

CLIFFORD L. DAVIS
ATTORNEY AT LAW

44 CHURCH STREET
WHITE PLAINS, NEW YORK 10601

(914) 548-7422
cdavis@clifforddavis.com
www.clifforddavis.com

October 14, 2025

Supervisor Kenny and Honorable Members of the Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Chairman Warren and Honorable Members of the
Town of Orangetown Planning Board
26 Orangeburg Road
Orangeburg, NY 10962

Re: Phase I and II Databank Orangeburg, Orangetown, NY

Dear Supervisor Kenny and Honorable Members of the Town Board and
Chairman Warren and Honorable Members of the Town of Orangetown
Planning Board:

I am counsel for David B. Rosen, 10 Buckingham Place, Old
Tappan, NJ, 07675 and Chris Kielbiowski, 6 Buckingham Place, Old
Tappan, NJ 07675, and several of their neighbors, all direct and
adjacent neighbors to the Databank Phase I and II application
("Databank"), and who will be directly impacted by Databank.

I have reviewed the AKRF Memorandum ("AKRF Memo"), dated
October 1, 2025, and the October 10, 2023 Comprehensive Plan,
prepared by AKRF, and adopted by the Town Board, which confirm that
the LIO District does not permit data centers, that the Phase II
application does not provide for any land banked parking spaces and
is in violation of the September 21, 2022 Zoning Board Decision and

Condition 14 of the Planning Board Resolution of January 11, 2023.

Accordingly, as a matter of law, the non-zoning compliant Databank application cannot proceed further, and the application must be withdrawn until at such time that the Town Board amends the Zoning Code to permit data centers in the LIO District together with Conditional Use standards.

As will be further demonstrated below even if the Town Board amends the Zoning Code permitting data centers in the LIO District, the application must still be denied immediately because it is in direct violation of the September 21, 2022 ZBA Decision and Condition 14 of the January 11, 2023 Planning Board Resolution.

In the unlikely event that in the future Databank can clear those hurdles, AKRF's memo dictates that the Planning Board must designate the matter as a Type I action and that it must issue a Positive Declaration requiring an Environmental Impact Statement ("EIS") pursuant to 6 N.Y.C.R.R. § 617.7(a)(1) and (2).

A. AKRF Concedes That Data Centers
Are Not Permitted In The LIO Zone

The Comprehensive Plan, adopted by the Town Board, on October 10, 2023, was prepared by AKRF. The Comprehensive Plan establishes that data centers are not permitted in the LIO District and proposes that if data centers are to be permitted in the LIO District it should be done as a Conditional Use permit, and that such standards need to be adopted by the Town Board. The AKRF Memo states that the Zoning Board of Appeals granted certain variances. The ZBA never was presented with the issue as to whether Databank's data center was a permitted use in the LIO District, and the ZBA never addressed that issue which was not before it. Attached hereto as Exhibit "A" is the ZBA's Decision of September 21, 2022, which makes that clear.

The Town Board by its adoption of the Comprehensive Plan spoke loudly and clearly. The Comprehensive Plan states in precise terms that a data center is not a permitted use in the LIO District. As a data center is not a permitted use in the LIO District, as acknowledged by AKRF, and established by the Town Board by its legislative adoption of the Comprehensive Plan on October 10, 2023, this matter must proceed no further at this time. The decision as to whether a data center is permitted in the LIO District is a legislative decision and the Town Board has already determined that it is not.

We respectfully submit that the Town Board must advise the

Planning Board that data centers are not presently permitted in the LIO District; clarity and transparency dictates this. The application before the Planning Board must be denied as not complying with zoning.

