inspector.
10. An Executive Summary prepared by the Applicant.

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**Town of Orangetown Planning Board Decision  
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The Board reviewed the plan. The meeting was then open 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 Bruce Bond and second by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Chairman, aye; Michael Mandel, aye; William Young, aye; Stephen Sweeney, absent; Thomas Warren, absent; and Robert Dell, aye.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #17-33; Approved as Presented, dated September 7, 2017 and PB #17-14, Preliminary Approval Subject to Conditions, Neg. Dec., dated March 22, 2017.
4. The monument sign is proposed at the Southwest corner of Orangeburg Road and Hunt Road. The sign shall be shown on the Site Plan with a Zoning Bulk Table. Clarify whether sign is in the street right of way or not. Show setback dimensions on the Site Plan.
5. Add note stating sign is "Illuminated" or Non-illuminated."
6. The applicant's engineer is advised that numerous sanitary siphon lines run along the right of way of Orangeburg Road and Hunt Road in that area. All care must be taken, including had digging of the footings for the site, when the signs are constructed. A note shall be added to the plans stating same and that the contractor doing the work is to contact the Town of Orangetown Sewer Inspector to coordinate the inspections of the construction activity.

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**PB #17-47: Brightview Senior Living  
Sign Location Plan  
Final Approval Subject to Condition  
Subject to Conditions**

**Permit #45922**

**Town of Orangetown Planning Board Decision  
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7. The existing sanitary sewer siphon lines, that run parallel to the site's property lines along Orangeburg Road and Hund Road, shall be depicted on the Site Plan.

8. The Site Plan shall indicate how and where the proposed sign is to be electrified.

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

- A table showing the sign standards must be provided to ensure that the proposed sign conforms to the Town's sign requirements.

10. The Rockland County Department of Highway reviewed the proposed action and based upon the site plans and information submitted, offer the following comments:

1. While Rockland County Department of Highway pose no objection to a monument sign being constructed at this location, the Highway Department is concerned with the exact location where it can be constructed without interfering with existing underground structures. The survey shall be enhanced in greater detail to more accurately show the locations and extent of the underground utilities including elevations; in particular the fiber optic, water in the drainage pipe that extends from the ditch line crossing under Hunt Road, and sanitary sewer lines in the area.

2. If the sign is to be illuminated, then the survey shall show the location for the conduit providing electric to the sign as it may need to cross the drainage ditch.

11. Based on the information provided, there are no Rockland County Health Department approvals needed for this application.

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

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

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**14.** 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.

**15. TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual 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.

**16.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**PB #17-47: Brightview Senior Living  
Sign Location Plan  
Final Approval Subject to Condition  
Subject to Conditions**

**Permit #45922**

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**17.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

**19.** If the applicant, during the course of construction 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).

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

**21.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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**PB #17-47: Brightview Senior Living  
Sign Location Plan  
Final Approval Subject to Condition  
Subject to Conditions**

**Permit #45922**

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**Override**

The Board made a motion to override the Disapprove of the September 11, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- It is difficult to determine, based on the map provided, if the sign is being proposed within the designated street line of Veterans Memorial Highway, a County highway. However, given the fact that the designated street line extends well beyond the pavement, it does appear that the sign is being proposed to be located within the designated street line of the county highway. As indicated in comment #14 of the July 21, 2015 site plan review, this proposed sign was not permitted within the county right of way, and had to be relocated so that it was situated completely outside of the right of way. In addition, the March 23, 2016 letter from the Rockland County Department of Highways had indicated that the proposed monument sign was being located within the Veterans Memorial Highway right of way, and that it had to be moved so that it was not within the designed street line. Before the monument sign can be approved, the sign plan must show the designed street line for the County highway, and illustrate that the sign is located outside of it.

The Board held that the Rockland County Highway Department letter of August 25, 2017 offered the applicant the consideration of the installation of a sign under guidelines, which was incorporated as Condition #10 of this Planning Board Decision. The Board held that the applicant met the condition.

