

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF FEBRUARY 11, 2010**

**MEMBERS PRESENT:** Bruce Bond, Chairperson;  
Kevin Garvey, Vice-Chairperson; Jeffrey Golda and John Foody,

**MEMBERS ABSENT:** Robert Dell, William Young and Andy Stewart

**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning ,  
Planning Administration and Enforcement, Robert Magrino, Deputy Town  
Attorney, Richard Pakola, Deputy Town Attorney, Ann Marie Ambrose,  
Stenographer and Cheryl Coopersmith, Chief Clerk

Bruce Bond, Chairperson 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:

**Continued from the December 9, 2009 Meeting:**

<b>Ramsay Subdivision Plan</b>		<b>PB #08-66</b>
Prepreliminary/Preliminary Subdivision Plan &SEQRA Review 77.08/5/33; RG zoning district	<b>Postponed to February 24<sup>th</sup> Meeting</b>	

**New Items:**

<b>Parseghian Site Plan</b>		<b>PB #10-06</b>
Consultation 70.10/3/18; CC zoning district	<b>Consultation</b>	

<b>258 South Boulevard Subdivision</b>		<b>PB #10-07</b>
Recommendation to the Town Board Request for Release of the Performance Bond 66.17/1/25; R-22; zoning district	<b>Recommended to the Town Board</b>	

The decisions of the January 27, 2010 Planning Board Meeting was reviewed,  
edited and approved. The motion for adoption was made and moved by Bruce  
Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, absent;  
Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy  
Stewart, absent and William Young, 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 Kevin Garvey and seconded by Bruce Bond  
and agreed to by all in attendance. The meeting was adjourned at 8:10 p.m. The  
next Planning Board meeting is scheduled for February 24, 2010.

**DATED: February 11, 2010  
Planning Board Town of Orangetown**

**PB #10-07: Parseghian Site Plan; CONSULATION  
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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TO: Joseph Caruso, Maser Consulting, 777 Chestnut Ridge Road, Suite 202, Chestnut Ridge, New York 10977-6218

FROM: Orangetown Planning Board

RE: **Parseghian Site Plan**: The application of Masis Parseghian, applicant, for Parseghian Four, owner for Consultation for a site known as "**Parseghian 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 located at 594 Route 303, Blauvelt. West side of Route 303, approximately 600 feet North of Erie Street, Blauvelt, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 70.10, Block 3, Lot 18 in the CC zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 11, 2010**, at which time the Board made the following determinations:

Joseph Caruso, Eric Gordon and Wayne Klingman appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated February 3, 2010.
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 10, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 5, 2010.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 20, 2010.
5. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated January 26, 2010.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 8, 2010.
7. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated January 29, 2010.

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8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated February 9, 2010.
9. A letter from the New York State Department of Environmental Conservation, signed by Joseph R. Murray, Environmental Analyst, Division of Environmental Permits, dated January 8, 2010.
10. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by Michael Bettmann, Chief, dated May 14, 2009.
11. Short Environmental Assessment Form signed by Masis Parseghian, undated.
12. Site Plan prepared by Maser Consulting, dated November 20, 2009.
13. Narrative Summary Parseghian Shopping Center, dated December 11, 2009, prepared by Maser Consulting.
14. Preliminary Stormwater Narrative Parseghian Shopping Center, prepared by Maser Consulting.
15. Copies of PB #90-15, Final Approval Subject to Conditions, dated February 14, 1990, ACABOR #89-53, Approved with Conditions, dated July 27, 1989, and PB #89-32, Preliminary Approval Subject to Conditions, dated March 8, 1989.

The Board reviewed the Site Plan.

**CONSULTATION: In view of the foregoing and the testimony before the Board, the applicant was provided with the following comments:**

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 Site Plan was approved on August 27, 1990 however the building and improvements were never constructed. The applicant wishes to reaffirm the Site Plan approved, however, the following items need to be addressed:

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**Continuation of Condition #3....**