B. AKRF Acknowledges That Databank
Is In Violation Of The ZBA Decision
And Condition 14 of the Planning Board Resolution
Requiring Phase II to Landbank 670
Parking Spaces

The AKRF Memo concedes that the ability of Phase II to proceed is predicated on full compliance with both the ZBA Decision of September 21, 2022, Exhibit "A", and Condition 14 of the Planning Board's Resolution of January 11, 2023, which is attached hereto as Exhibit "B" for the Boards' convenience. AKRF makes this plain: "As part of the variance, the Applicant was required to provide land banked parking spaces to meet the parking requirements of 739 parking spaces, for a total of 670 land banked parking spaces located where Databank Phase 2 is proposed."¹ AKRF continues that the ZBA decision was made "on the condition that there was room dedicated for the required 670 land banked parking spaces."

Condition 14 in the Planning Board Resolution regarding Phase I prohibits the construction of Phase II because that is where the land banked parking spaces were to be located: "The land banked parking spaces will be located where a second phase of the databank center was proposed in previous iterations of the site plan. The applicant must understand that with the proposed land banked parking spaces, **Phase II, as formerly illustrated, cannot be constructed.**" (Emphasis supplied).

Here, it is acknowledged by Databank in its submissions that not only are there not 670 land banked parking spaces as required by the ZBA and Planning Board, but there is not even **one** proposed land banked parking space. The location of Phase II is in the precise area where the land banked parking spaces were required.

Assuming that the Town Board amends the Zoning Code to permit data centers in the LIO District, and Databank comes back before the Planning Board, the Planning Board must advise Databank in its Phase II application that the matter cannot be proceed because it

1

The ZBA reduced the 739 parking spaces to be land banked by 69 spaces making for a total of 670 required land banked parking spaces.

is in violation of both Condition 14 of the Planning Board Resolution of January 11, 2023 and the ZBA Decision of September 21, 2022.

C. To The Extent The
Planning Board Proceeds
An Environmental Impact Statement Is Required

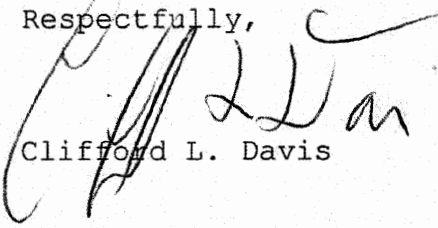
In the unlikely event that Databank can address and overcome the vast hurdles set forth above, as AKRF acknowledges that Phase II is a Type I action under New York's State Environmental Quality Review Act, which carries with it the presumption that an EIS is likely required. 6 N.Y.C.R.R. § 617.4(a)(1), and based on the record presented to the Planning Board in the EAF Part 1 and in AKRF's memo (the multitude of significant adverse environmental impacts are set forth at pages 3-8), not to mention the memorandums of Rockland County, and the significant adverse environmental impacts raised in the record from the public, the Planning Board has no choice but to issue a Positive Declaration and require the preparation of an EIS. 6 N.Y.C.R.R. § 617.7(a)(1) and (2).

AKRF also raised the significant improper segmentation issues, which the Planning Board must address.

AKRF correctly concedes that that if there is merely the potential for only one significant adverse environmental impact that the Planning Board must issue a Positive Declaration requiring an EIS. AKRF reiterated that the Planning Board does not even have to prove that there is even **one** significant adverse environmental impact, but only that there is the **potential** for one. As stated, on this record, the Planning Board must require an EIS.

For the foregoing reasons Databank's application, which is prohibited in the LIO District, must be denied as being not zoning compliant. Even if Databank overcame that legal obstacle its application cannot proceed because it is in violation of the Planning Board's Condition 14 in its January 11, 2023 Resolution, and the ZBA's September 21, 2022 Decision.

Respectfully,


Clifford L. Davis

Encl.

Exhibit "A"

**PARKING , NUMBER OF LOADING BERTHS, EXTERIOR LOADING BERTHS
AND BUFFER VARIANCES APPROVED WITH SPECIFIC CONDITION**

To: Brian Quinn
1 Blue Hill Plaza (3rd floor)
Pearl River, New York 10965

ZBA #22-56
Date: September 21, 2022
Permit #BLDC-1236-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-56: Application of Databank Orangeburg Site Plan for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Section 3.11, Column 6 (Parking: 739 spaces required, 70 proposed) Column 7 refers to LO District Column 7 #2 (Loading berths shall be within completely enclosed buildings: two (2) exterior loading berths are proposed); from Section 6.4 (minimum loading berths required is 11 and 2 are proposed) and from R-80 notes to bulk table #2 (Buffer required is 100' feet does not exist to existing building). The premises are located at 2000 Corporate Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19, LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 21, 2022 at which time the Board made the determination hereinafter set forth.