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

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

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

**Dated: September 13, 2017**

Cheryl Coopersmith  
Chief Clerk Boards and Commissions

*Cheryl Coopersmith*

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**PB#17-48: 115 New York Route 303 Site Plan  
Final Site Plan Approval Subject  
to Conditions**

**Permit #45632**

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

**RE: 115 New York Route 303 Site Plan:** The application of 115 Route 303, LLC, owner, for Final Site Plan Review at a site to be known as “**155 New York Route 303 Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 115 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, Lot 1; in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 13, 2017**, the Board made the following determinations:

Donald Brenner and Brian Donaghy appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 6, 2017.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Acting Director, dated September 13, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 7, 2017.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E. dated September 6, 2017.
5. An interdepartmental memorandum from Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated August 9, 2017.
6. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 11, 2017.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 10, 2017.
8. Building Permit Referral dated August 8, 2016, signed by Glenn Maier, Building Inspector.
9. Plans prepared by Frank Relf, R.A., dated May 5, 2016, last revised August 2, 2017:

T-000.00: Title Sheet, Site Plan, Aerial Map

A-001.00: Site Plan

A-002.00: Ramp Details and Sections

A-003.00: Project Sign Details

A-004.00: Site Lighting Photometrics

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10. A Project Narrative prepared by the applicant.
11. Copies of the following Board Decisions: ACABOR #17-24, Approved as Presented, dated July 6, 2017; ZBA #17-44, Sign Area Variance Approved, dated June 21, 2017 and PB #16-69, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated February 22, 2017.

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

**Public Comment:**

Mathew Giuliano, 283 Kings Highway, Tappan; raised concerns regarding the appearance of the proposed sign and lighting.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #17-24, Approved as Presented, dated July 6, 2017; ZBA #17-44, Sign Area Variance Approved, dated June 21, 2017 and PB #16-69, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated February 22, 2017.

4. The Short Environmental Assessment Form, item 3b needs to be answered.

5. The proposed signs require a separate building permit application to be submitted to the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement.

6. All existing easements shall be shown and labeled on the plan, including page and liber or instrument number, purpose of the easement, what facility, if any, is in the easement, metes and bounds, and ownership.

7. The existing sanitary building connection shall be shown on the Site Plan.

**8. Drainage Review Recommendation - Brooker Engineering – Drainage Consultant**

The applicant has clarified the proposed work and demonstrated that no new impervious area is being added, a nominal amount of land disturbance is proposed, and the existing drainage patterns are being maintained. The project will result in no significant adverse impacts with respect to drainage that require mitigation. The Consultant therefore recommends that the 115 Route 303 Site Plan be approved for drainage subject to the following Project Comments at this time.

**Project Description**

This is the fourth drainage review report for this project; the last drainage review was dated February 21, 2017. The property is located at the northeast corner of the intersection of Route 303 and Kings Highway. There is an existing building on the site and the project proposes site alterations with no modification to the building footprint. A fire access lane is proposed along the North and west sides of the building.

The Sparkill Creek is located along the northwest portion of the property and is a mapped FEMA floodplain. Floodplain information has not been provided on the Site Plan. The Drawing A-001.00, "Site Plan" contains a note stating the total land disturbance is 368 square feet and no new impervious surfaces are being added. The land disturbance consists of a new handicap ramp over existing impervious area.

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**Continuation of Condition #8...**

**Project Comments**

1. As per the October 30, 2016, February 13, 2017, and February 21, 2017 drainage review reports, existing and proposed conditions grading plans and storm drainage plans shall be provided. Positive drainage away from the buildings shall be indicated. Proposed grading for the new handicap ramp shall be provided.
2. As per the October 30, 2016, February 13, 2017, and February 21, 2017 drainage review reports, any existing storm drainage systems and stormwater facilities on the site shall be added to the Site Plan.
3. As per the October 30, 2016, February 13, 2017, and February 21, 2017 drainage review reports, existing first floor elevations and adjacent ground elevations shall be provided. An elevation certificate shall be provided for the existing structure.
4. As per the October 30, 2016, February 13, 2017, and February 21, 2017 drainage review reports, it appears the project will require approvals from the Local Floodplain Administrator and Rockland County Drainage Agency.
9. 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 required permits obtained.
  - A review shall be completed by the Palisades Interstate Park Commission, and any required permits obtained.
  - A review shall be completed by the Rockland County Drainage Agency and all required permits obtained. As per the October 12, 2016 letter for a previous application, the site has been determined to be within their jurisdiction. Pursuant to the Rockland County Stream Control Act, a permit is required for any developments within the site.
  - As per the August 10, 2017 letter from the Rockland County Department of Health, no approvals are needed from them for this application.