- a. SEQRA will need to be re-done.
  - b. The zone district, "CC" has not changed since the former approval with the exception of the Route 303 Overlay Zone Requirements. Therefore, the following variances need to be sought from the Town of Orangetown Zoning Board of Appeals, as discussed at the Consultation Meeting:
    - (1) A 25 foot vegetated buffer is required and a 15 foot vegetated buffer is shown on the property, part of that buffer being within the designated street line. The area between the designated street line and right of way line can not be considered as part vegetated buffer. (Section 13.10,B., (2)).
    - (2) Not more than 35% of all parking shall be located within the front yard of any lot or parcel and 100% is shown on the Site Plan. (Section 12.10, B.(10) ).
    - (3) Connections between abutting parking lots shall be provided and note are shown on the Site Plan, (Section 13.10,B. (11) ).
    - (4) Not more than one curb cut shall be allowed for a parcel unless approved Special Permit by the Town of Orangetown Town Board. (Section 13.10, B. (11)).
    - (5) The distance of the entrances shown shall be less than 150 feet from existing entrances on contiguous parcels. Provide the distances on the Site Plan. (Section 13.10, B. (11) ).
- 4.** The Bulk Table indicates a "provided " front yard of 85 feet and the Site Plan shows 83 feet. Please clarify.
  - 5.** Drainage calculations/SWPPP, prepared and sealed by a New York State Licensed Professional Engineers, shall be prepared and submitted, to DEME for review and approval.
  - 6.** The proposed detention basin can not be dedicated to the Town of Orangetown, because it will serve private property.
  - 7.** A post construction storm water maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
  - 8.** Sanitary calculations for the proposed site, including design calculations for the proposed private sewage pumping station, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.

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- 9.** Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
- 10.** The Site Plan shall show all proposed grading, if applicable.
- 11.** A profile for the proposed sanitary sewer main shall be added to the plans.
- 12.** A detail for the proposed connection to the existing sanitary sewer manhole shall be added to the plans.
- 13.** Typical details shall be included with the drawings, i.e. pavement, curbing, catch basin, manhole, manhole frame cover with details (including Town name and date), etc.
- 14.** The page and liber, as well as ownership, for all existing easements/dedications shall be given on the plans.
- 15.** Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this plan shall be supplied to the Planning Board and DEME, prior to signing of the map.
- 16.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  - (1)** An updated review from the New York State Department of Transportation shall be addressed and all required permits obtained.
  - (2)** An updated review from the Rockland County Highway Department shall be addressed and all required permits obtained.
  - (3)** The Town shall be assured that the Site Plan complies with all applicable portions of the Route 303 Overlay Zone.
  - (4)** As was stated in the its' letter of December 21, 1989 and January 24, 1990 reviews, when a similar Site Plan was reviewed for this site, the applicant shall obtain the review and approval from Conrail for the drainage entering their right of way.
  - (5)** A landscaping plan shall be provided for review. The plan must incorporate the requirements of the Route 303 Overlay Zone. The plan must also assure that the lights of parked vehicles along Route 303 shall be screened either by (a) a berm and/ or landscaping 2 ½ -3 feet high, or (b) by lowering the first level of parking to provide the same degree of screening.
  - (6)** There shall be no net increase in stormwater runoff from the site.
  - (7)** The lighting plan shall meet all Town requirements. The lighting plan shall demonstrate that no spillage of lights will be located within the State highway right of way.

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**Continuation of Condition #16....**

**(8)** Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

**(9)** If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

**(10)** As indicated in the May 15, 2009 letter from the Rockland County Department of Health, public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

**(11)** The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

**(12)** 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 New York State Guidelines for Urban Erosion and Sediment Control.

**(13)** The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan, as required by New York State General Municipal Law, Section 239 – m (3)(a)(v).

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**17.** Rockland County Department of Highways found the proposed project as submitted shall have a de minimis impact to county roads in the area.

**18.** Rockland County Health Department reviewed the plans and found that it must approved plans for sewage disposal system per Article IV, Section 4.2.1. of the Rockland County Sanitary Code. Formal application is to be made. The applicant's Engineer shall contact Scott McKane, Senior Public Health Engineer for submission requirements.

**19.** An application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito Code.

**20.** 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.

**21.** The Town of Orangetown Fire Prevention Bureau had the following comments and are conditions of approval. The following shall be placed on the Site Plan as notes:

In regard to the 10,640 square foot building with multiple tenants, the following is offered:

An NPPA 13 compliant Fire Sprinkler system inspected annually according to NFPA 25 shall be installed, with a 4" Storz connection and Orangetown code FDC sign.

Install and maintain an NFPA 72 compliant Fire Alarm System connected to Rockland County 44-Control with 2 copper dedicated phone lines and transmitted in contact ID Format, with Orangetown code amber and red strobes.

Any cooking facilities to be protected with an NFPA 96 compliant class I vapor hood and UL 300 extinguishing system.

Install and maintain portable fire extinguishers as required by NFPA 10.

Show on Site Plan and maintain Fire Lane/Fire Zone signage and striping and show all signage and markings on the final approved Site Plan. Maintain striping and signage as required in the New York State Property Maintenance Code.

The Town of Orangetown Fire Prevention Bureau requires review and approval of the proposed fire sprinkler plan, Fire Department connection location and the fire alarm plans before construction begins.