Brian Quinn, Attorney, Lino Sciarretta, Attorney, , Ben Diskin, P.E., and Paul Lablond, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Databank Orangeburg" dated January 27, 2022 with the latest revision date of 07/28/ 2022 not signed or sealed by Kimley Horn Engineering and Landscaping Architecture of New York PC. (22 pages).
2. Plan labeled "Composite Overall Exterior Building Elevations dated 06/10/ 2022 by Kimley Horn not signed or sealed. (1 Page)
3. "Preliminary Basis of Design" , architectural drawings, prepared by Highland Associates, Inc. dated March 11, 2022.
4. Cover letter dated August 2, 2022 to Cheryl Coopersmith (2pages signed by Michael W. Junghans, P.E., Kimley Horn.
5. Memorandum dated July 8, 2022 from Jane Slavin. RA., Director, OBZPAE. (1 page)
6. Full environmental assessment form Part I prepared by Kimley-Horn dated April 20, 2022.
7. Letter from New York State Department of Environmental Conservation dated July 11, 2022 regarding the identified eagle's nest. (3 pages)
8. Planning Board Decision #22-36 dated July 13, 2022.
9. Site Sound Level Analysis dated April 22, 2022 signed by Joseph F. Horesco, INCE Board Certified, Acentech. (8 pages)
10. Color picture and map attachments Exhibit A-1, A-2, and B.(4 pages)
11. A letter dated September 19, 2022 from Rockland County Planning Department signed by Douglas J. Schuetz, Acting Commissioner of Planning.
12. An e-mail from Shajan Thottakara, P.E Rockland County Drainage Agency stating this project is out of their jurisdiction.
13. A letter dated September 6, 2022 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
14. A letter dated June 28, 2022 from Rockland County Center for Environmental Health signed by Elizabeth Mello, P.E., Senior public Health Engineer.
15. A letter in opposition dated September 19, 2022 from O'Toole Scivo signed by Holly Schepisi, Esq., representing the Old Tappan neighbors. (3 pages)
16. An e-mail dated September 19, 2022 from Leslie Whalen of Rockingham Court, Old Tappan, NJ in opposition. (4 pages with attachments)

17. An e-mail dated September 19, 2022 from David B. Rosen, 10 Buckingham Place Old Tappan.
18. Sign off from Rockland County Highway Department dated 08/18/2022 by Dyan Rajasingham, stating the project is not in their jurisdiction.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on July 13, 2022 (PB# 22-36) rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Mr. Bosco, aye.

Brian Quinn testified that they appeared before the Planning Board on July 13, 2022 and received a preliminary approval and a Neg. Dec. for SEQRA; that the applicant was issued a demolition permit and there are no violations on the property; that the letters that were read into the record from neighbors in New Jersey that state that they did not receive proper notice, should be made aware that they have no standing; that the application was properly noticed and by law the New Jersey residents do not have standing; that the building is already demolished and they are working on recycling parts of the building; that the variances being requested are similar to those that were granted for the Bloomberg building; that this Board has granted variances for outdoor loading berths for 155 Corporate Drive several times; that they were granted for Subaru Distribution Center, and earlier this month the Board granted a variance for outdoor loading berths for Asahi Refining; that they have 69 parking spaces; that John Giardiello, the previous director of the building department made the determination that a data center is permitted in the LIO zone and Jane Slavin's letter dated July 8, 2022 references that this is how Bloomberg was referred; that the back part of the property has the exact same buffer; that the westerly line abuts the reservoir; and the northern side they allowed parking in the buffer; and that they are only seeking approval for Phase I of the project; that Phase II is not be requested.