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

- If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- A review shall be completed by the New York State Department of Environmental Conservation for the wetlands on the site, and required permits obtained.
- The Site Plan shall contain map notes, including district information and a vicinity map with a scale and north arrow.
- The Site Plan notes state that 54 parking spaces are provided, but only 45 spaces are shown on the site plan. The number of provided parking spaces must be clarified and the site plan corrected.
- The Site Plan notes state that 311 parking spaces are required. However, this calculation appears to be for a Laboratory or Research Facility use. There is no information regarding the required parking for the proposed self-storage facility. This information must be provided and, if necessary, a variance for parking must be obtained.
- The 100-year floodplain must be shown on the Site Plan.
- Net lot area calculations showing any deductions due to the presence of wetlands must be shown on the Site Plan.
- The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone have been addressed in the proposed site plan. This is an opportunity for the Town to require that an existing business that is non-compliant with the overlay zone regulations, implement some of the elements outlined in the Route 303 Overlay Zone regulations.

**10.** The Rockland County Health Department (RCDOH) reviewed the information provided and found that there are no RCDOH approvals needed for this application.

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**11.** Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is **within the jurisdiction of RCDA**. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required for any developments within the site. The applicant shall submit an application to the RCDA immediately. In addition, the project site appears to be fully/partially within designated Federal and State/ County Wetlands(s). Therefore, the RCDA requests the lead agency to ensure that the applicant has received a permit or a written determination otherwise from the RCDA, New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers prior to the final approval. Also, the applicant shall submit a copy of the permit or written determination otherwise from the New York State Department of Environmental Conservation to RCDA.

**12.** The Town of Orangetown Fire Prevention Bureau had the following comments in regard to a modification of a 99,600+ square foot building. Place items as note on Site Plan. Final approval of the plans must be obtained prior to stamping of the Site Plan by the Planning Board Office:

- Re-engineer the existing Fire Sprinkler system to protect the commodity being stored there, in accordance with NFPA 13 and maintained in accordance with NFPA 25.
- Re-evaluate the existing Fire Alarm system to present code NFPA 72, connected to Rockland County 44-Control, with red and amber strobes as per Orangetown Code.
- Provide emergency lighting as per NEC.
- Provide Portable Fire Extinguishers as per NFPA 10.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Install Kidde Supra Box for emergency access.

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13. The New York State Department of Environmental Conservation (DEC) indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

- **Protection of Waters: The Sparkill Creek, Class C, DEC Water Index Number is H-13, Status is Non-protected.** A Protection of Water permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams. If a permit is not required, please note, however the applicant is still responsible for ensuring that work shall not pollute any stream or water body. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or water body by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project is near or in Freshwater Wetland NA-14, Class II. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. Although the work appears to be predominantly within existing areas of disturbance, a permit may still be required. To have the wetland boundary delineated, contact NYSDEC Bureau of Habitat at 845-256-3057. Any disturbance to the stream or associated wetlands may require a permit from the U.S. Army Corps of Engineer. Contact the Corps directly at 917-790-8511 for any permitted they might require.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.
- **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 parking expansion portion of 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).
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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

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

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

17. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

**Override**

The Board made a motion to override comment #7 of the September 11, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

7. The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

The Board held that the building was existing and no external changes were to be made to the site with the exception of a handicap ramp and a pylon sign. The Board noted that all other proposed improvements are interior to the building.

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

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

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

**Dated: September 13, 2017  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**

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

**RE: Bless Enterprises Auto Shop Site Plan – Addition Plan:** The application of Bless Enterprise, owner, for Prepreliminary/ Preliminary Site Plan Review, at a site known as “**Bless Enterprises Auto Site Plan – Addition Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 187 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 74.15, Block 1, Lot 8 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 26, 2016 and February 22 and September 13, 2017**, the Board made the following determinations:

**October 26, 2016**

Donald Brenner appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2016.
3. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated October 20, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 4, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 21, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 14, 2016.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated September 23, 2016.
8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated September 23, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated September 21, 2016.
10. An Email from Michael Bettmann, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown, dated October 7, 2016.

