

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF NOVEMBER 12, 2008**

**MEMBERS PRESENT:**

Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson; Anthony Iurica; Kevin Garvey; Jeffrey Golda and William Young

**MEMBERS ABSENT:** John Foody

**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement; Dennis Michaels, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer; Gina Reynolds, Clerk and Cheryl Coopersmith, Chief Clerk  
Robert Dell, 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 12, 2007 Meeting:**

<b>Sapienza Subdivision Plan</b> Prepreliminary/Preliminary/Final Subdivision Plan & SEQRA Review Critical Environmental Area; 65.20/1/7; R-22 zoning district	<b>Preliminary Approval Subject to Conditions Neg. Dec.</b>	<b>PB #07-72</b>
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**New Items:**

<b>Sapienza Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review Critical Environmental Area 65.20/1/7; R-22 zoning district	<b>Continued: Revise Plans</b>	<b>PB #08- 59</b>
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<b>Orangeburg Racquet Club Site Plan</b> Final Site Plan and Conditional Use Permit 77.05/1/1; LIO zoning district	<b>Postponed to 12/10/08 Meeting</b>	<b>PB #08-60</b>
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<b>Erie Street Shopping Center Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review 70.14/4/31, 34, 35, 36 & 37; CS zoning district	<b>Continued: Needs Drainage</b>	<b>PB #08- 61</b>
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<b>Tracey Subdivision Plan</b> Reapproval of the Final Planning Board Review PB #07-42, dated 6/27/07 70.18/2/6; R-15 zoning district	<b>Reapproved Subject to Conditions</b>	<b>PB #08-62</b>
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<b>Byrne Subdivision Plan</b> Request for 1st Day Extension to File Subdivision Plat with Rockland County Clerk's Office 69.05/4/41 R-15 zone	<b>Granted</b>	<b>PB #08-63</b>
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<b>Orangeburg Chase Bank Resubdivision Plan</b> Final Resubdivision Plan 74.11/2/51 & 52; CC zoning district	<b>Continued to 12/10/08 Meeting</b>	<b>PB #08-64</b>
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<b>Orangeburg Chase Bank Site Plan</b> Final Site Plan Review 74.11/2/51 & 52; CC zoning district	<b>Continued to 12/10/08 Meeting</b>	<b>PB #08-65</b>
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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.

The decisions of the October 6, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, abstain; John Foody, absent and William Young, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Anthony Iurica, seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 10:15 p.m. The next Planning Board meeting is scheduled for December 10, 2008.

**DATED: November 12, 2008**  
Planning Board Town of Orangetown

**PB #07-72- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
November 12, 2008  
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TO: Zaki Albanna, Dominick Pilla Associates; 23 Depew Avenue;  
Nyack, NY 10960  
FROM: Orangetown Planning Board

RE: The application of Joseph Sapienza, owner for Prepreliminary/Preliminary Subdivision Review for a two lot subdivision to be known as “**Sapienza Subdivision Plan**”, in the Critical Environmental Area, 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 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at the meeting, **Wednesday, November 12, 2008**, at which time the Board made the following determinations:

Dominick Pilla and Joseph Sapienza appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated November 5, 2008.
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 November 12, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 6, 2008.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated November 10, 2008.
5. A letter signed by Salvatore Corallo, Commissioner of Planning, dated October 23, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 29, 2008.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 25, 2008.
8. An interdepartmental memorandum from the Office of Parks & Recreation, Town of Orangetown, signed by Richard L. Rose, Jr., Superintendent, dated October 20, 2008.
9. An E-mail from Winston Perry, New York/New Jersey Trail Conference, dated September 26, 2008.

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**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
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10. A Short Environmental Assessment Form signed by Zaki Albanna, dated November 5, 2007.

11. Subdivision Plan prepared by Dominic R. Pilla, Associates, P.C., dated August 5, 2008.

The Board reviewed the plans.

Public Comment: Peter Colquitt, 257 South Boulevard, an abutting property owner, raised concerns regarding the location of the proposed dwelling. He also requested information regarding the impact of the development on drainage on his property.

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

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:

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns. In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town’s Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

On motion by Bruce Bond seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, aye; John Foody, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration.

## **PB #07-72- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
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A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, absent; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

A motion was made to reopen the Public Hearing portion of the meeting by Robert Dell and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, nay; John Foody, absent; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, nay.

A motion was made to close the Public Hearing portion of the meeting by Anthony Iurica and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, absent; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, abstain.

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Subdivision 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 Subdivision 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 following Zoning Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

A.) A Minimum Street Frontage of 100 feet is required and 0 feet is proposed for Lot #2. (General Bulk Table, R-40, Group E, Column 7).

B.) A Minimum Front Yard setback of 50 feet is required and 42.6 feet is proposed for Lot #2. (General Bulk Table, R-40, Group E, Column 8).

Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Subdivision Plan.

**PB #07-72- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area**

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- 4.** The Maximum height of the existing house and the proposed house shall be calculated based on the setbacks from the property lines.
- 5.** A 280A variance is not required for Lot #2 since the access for Lot #2 is on South Boulevard.
- 6.** The Short Environmental Assessment Form appears to be in order.
- 7.** The proposed sanitary house connection shall be tied into the existing sanitary main along South Boulevard, not into the existing manhole.
- 8.** It is unclear, on Sheet SP—2, as to where the proposed catch basins for the new driveway shall be tying into, this shall be corrected.
- 9.** The drainage calculations are currently under review. However, the applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculations (dated 9/04/08) is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving Final Approval for Site Plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
- 10.** The Soil Erosion and Sediment Control Plans and Details are under review by DEME.
- 11.** Since the property abuts the Blauvelt State Park and a portion of the Long Path regional hiking trail that is in the park, the Palisades Interstate Park Commission shall review the proposed subdivision plan and any concerns that the commission may have shall be addressed.
- 12.** Since the western boundary of the property is adjacent to t portion of the Long Path regional hiking rail, a review shall be completed by the New York/new Jersey Trail Conference and any concerns addressed.
- 13.** Any public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.
- 14.** New subdivisions requiring water main extensions and all public water supply improvements shall be reviewed by the Rockland County Department of Health prior to construction. Plans must be signed and stamped by a NYS Professional Licensed Engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 15.** Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.

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**16.** Water is a limited 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. Prior to approval of the proposed project, a letter from the public water supplier shall be issued, indicating that there will be a sufficient water supply during peak demand periods and in a drought situation.

**17.** There shall be no net increase in stormwater runoff from the site.

**18.** A detailed note shall be included on the subdivision plat and deeds explaining maintenance responsibilities for utilities and access features in the proposed utility and access easement.

**19.** Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

**20.** Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.

**21.** Rockland County Department of Highways reviewed the plans and offers the following comments:

Based upon the information provided, the design as shown will have no foreseeable adverse effect upon County Highways in the area.

The applicant shall be aware of any and all existing water sources and water courses that may exist traveling from west to east through this parcel. This information shall be identified on the Site Plan to identify and potential drainage problems that may be created to the proposed and existing dwelling, roadway and parcels east of this subdivision. If applicable, it may be prudent at this time to provide for a drainage easement while this parcel is under a single ownership.

A Zero Net increase of storm water runoff must be achieved to prevent any adverse effect to the neighboring parcels and the roadway east of this subdivision.

**22.** The Rockland County Department of Health offered the following comments:

- 1) Verification is to be obtained from the Water Supplier that adequate pressure can be provided to the proposed dwelling. The use of an individual home booster pump is not permissible. Any questions regarding this should be directed to Sam Rulli, P.E. of the Environmental Health Program.
- 2) There is to be a minimum 10-foot separation between the sanitary sewer lateral and domestic water service.
- 3) Cleanouts are to be provided at all bends of the sanitary sewer line at the right of way line.
- 4) The Rockland County Department of Health (RCDOH) requests that application be made for review of the stormwater management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RCDOH. No other Rockland County Department of Health approvals are needed for this application.

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**23.** Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

**24.** The New York/New Jersey Trail Conference reviewed the plans and found the proposed action would have no impact on the Long Path hiking trail. The Long Path shall be indicated on the Vicinity Map on the project since it is a feature of the Rockland County Official Map within the area shown.

**25.** The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions: The Applicant proposes to subdivide a 3.56-acre parcel in Upper Grandview into two lots. Lot 1 contains an existing dwelling that will remain. Lot 2 is vacant and will have a new dwelling and driveway constructed on it. Access to this parcel will be from a combined new driveway from South Boulevard that will serve both lots. The existing driveway on Lot 1 will be removed. A new pool and paved patio are proposed for Lot 1. Site topography slopes down steeply from west to east toward South Boulevard. The proposed drainage plan includes an onsite storm sewer and swale collection system, a storm water storage/infiltration area and driveway trench drains and drywells. Drainage calculations have been provided.

Upon review of the proposed drainage plan and calculations, the Drainage Consultant to the Planning Board found that both are in need of revisions. However, the Drainage Consultant believes that the overall drainage concept is workable and that it can be revised to achieve a zero net increase in runoff rate and therefore recommends acceptance for drainage subject to the following conditions:

- This Subdivision Plan is being submitted to the Planning Board concurrently with a Site Plan for Lot 1 (which is the subject of a separate review). The drainage plan for the Subdivision is dependent on drainage facilities located on Lot 1 and therefore the two drainage plans must be consistent.
- Runoff from Lot 2 will be discharged to drainage facilities on Lot 1. An easement on Lot 1 on behalf of Lot 2 for drainage will be required. An agreement for repair and maintenance of the shared drainage facilities will also be required. The appropriate easement and agreement notes must be added to the plans.
- The drainage facilities shown on the Utility Plan (Sheet SP-02) are unclear and difficult to read. The information related to drainage must be legible and easy to distinguish from other plan information. If necessary, the drawing scale should be increased.