Tony Corri, VP of Construction DataBank, testified that the data center has very few employees; that the reduced parking is still more than they will need; that they will have six data center technicians and one manager on site and there may be three or four employees on the customer side; that at max there will be fifteen employees; that after the construction is complete they estimate approximately one truck per week and minimal traffic; that the data center use has less intensity than office or warehouse; that if the building was re-purposed they would have to go back in front of the Board; that Verizon used the first of two circuits; there is a third circuit that will give 50% more power from O & R, that would be six to ten years down the road if ever; that cooling equipment for the data halls will include rooftop condensing units distributed across the roof, and rooftop units (RTU) to provide conditioned air to the administrative areas of the building; that additional emergency generator set up for back-up power to the building will be located in enclosures at grade in a mechanical yard on the east side of the building; that these generators will be located in acoustical enclosures and the walls of the equipment yard will be considered acoustically transparent, similar to the majority of the roof screen.

Ben Diskin, Engineer, Kimley Horn, for the project testified that there is 830 feet to the nearest building; that Phase I is 45,000 sq. ft. that the existing substation is two-loading; that there are two detention basins designed for the site; that they are reducing the impervious surface development by 25%; that the water run-off is being reduced; and that they could definitely show on the plan where the required parking could be land banked without building it.

Public Comment:

Leslie Whatley, 6 Buckingham Court, Old Tappan, New Jersey testified that she owns property on the south edge of the proposal; that she is a commercial real estate professional with experience with the development of data centers; that notice was not made to the New Jersey abutting properties and even if they do not have to tell us, it would make good neighbors to do so; that her property is one acre; that the proposed building is massive; that the commercial equipment yards are huge and it is not clear what will be in them; that the containment walls are louvered and the noise will bounce off the water of Lake Tappan; that the noise at the site has been unbearable during the demolition; that there is a chance of a fire hazard due to dry conditions in the woods; damage to the wetlands and on the southeast side there is a chance to damage the eagles nest; that Phase II should end here and now; and the applicants should be good neighbors and sit and talk to all the residential neighbors that the project is going to affect.

Dave Rosen, 10 Buckingham Place, Old Tappan, New Jersey, testified that his letter was read into the record; that he has concerns about the sprawl of the project; that the way the variances are written is unclear; that he objects to Phase II being shown on the plans and it should be shut down; that the size of the building should be reduced; that the determination should be deferred to a future meeting because the interested neighbors have hired an outside engineer to dispute the applicants site sound level analysis.

Melodie Fiori, 99 Hunt Road testified that she abuts the Orangetown Sewer Department and Verizon; that there are a number of Orangetown residents residing in that are for over 50 years; that NYNEX bulldozed her property and it took two years and two attorneys to get the shed they built on my property removed; that families live here; that advancement in technology is great but it should not be at the expense of residents that pay their taxes; that she is concerned about her well water and the environment; and she agrees that Phase II should have to be removed from the plan if it is not being considered as part of the application.

Kiera Burtch, 73 Hunt Road, testified that the house has been in her family since 1955; that she also owns 67 Hunt Road; that she has concerns about the additional parking covered with blacktop and what is being done about positive run-off and negative run-off; that the oil from the generators can be a problem for the water company; that she is concerned about the woods and the buffer and the lighting; that when Brightview was built they had to do water trenches; that she is concerned about the noise and that she heard the Little League Fields are partly on this property.

Dan Sullivan, Chairman, stated that the owner of the property has the right to use their property and can stop the use by the Little League any time they choose.

Ju Fan, 34 Corringan Way, Old Tappan, New Jersey, testified that she lives behind the Bloomberg Data Center and that the noise is very loud and has been terrible from the site; that 65 dBA is laughter at the property line; that the noise is much louder than that; the noise is unbearable; that the applicant should find a way to avoid so much noise; the noise is way louder in winter when the trees are bare than during the summertime.