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11. A letter from New York State Department of Transportation, signed by Akhter Shareff, dated October 14, 2016.
12. A Short Environmental Assessment Form, signed by Valentine Herrera, unsigned.
13. Plans prepared by William Truss Engineering, dated April 12, 2016
14. A Building Permit Referral dated April 29, 2016, signed by Rick Oliver, Building Inspector.

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

The applicant requested a **CONTINUATION**.

**February 22, 2017**

Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 15, 2017.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 22, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 16, 2017.
4. Letters from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated February 22 & 21, 2017.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 21, 2017.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 30, 2017.

The Board reviewed the plans.

The applicant requested a **CONTINUATION**.

**September 13, 2017**

Donald Brenner and Valentine Herrera appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 13, 2017.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Rick Oliver, Acting Director, dated September 13, 2017.

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3. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated September 6, 2017.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 22, 2017.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 24, 2017.

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

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

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

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applicant, the applicant's professional representatives, namely William Truss, P.E., 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 Highway, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by William Truss, P.E., 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 Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, absent and Stephen Sweeney, absent, the Board made a Negative Declaration pursuant to SEQRA.

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

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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The property lies within the Route 303 Overlay Zone District. Automotive repair is prohibited in the overlay zone thereby making this property a pre-existing nonconforming use. The existing building is 1,190 square feet and the proposed addition is 1,619 square feet, therefore, the expansion of the building is greater than 50% and would require a Use Variance from the Town of Orangetown Zoning Board of Appeals.
4. The property currently has vehicles both licensed and unlicensed, stored on the property. Please clarify the use of this property.
5. The Site Plan shall be revised to note the elimination of parking spaces 2-5, increasing the Island area and placing additional plantings in the Island. The project shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. Since this property is within the Route 303 Overlay Zone District, then the following apply:
  - A. All uses within the Route 303 Overlay District shall be adequately screened to minimize the visual impact to passersby on Route 303.
  - B. A twenty-five foot wide vegetated buffer, either containing native vegetation naturally occurring and/ or containing shrubs and/ or trees a minimum of six feet high, with such shrubs and/or trees as listed under the provisions of Chapter 21-25 of the Land Development Regulations of the Code of the Town of Orangetown at time of plantings shall be located along the property line adjacent to the Route 303 right of way. The plans do not show a buffer; therefore a variance from the Town of Orangetown Zoning Board of Appeals needs to be sought.

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**Continuation of Condition #6...**

C. New and used automotive car dealerships; auto repair and auto body shops; gasoline filling stations; outside commercial storage of five or more automobiles; buses, trucks, tractors, trailer, or other vehicles on any particular lot shall be prohibited. More than 5 vehicles are proposed on the property; therefore a variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.

7. Parking calculations shall be provided on the Site Plan.

8. All proposed Zoning Board of Appeals variances shall be listed on the Site Plan.

9. Item #5 of the Short Environmental Assessment Form needs to be answered "No". Car repair is not a permitted use in the Route 303 Overlay Zone District.

10. The property is currently before the Orangetown Justice Court for several violations. The applicant built an outdoor lift without approvals, are repairing vehicles outside the repair shop and storing excess vehicles on the site.

11. The location of the existing sanitary building connection shall be shown on the plans.

12. The two driveway entrance are too wide and shall be reduced to 20 feet. Also concrete curbing shall be installed and shown where the driveway widths are reduced in size.

**13. Drainage Review Recommendation**

The application has clarified the required information to address potential impacts with respect to drainage. It is the Drainage Consultant opinion that any potential significant adverse impacts with respect to drainage can be mitigated and therefore recommend that the Bless Enterprises Auto Shop Site Plan Addition be approved for drainage subject to the following Project Comments

**Project Description**

This is the fourth drainage review report for this project; the last review was dated February 22, 2017. The property is located along the east side of Route 303, opposite Lowe's Shopping Center. The parcel has an existing one story slab on grade building utilized for automobile repair and associated parking. A retaining wall on fill is required to construct the parking lot expansion. No drainage information has been provided.

