

Backup for PB# 14-36 Anello tek  
9/10/14

**PB #14-29: Pfizer Subdivision – Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**June 25, 2014**

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**TO:** Donn McMullen, 401 Middletown Road, Pearl River,  
New York 10965  
**FROM:** Orangetown Planning Board

**RE:** Pfizer Subdivision Plan: The application of Pfizer, Inc., applicant, for American Cyanamid Co. and Pfizer Inc. – HANY Talbert, owners, for Final Subdivision Plan Review, at a site known as "Pfizer Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 401 Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.01, Block 1, Lot 1 in the LI & LIO zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 25, 2014**, the Board made the following determinations:

Donn McMullen, Brian Quinn and Kristen Solloway appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated June 18, 2014.
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 June 25, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 19, 2014.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 18, 2014.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 27, 2014.
6. Copies of letters to John Giardiello, Director, Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, from Fuss & O'Neill, signed by Kristen Solloway, P.E., Associate dated May 21 and June 10, 2014.
7. A copy of a letter to the Town of Orangetown Bureau of Fire Prevention, from Fuss & O'Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
8. A copy of a letter to the Town of Orangetown Department of Environmental Management and Engineering, from Fuss & O'Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
9. A copy of a letter to the County of Rockland Department of Planning, from Fuss & O'Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
10. A copy of a letter to the County of Rockland Drainage Agency, from Fuss & O'Neill, signed by Kristen Solloway, P.E., Associate, dated May 21, 2014.
11. Copies of the following Board Decisions: ZBA #14-25, Floor Area Ratio, Rear Yard and Side Yard Variances Approved, dated April 16, 2014 and PB #14-12, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated February 26, 2014.

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12. Subdivision Plans, prepared by Fuss & O'Neill, dated January 2014, last revision dated May 21, 2014:

Lot 1 Subdivision

COV-001: Cover Sheet  
RAD-001: 200' Radius Map  
CS-001: Overall Site Plan  
CS-002: Site Plan  
CS-003: Circulation Easement Site Plan

IDX-001: Water & Sewer Index Sheet  
CS-101: Drainage plan  
CS-102: Drainage plan  
CS-103: Drainage plan  
CS-104: Drainage plan  
CS-105: Drainage plan  
CS-106: Drainage plan  
CS-107: Drainage plan  
CS-108: Drainage plan  
CS-109: Drainage plan  
CS-110: Drainage plan  
CS-111: Drainage plan  
CS-112: Drainage plan  
CS-113: Drainage plan  
CS-114: Drainage plan  
CS-115: Drainage plan  
CS-116: Drainage plan  
CS-117: Drainage plan

IDX-002: Water & Sewer Index Sheet  
CS-118: Sewer and Water Plan  
CS-119: Sewer and Water Plan  
CS-120: Sewer and Water Plan  
CS-121: Sewer and Water Plan  
CS-122: Sewer and Water Plan  
CS-123: Sewer and Water Plan  
CS-124: Sewer and Water Plan  
CS-125: Sewer and Water Plan  
CS-126: Sewer and Water Plan  
CS-127: Sewer and Water Plan  
CS-128: Sewer and Water Plan  
CS-129: Sewer and Water Plan  
CS-130: Sewer and Water Plan  
CS-131: Sewer and Water Plan  
CS-132: Sewer and Water Plan  
CS-133: Sewer and Water Plan  
CS-134: Sewer and Water Plan

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The Board reviewed the 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 William Young and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Thomas Warren, aye and John Foody, aye.

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

1. The following note shall be placed on the Subdivision; "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #14-25, Floor Area Ratio, Rear Yard and Side Yard Variances Approved, dated April 16, 2014 and PB #14-12, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated February 26, 2014.
4. The cover sheet shall have the buildings labeled for reference purposes. In addition, the firehouse is not shown on the plans. Please clarify.
5. The Floor Area Ratio (F.A.R.) for Lot 1b shall be calculated and placed in the Zoning Bulk Table.
6. Any future change in use of the existing buildings shall seek Building Inspector determination to appear before the Town of Orangetown Planning Board for Site Plan approval.
7. The applicant shall contact the Town of Orangetown's pretreatment coordinator to see if the current industrial wastewater permit needs to be amended or a second permit added, to cover the second lot; i.e. one permit for Lot 1a and one for Lot 1b.

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8. The applicant's spreadsheet for all agreements/ permits filed with the Town of Orangetown, shall be modified to include all post construction stormwater maintenance agreements that have already been filed with the Rockland County Clerk's Office (i.e. for the north basin, Building 241, etc.). Also, a new post construction stormwater maintenance agreement for Reed Pond shall be prepared, submitted and subject to review and approval by DEME and the Town of Orangetown Town Attorney's Office and then filed, as part of this subdivision application.
9. All existing post construction stormwater facilities shall be labeled on the drawings, Reed Pond, North Basin, Building 241, etc.
10. Access easements on Lot 1a to benefit Lot 1b from Crooked Hill Road and North Middletown Road, shall be shown on the plans. All easements shall be subject to review and approval in substance and form by DEME and the town of Orangetown Town Attorney's Office.
11. Metes and bounds descriptions for all proposed easements shall be given on the plans.
12. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval;
  - As required by the Rockland County Stream Control Act, Chapter 846, the Subdivision Map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
13. Based on the information provided, the Rockland County Department of Health held that no department approvals are needed for this application.
14. 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. However, the current proposal is to subdivide the property without any construction/ land disturbance. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is not requested. Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
15. The New York State Department of Transportation reviewed the information and held that the proposed subdivision will have no significant impact on the state transportation system.

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16. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the following comments:

- This property has both "City Water" hydrants and hydrants that are fed by the plant fire pump. How will these be maintained and by whom?
- Presently all fire alarm systems in all buildings other than Buildings 123 and 170 are reported to Pfizer guard headquarters. Any buildings that are not owned by Pfizer will require the connection of the fire alarm system to Rockland County 44 Control.
- Clarify who will be maintaining the site utility plan.
- Tenants must be able to directly dial E911 for emergencies; going through any plant switchboard, "etc..." is not acceptable.
- All buildings must be clearly marked with address numbers as per the Town of Orangetown Town Code.
- Individual tenants will be required to apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.
- As the response capabilities of the Pfizer fire brigade continue to diminish, the Pearl River Fire Department will take over all fire related responses at the plant.

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

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

21. All landscaping shown on the Subdivision 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.

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

24. 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).

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

26. 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

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

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

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

Dated: June 25, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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