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**22.** The New York State Department of Transportation (NYSDOT) provided the following comments and are conditions of approval:

- (1)** Permit #8-89-8620 is over 20 years old and is no longer a valid permit. As traffic conditions and the road geometry change over time the permittee must reapply for a permit for the above location. It will be subject to the current standards and the Rt. 303 overlay plan. The old permit will be canceled and the deposit will be returned. The permittee shall contact NYSDOT office to verify the address has not been changed.
- (2)** NYSDOT has a project in the near future to improve Route 303 at the Erie Street intersection. Improvements to be made under PIN 8502.19 include the construction of a 15l 6 foot raised landscaped median on Route 303. The project is still in the early stages of design, so the exact limits of the new raised median have not yet been determined. The proposed permit project will need to be designed to meet the proposed design. With this in mind, NYSDOT has the following comments:
  - a. The proposed driveways should be narrowed, and made directional (one driveway one- way in, one driveway one-way out). After the median on Route 303 is constructed, these two driveways should be angled, as no left turns will be allowed into or out of either driveway. The site could also be reconfigured to a single entrance for the property.
  - b. A traffic summary will need to be submitted for NYSDOT review.
  - c. The location of the proposed curb along Route 303 is not compatible with the planned improvements on Route 303. The location of the curb along Route 303 will likely be closer to the proposed building than shown in this plan. The exact location of the proposed curb to be built under PIN 8502.19 has not yet been determined.
  - d. As part of the Route 303 project, NYSDOT is likely to build jug handles for U-turns on either end of the proposed median to mitigate access restrictions to existing businesses. The locations of the jug handles have not yet been determined. One of the locations being considered is the Parseghian property.
  - e. Show all existing and proposed underground utilities. The original plan (9/23/87) indicates a gas main running parallel to Route 303 along this frontage. A telephone box is also shown located on the north end of the property.



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**Continuation of Condition # 22....**

- f. Show all proposed drainage top of grate and invert elevations, pipe sizes and materials. As proposed, the drainage system shown parallel to Route 303 may be difficult to achieve.
- g. No proposed contours are shown on the plan dated 11-20-09.
- h. The existing lane and shoulder widths shall be shown on the plans.
- i. The driveway profiles must be shown on the plans.
- j. The soil erosion and sediment control plan for the site should also be submitted to NYSDOT for review and approval prior to any construction activities.
- k. Traffic Control Plans should be submitted for review and approval for any work within NYSDOT Right-of Way.

**23.** The New York State Department of Transportation had the following comments:

- (1)** The parcel is not within a New York State protected Freshwater Wetland. However, the U.S. Army Corp of Engineers shall be contacted for any permitting they might require.
- (2)** Since project activities will most likely involve land disturbances of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-0-08-001) for Stormwater Discharge from Construction Activities. Since this site is within a MS4 area (Municipal Separate Storm Sewer System), the SWPPP must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to NYSDEC. Other permits will not be issued until the SWPPP is approved Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permit.
- (3)** Other permits from NYSDEC or other agencies may be required for projects conducted on this property nor or in the future. This determination regarding the need for permits will remain effective for a maximum of one year unless otherwise notified.

**24.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats prior to signing the final plans.

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

**26. 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.

**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.

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**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 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).

**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 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

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

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

**Dated: February 11, 2010  
Town of Orangetown Planning Board**

**PB #10-06 – 258 South Boulevard Subdivision - Recommended to the Town Board to Release of the Performance Bond**

**Town of Orangetown Planning Board Decision**

**February 11, 2010**

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TO: Michael DeMarco, 105 South Highland Avenue, South Nyack,  
New York 10960

FROM: Orangetown Planning Board

RE: **258 South Boulevard Subdivision Plan:** The application of Michael DeMarco, owner, for a Recommendation to the Town Board regarding the Release of the Performance Bond for the “**258 South Boulevard Subdivision**”, as established in PB #04-129 dated December 8, 2004, in the amount of \$ 44,958.00. The site is located at 258 South Boulevard, Upper Grandview, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York. Tax Map Numbers: Section 66.17, Block 1, Lot 25, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 11, 2010**, at which time the Board made the following determination:

Michael DeMarco appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 3, 2010.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated February 10, 2010.
3. Interdepartmental memorandum signed by Ronald Delo, Director, Department of Environmental Management and Engineering, dated January 28, 2010 and James Dean, Superintendent, Town of Orangetown Highway Department dated February 1, 2010.
4. PB #07-65, Extension of Term of Performance Bond, dated November 14, 2007 and PB # 04-129, Recommendation to the Town Board to Establish Value of Performance Bond dated December 8, 2004.

The Board reviewed the request.

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 Kevin Garvey, and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, absent; Jeffrey Golda, aye; John Foody, aye; Robert Dell, absent; William Young, absent and Kevin Garvey, aye.

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

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

The foregoing Resolution was made by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, absent; Jeffrey Golda, aye; John Foody, aye; Robert Dell, absent; William Young, absent and Kevin Garvey, aye.

**Dated: February 11, 2010**

**Town of Orangetown Planning Board**