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**Continuation of Condition #13...**

The application proposes to construct a 27'-4" x 22' building addition on east side of the building. The parking lot expansion to the east is the same as the previous plan. The proposed building is located over an existing concrete pad and no new impervious area is being added at this location. The east edge of pavement also has a gravel strip that is not shown on the survey. The existing drainage pattern is being maintained. Since there are no increases in stormwater runoff rates and no modifications of the existing drainage pattern, it is the Consultant's opinion that there are no potential significant adverse impacts with respect to drainage that require mitigation. While the plans lack detailed drainage design that should be provided in the future, any potential drainage considerations can be reviewed by the Consultant's office and approved prior to final Planning Board approval.

**Project Comments**

1. As per the February 22, and 2017 and October 10, 2016 reports, a proposed condition grading plan and storm drainage plan shall be provided. Positive drainage away from the building and addition shall be demonstrated. In particular, proposed drainage in the north side and east side of the addition, where the proposed building is two feet from the property line, shall be clearly shown.
2. As per the February 22, and 2017 and October 10, 2016 reports, any existing storm drainage systems and stormwater facilities on the site shall be added to the Site Plan.
3. As per the February 22, 2017 and October 10, 2016 reports, increases in impervious area shall be clearly noted on the Site Plan.
4. As per the February 22, 2017 and October 10, 2016 reports, total land disturbance shall be added by map note on the Site Plan.
5. As per the February 22, 2017 and October 10, 2016 reports, existing and proposed first floor elevations shall be provided.
6. As per the February 22, 2017 and October 10, 2016 reports, the Sparkill Creek floodplain is close to the property; this shall be shown either on the Site Plan or Vicinity Map. The project may require approvals from the Local Floodplain Administrator and Rockland County Drainage Agency.
7. As per the February 22, 2017 and October 10, 2016 reports, the proposed building is two feet away from the property line. It shall be demonstrated that this can be constructed, including the over dig for the foundation footing, without impacting the adjacent properties.

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**Continuation of Condition #13...**

8. As per the February 22, 2017 and October 10, 2016 reports, the wall shown on the plan is a segmental block wall that has been partially constructed and crosses the property line. The full finished height shall be indicated on the Site Plan as part of the grading plan. A detail of the retaining wall shall be provided, and it shall be designed to support vehicular surcharge. The proposed parking spaces on the plan require the wall to be elevated to a higher finished grade in order to allow cars to park in the proposed spaces. The existing plantings noted on the Site Plan are not present in the field.

9. As per the February 22, 2017 and October 10, 2016 reports, the existing conditions topography is based on an assumed local vertical datum. The datum shall be tied into NAVD 88 in order to assess the Sparkill Creek floodplain.

10. As per the February 22, 2017 report, the applicant shall show if the partially constructed segmental block wall will be built to a higher elevation, thereby removing the embankment along the edge of the parking area.

11. An elevation certificate shall be provided for the existing building and proposed addition.

12. The plans shall indicate if the parking lot is to be repaved. During the Drainage Consultant's September 6, 2017 site visit during a rainfall event, they observed a concentrated flow of stormwater runoff exiting the site at the southeast corner. This runoff was eroding the gravel parking area and flowing over the partially constructed retaining wall. The final site plan shall indicate the methods to stabilize this area and disperse the stormwater runoff before it leaves the site.

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

- An updated review must be obtained from the New York State Department of Transportation, and any raised concerns addressed and all required permits obtained.
- The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed, including the provision of a 20 foot wide vegetated buffer along NYS Route 303; no outside storage for retail sale; and not more than 35% of the parking shall be located within the front yard.

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**Continuation of Condition #14...**

- Given the current state of the site, we are concerned with the availability of onsite parking and storage during the construction phase. The storage and use of construction vehicles and materials will only exacerbate the parking deficiency. The Town of Orangetown must monitor the site during the construction period to ensure that no parking or unloading of materials occur within the State right of way. It must also ensure that no accesses are blocked thereby impeding the safe and efficient flow of traffic on the State Highway.
- A review must be completed by the Rockland County Drainage Agency must be met. All required permits must be obtained.
- All proposed signage must be shown on the Site Plan, and conform to all Town requirements.
- Information shall be provided about any provisions that have been made for stormwater management under the existing and proposed conditions.
- A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the State highway.
- A review must be completed by the local fire department or the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on site for emergency vehicles.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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.
- The proposed commercial building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- A parking calculation must be provided to ensure that adequate parking is being proposed.
- The Site Plan is lacking several features that must be provided. These include map notes that list all appropriate information, including the district information and a legend. These features must be included on the site plan.
- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

**15.** The Rockland County Health Department (RCDOH) reviewed the information provided and found that there are no RCDOH approvals needed for this application.

