

**PB #14-37: Anellotech Site Plan – Preliminary Approval Subject to
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Town of Orangetown Planning Board Decision
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TO: Marc Schneidkraut, 401 Middletown Road, Pearl River,
New York 10965
FROM: Orangetown Planning Board

RE: Anellotech, Inc. Site Plan: The application of Anellotech, Inc., applicant, for Pfizer, Inc. owner, (Donald Brenner, attorney for the applicant) for Prepreliminary/ Preliminary Site Plan Review, at a site known as "Anellotech, Inc. 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 401 N. Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1B in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 10, 2014**, the Board made the following determinations:

Marc Schneidkraut, Rachel Barese, Matthew Oscar, Jeff Whiting and Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated September 3, 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 September 10, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 4, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGenarro, P.E., dated September 8, 2014.
5. Letters from Rockland County Department of Planning; signed by Arlene Miller, Deputy Commissioner, dated August 4, 2014 and a letter signed by Douglas Schuetz, Acting Commissioner of Planning dated August 12, 2014.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 22 & 23, 2014.
7. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 5, 2014.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated August 27, 2014.
9. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated August 13, 2014.
10. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated August 28, 2014.

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11. A letter from the Town of Clarkstown Planning Board, signed by Rudolph Yacyshyn, Vice Chairman, dated July 28, 2014.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated July 16, 2014.
13. Site Plan prepared by Civil Tec Engineering & Surveying PC, dated June 17, 2014, last revision date of July 11, 2014
14. A Short Environmental Assessment Form, dated July 10, 2014, signed by David Sudosky.
15. A copy of PB #14-29, Pfizer Subdivision, Final Approval Subdivision to Conditions, dated June 25, 2014.

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

Public Comment:

Ken Cully, 21 Nanuet Avenue, Nanuet: raised concerns regarding the use of dangerous chemicals on the site. He brought up issues of odor coming from the project site and wanted to know if there would be monitors to measure the emissions.

Tracy Hancock, 48 George Avenue Pearl River: requested clarification regarding the Rockland County Department of Health correspondence.

Joanne Lozenzo, 12 Moore Avenue, Pearl River: questioned the location of the slope on the site in relation to the proposed construction. She also wanted to know if all of the products are to be stored inside the building.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Civil Tec Engineering & Surveying PC and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, Bureau of Fire Protection, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Drainage Agency, Rockland County Department of Highways, Rockland County Department of Planning, and having reviewed a proposed Site Plan by prepared by Civil Tec Engineering & Surveying a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was granted a PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site: "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 Bulk Table needs to show the actual setbacks for the building addition being proposed. This is required in order to determine the maximum height allowed. A revised Bulk Table was emailed on September 8, 2014, however a "> 50" side yard and a "> 50" rear yard does not allow for an actual maximum height calculation. The maximum height allowed for a 50 foot setback is 25 feet.
4. The application shall be reviewed by the Town of Orangetown Zoning Board of Appeals for Performance Standards.
5. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The Short Environmental Assessment Form appears to be in order.
7. A SWPPP, including drainage calculations, shall be prepared for this Site Plan and submitted to DEME for review and approval.
8. The applicant shall consult with the Town of Orangetown's Industrial Wastewater Permit Coordinator to see if any modification to the applicant's industrial wastewater permit is required.
9. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

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10. The existing sanitary building connection shall be shown on the plan.
11. The drawing shall show how the runoff from the proposed impervious areas shall "enter" the proposed stormwater facilities.
12. The applicant's engineer shall check the proposed regrading along the new building extension, there appears to be an error.
13. The drawings shall indicate as to whether the rip rap swale depicted on the drawings is existing or proposed.
14. The Drainage Consultant to the Planning Board, Brooker Engineering, found the application shows potential significant impacts with respect to stormwater runoff can be mitigated. The consultant therefore recommends that the Anellotech Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the first drainage review report to the Planning Board for this project. The project consists of the construction of a 46' x 49' building extension and paved driveway and loading area. The area slopes downhill in a westerly direction and there is an existing riprap swale along the downhill limit of land disturbance. The applicant is proposing two drywells to provide stormwater mitigation.

Project Comments

1. The storage volume calculations shall use the inside diameter of the drywell when calculating the volume of the drywell. The volume of the stone under the drywell shall not be included as part of the available volume calculations.
2. Provide a connector pipe between the drywells.
3. Show the frame and grate on the drywell detail. Remove the overflow pipe from the drywell detail. Note on the plan the runoff pattern of overflows from the drywell.
4. Provide spot grades on the "fork lift and empty palette area" that demonstrate that runoff is directed away from the building.
5. Add a map note that clearly shows which rooftops are to be directed to the drywells; the calculations are based on 0.18 acre of land disturbance. The new driveway and fork lift area appear to bypass the drywells.
6. Add a map note indicating the maintenance plan for the drywells. Include in the plan that the receiving field inlet is to be cleaned as well.
7. Add a map note that a soil test pit should be performed that demonstrates groundwater will not affect the stormwater design.

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

- A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.
- A review must be completed by the New York State Department of Transportation and any required permits obtained.
- If the proposed Liquid N₂ tank will contain 1,000 gallons or more, a review must be completed by the County of Rockland Department of Health and all required permits obtained. In addition, a listing of all proposed chemicals to be stored on site must be provided to them.
- A listing of all chemicals to be stored on site must be provided to both the Rockland County Office of Fire and Emergency Services and the Pearl River Fire Department so that they can better serve the facility if an emergency were to arise.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in peak rate of discharge from the site at all design points.

16. Based upon the plans and information received, the Rockland County Highway Department finds that the proposed action should have a minimum adverse impact upon county roads in the area. A Rockland County Highway Department Work Permit will be required for the proposed development and must be secured prior to the construction on site.

17. Based on the information provided, the Rockland County Department of Health held that no department approvals are needed for this project.

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. The Town of Clarkstown reviewed the referral for this project and found the matter to be for Town of Orangetown determination, offering no comments.

20. 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. The applicant must immediately submit an application to RCDA.

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

- Extend Fire Sprinkler coverage from the main building to the addition.
- Extend Fire Alarm coverage from the main building to the addition.
- Provide a description of operations to include:
 - Hazardous material storage and use, processes, etc

Please note that further comments from the Bureau of Fire Prevention cannot be made without the above information.

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

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

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

- Rockland County Department of Planning
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District No.1
- Rockland County Department of Highways

25. 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.

26. 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:

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Continuation of Condition #26...

- 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.

27. 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.

28. 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.

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

30. 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 site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

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

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

Dated: September 10, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



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**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: Anellotech Site Plan – Preliminary 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 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.

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:

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

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

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