TOWN CLERK'S OFFICE
2022 SEP 29 A 11:42
TOWN OF ORANGETOWN

Kathy Quinn Fabel, 14 Stuart Court, Old Tappan, New Jersey, testified that she takes offense to the comments that New Jersey residents have no standing; that the majority of your neighbors are CFO's of large corporations and the applicant should take note; that they are encroaching on our properties enjoyment; that in the early 2000's they were noticed for Bloomberg and worked out compromises; that the Bloomberg Data Center is loud; there is buzzing noise and smoke and helicopters landing; that the sound, smoke very little impact; that minimal setbacks should be considered; that the eagle nests and impact on the water is a concern; that no plans should show Phase II if it is not being considered; that Databank should be a good neighbor; and that no variances should be granted.

Leslie Whatley asked the Board to wait for her attorney to show up; that she was five minutes away. The board accommodated her and took a five-minute recess.

Holly Schepisi, Attorney, O' Toole Scrivo, testified that she has concerns regarding the 200' radius for neighbors not including the New Jersey neighbors; that her clients have concerns regarding the acoustical study that was done and asked the Board to wait for the report from the engineer that the neighbors hired before they make a decision; that they have concerns regarding the open equipment yards and no conditions on what is going to be placed there; that the applicant should have a condition that no heavy equipment other than what was presented should be permitted, decibel units at maximum permit could be pushed over the threshold; and they have additional concerns about the outdoor loading docks and noise generated from them; and she thanked the Board for their courtesy.

Dan Sullivan, Chairman, stated that the Board has approved other outdoor loading docks in Town and that he would like the applicant to show that they can landbank the required amount of parking spaces for Phase I; and that he does not want them constructed.

James Coffey, 139 Hunt Road, Pearl River testified that Phase II should not be considered.

The Chairman asked if anyone else in public wanted to speak; hearing none he made a motion to close the public portion of the hearing, which motion was seconded by Mr. Quinn and carried unanimously.

Brian Quinn, Attorney for the applicant, further testified that the application received preliminary approval and a neg.dec. for SEQRA on July 13, 2022; that the application was properly noticed; that he walked the property and saw the location of the eagle's nest and it was not occupied at the time; and that they are not working close to it; that they will show the 69 parking spaces and an area that the rest of the required parking spaces could be banked on the plans without actually constructing the spaces.

Lino Sciarretta, Attorney for the applicant, testified that the noticing of the hearing was proper and reflects what is required by law; that all the neighbors were considered and even the neighbors without legal standing were given the opportunity to speak; that as far as the environmental issues go that the neighbors keep bringing up, the Planning Board issued a preliminary approval and a neg dec on July 13, 2022 and they would appreciate the Board overriding comment #1 of the Rockland County Department of Planning letter dated September 19, 2022.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

TOWN OF ORANGETOWN
2022 SEP 29 11:42
TOWN CLERK'S OFFICE

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested number of parking spaces, number of loading berths, exterior loading berths and buffer variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board requested the applicant to provide a plan showing the required 739 spaces for warehouse/office space minus the 69 spaces that will be constructed as land banked space on the plan. The Board also acknowledged that the applicant is asking for a reduction of loading berths from 11 required to two (2) and that they are requesting those (2) two to be non-enclosed. Two non-enclosed loading berths shall be less noisy and intrusive for the neighbors than the 11 required enclosed loading bays.
2. The requested number of parking spaces, number of loading berths, exterior loading berths and buffer variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board requested the applicant to provide a plan showing the required 739 spaces for warehouse/office space minus the 69 spaces that will be constructed as land banked space on the plan. The Board also acknowledged that the applicant is asking for a reduction of loading berths from 11 required to two (2) and that they are requesting those (2) two to be non-enclosed. Two non-enclosed loading berths shall be less noisy and intrusive for the neighbors than the 11 required enclosed loading bays.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested number of parking spaces, number of loading berths, exterior loading berths and buffer variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The Board requested the applicant to provide a plan showing the required 739 spaces for warehouse/office space minus the 69 spaces that will be constructed as land banked space on the plan. The Board also acknowledged that the applicant is asking for a reduction of loading berths from 11 required to two (2) and that they are requesting those (2) two to be non-enclosed. Two non-enclosed loading berths shall be less noisy and intrusive for the neighbors than the 11 required enclosed loading bays.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE
2022 SEP 29 A 11:42
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested number of parking spaces, number of loading berths, exterior loading berths and buffer variances are **APPROVED**; and **FURTHER RESOLVED** to override comment #1 of the Rockland County Department of Planning letter dated September 19, 2022 because the Board has requested and the applicant has agreed to show on the plan an area that can landbank all the required parking spaces (# of spaces) less the 69 spaces that shall be provided and have been approved; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN OF ORANGETOWN
2022 SEP 29 A 11:42
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested number of parking spaces, number of loading berths, outdoor loading berths and buffer variances are APPROVED and to override comment #1 of the Rockland County Department of Planning letter dated September 19, 2022 because the Board has requested and the applicant has agreed to show on the plan an area that can bank all the required parking spaces minus the 69 spaces that shall be provided; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Ms. Castelli, aye; Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Mr. Quinn, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: September 21, 2022