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**16.** Based upon the plans and information received, Rockland County Highway Department offered the following; the proposed plan shall have minimum impact on county roads. The subject property is more than 500 feet from the closest county road; a Rockland County Highway Department work permit will not be required for the proposed development.

**17.** The Town of Orangetown Bureau of Fire Prevention reviewed the plan in regard to the building expansion of 1,700 square feet and offered the following comments. These comments shall be placed on the Site Plan as NOTES:

- Extend the Fire Alarm System into the new area.
- Add Emergency lighting as per NEC.
- Add Portable Fire Extinguishers as per NFPA 10.

**18.** 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.

**19.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to RCDA immediately.

**20.** 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 Highway Department
- Rockland County Department of Health
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

**21.** 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.

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

**23. 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.

**Continuation of Condition #23...**

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
  - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
  - Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

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

**24.** 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.

**25.** 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.

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

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27. 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).

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

29. 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

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

31. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

**Override**

The Board made a motion to override the Disapprove of the August 22, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- "The proposed site plan, as well as the existing conditions; appear to be an overutilization of the property. During a recent site visit, several boats, a storage container, and several unlicensed and possibly non-working automobiles were visible. This indicates that the property is being used for long-term storage, not the short-term storage traditionally associated with auto repair work. Vehicles and boats were observed to be parked bumper-to-bumper, in every vacant space on site. Repair work could also be seen happening outside of the garage bays.

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**Override Continued.....**

- Based on the site visit and review of aerial photography from 2010, 2013, and 2016, it appears that over 25 vehicles are being habitually parked or stored on the site, and at times over 40 vehicles stored. The vehicles are stacked in depths of up to three tiers at times, making maneuvering of the vehicles on site difficult. The site plan is only proposing a total of 21 parking spaces, less than the number currently required prior to the addition. A fenced-in area to the north and rear of the building also is being used for vehicular parking. The proposed addition will remove this parking and displace these vehicles, which will create more parking demand for the remainder of the site.
- The site currently cannot adequately provide sufficient space for all of its needs, and a future expansion will only exacerbate this situation. In light of the existing and proposed site conditions, we recommend that this proposal be disapproved."

The Board held that it is overriding the Disapproval in order to move the project forward and establish a set number of parking spaces and a Site Plan for the project site. A motion to override the disapproval was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, absent; Robert Dell, aye and Thomas Warren, absent.

The Board made a motion to override Conditions #6 and #8 of the August 22, 2017 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#6. "The proposed site plan indicates that new plantings will be added along the front lot line. However, there is no information given regarding the size, height, or type of plantings that are proposed. A revised landscaping plan must be provided that includes low evergreen plantings along the Route 303 frontage to block headlights from the site from shining into the State road right-of-way, meets the 25-foot vegetated buffer requirement of the Route 303 Overlay Zone, and meets any other Town requirement for buffers or screening."

The Board held that it requested the applicant to redesign the Island on the site and add plantings, as Condition #5 of this decision. The landscaping/site plan shall be reviewed by Town of Orangetown Architecture and Community Appearance Board of Review, and since the plans do not show a buffer, a variance from the Town of Orangetown Zoning Board of Appeals needs to be sought.

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**Override Continued.....**

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

#8. "It is our understanding that the automobile repair shop use is a permitted use in the Town's Light Industrial (LI) zones, and that when this use occurs in a LI zone, additional use regulations apply. The regulations pertain to screening of open storage, limits on the number of parked vehicles per service bay and prohibition of parking in required yards except with permission. The Town must determine if these requirements have been met."

The Board held that the Town is has determined that these requirements have been met, since there are other businesses in Town that have similar use and appearance.

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

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

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

**Dated: September 13, 2017**

**Cheryl Coopersmith, Chief Clerk Boards and Commissions**

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**PB#16-59: Bless Enterprises Auto Shop Site Plan  
Preliminary Site Plan Approval Subject  
to Conditions/ Neg. Dec.**

**Permit #45330**

**Town of Orangetown Planning Board Decision  
September 13, 2017**

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

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: Bless Enterprises Auto Shop 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 187 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 74.15, Block 1, Lot 8 in the LI 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 Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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