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OAZPAE
BUILDING INSPECTOR-M.M.

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE ZBA, PB
CHAIRMAN, ZBA, PB, ACAHOR

TOWN OF ORANGETOWN
SEP 29 4 11 PM
TOWN CLERK'S OFFICE

EXHIBIT "B"

**PB#22-58: Databank Site Plan
Town of Orangetown Planning Board Decision
Final Site Plan Approval Subject to Conditions**

Permit #BLDG-1236-22

January 11, 2023

Page 17 of 27

Continuation of Condition #12...

3. Show the invert elevations for the inlet and outlet pipes of the existing stormwater management basin to remain located south of the new building.
4. Show the existing pipes in the area of the settling basin on the Grading and Drainage Plan (Drawing C-4.0).
5. Update the Grading and Drainage Plan (Drawing C-4.0) in the SWPPP with the current version that does not include the Phase 2 Data Center Expansion.
6. Show the existing off-site storm drainage system on Corporate Drive that creates the drainage divide at the southeast corner of subarea PR-1.
7. Verify the outlet of the Existing Pond 2 in the hydrologic model; the model shows a weir only as the outlet and the plans show an outlet pipe in addition to the weir.
8. Verify the outlet configuration of the 3' x 3' grate outlet for OCS-5 and OCS-60 in the hydrologic model. The model shows the outlet as a broad crested weir; verify the grate inlet of this structure has the capacity similar to a broad crested weir.

13. Along the emergency access road, the applicant shall plant alternating green giant arborvitae and spruce trees near the property line shared with 99 Hunt Road, Orangeburg (Section 73.15, Block 1, Lot 5), planted in a staggered fashion, 5 feet on center, minimum height at planting of 7' to 8', for approximately 200 feet to 250 feet along the property line. The Board estimated the number of trees should be at a minimum of 15 to 20 trees.

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

- The land banked parking spaces will be located where a second phase of the databank center was proposed in previous iterations of the site plan. The applicant must understand that with the proposed land banked parking spaces, Phase II, as formerly illustrated, cannot be constructed.
- According to the Hudson River Natural Resources Mapper, the land banked parking is proposed on Federal Wetlands. A review must be completed by the United States Army Corps of Engineers and all required permits obtained.
- According to the letter from Kimley-Horn, dated December 1, 2022, a review has been completed by the Town of Orangetown Fire Inspector and fire access and maneuvering plan has been approved. A review shall also be completed by the Rockland County of Rockland Office of Fire and Emergency Services, or the Pearl River Fire Department to ensure that the site is designed in a safe manner and that there is sufficient access to, and maneuverability on, the site for emergency vehicles. This review should consider whether the site can accommodate fire equipment and whether there is adequate water (volume/fire flow) for firefighting purposes.

20230111 10:00 AM

6E 11 10 01 533 722

MMO1EDN7480 10 NMO1