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**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
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### **Continuation of Condition #25.....**

- An enlarged (larger scale) detail of the storage/infiltration area must be provided and shall show all dimensions to permit construction. Grading contours must be shown on the detail. The extent of the temporary ponding area and maximum water elevation must also be shown.
- The Rockland County Department of Health must be contacted to determine if a Mosquito Breeding Prevention Plan is required and the Applicant shall obtain approval of such plan if required.
- Curbs must be provided on the low side of the driveway to direct runoff into the catch basins and ultimately into the storage/infiltration system (concrete walls may substitute for curbs). The driveway cross section must be revised accordingly to show the curbs.
- Provide profiles of the storm sewer and swale collection systems.
- Swales must be stabilized so that they do not erode due to high stormwater velocities. The swale detail shown on the plan does not agree with the detail in the calculations and must be revised.
- The total impervious area for the site is given as 7,416 SF and 33,617 SF for existing and proposed conditions. A breakdown of these areas between Lot 1 and Lot 2 must be provided.
- Calculations for sizing the on-site storm sewers must be provided. Minimum storm sewer pipe size shall be 12-in.
- Provide a plan view of the Trench Drain Lawn Inlet to scale and show the orientation of all pipes, including the pipe from CB-4.
- The storm drain from CB-4 must run in a straight line to the Trench Drain Lawn Inlet without bends.
- Calculations for sizing the drywells have been provided, however the Drainage Consultant requires that the Westchester County Method be used for sizing drywells. The calculations do not indicate the area or runoff for which the drywell has been designed.
- The calculations indicate an existing condition runoff volume of 3.00-in. Our check of this calculation indicates a runoff volume of 2.88-in. This difference increases the required storage/infiltration volume from 7,751CF to 9,256CF. The calculations and plans must be revised.
- The calculations indicate two 36-in pipes in the trench, however only one is shown on the plans. The calculation and the plans must be consistent.

Additional conditions may be added based on response to these conditions.

## **PB #07-72- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
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**27.** The applicant represented that a good faith effort will be made to possibly reduce any type of site disturbance.

**28.** No disturbances are to take place within five feet of the southerly property line.

**29.** 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 Sewer District #1
- Rockland County Department of Highway

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

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

**32. 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.

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

**PB #07-72- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
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**34.** 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.

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

**36.** 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).

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

**38.** 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, William Young, aye, John Foody, absent, Robert Dell, aye, Jeffrey Golda, aye and Kevin Garvey, 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: November 12, 2008**

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Supervisor			

**State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**PB #07-72- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sapienza Subdivision Plan; Preliminary Subdivision Plan Approval Subject to Conditions/Neg. Dec.; Critical Environmental Area  
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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: **Sapienza Subdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_  
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_  
No XXXXXX

**DESCRIPTION OF ACTION: Subdivision Plan Review: Critical Environmental Area**

LOCATION: The site is located at 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

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

**PB #08-62- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Tracey Subdivision; Reapproval of the Final Subdivision Plan Approval;  
PB #07-42, dated June 27, 2007  
November 12, 2008  
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TO: Donald Brenner, P.E., LL.B.; 4 Independence Avenue;  
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of the Michael and Patricia Tracey, owners for Reapproval of the Final Subdivision Plan Review; PB #07-42, dated June 27, 2007, for a 2 lot subdivision to be known as "**Tracey 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 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 12, 2008**, at which time the Board made the following determinations:

Donald Brenner and Michael Tracey appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Report dated November 5, 2008.
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 November 12, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 6, 2008.
4. Letters from HDR signed by Harvey Goldberg, P.E., dated February 27, 2007 and October 25, 2008.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated November 3, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 21, 2007.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 12, 2008.
8. Subdivision Plans prepared by William Youngblood Land Surveying, dated September 20, 2006:
  - Drawing 1: Final Subdivision, last revised September 29, 2008
  - Drawing 2 of 4: Grading, Utility Plan, last revised September 29, 2008
  - Drawing 3 of 4: Detail Plan, last revised September 29, 2008
  - Drawing 4 of 4: Tree Plan

**PB #08-62- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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9. Copies of PB #07-42, Final Planning Board Approval Subject to Conditions, dated June 27, 2007, ACABOR #07-33, Approved Subject to Conditions, dated May 15, 2007 PB #06-84, ZBA #07-32, Approved with Conditions, dated April 12, 2007, and Preliminary Approval Subject to Conditions, dated January 24, 2007.
10. A letter signed by Donald Brenner, P.E., LL.B., dated October 3, 2008.

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A REAPPROVAL OF THE FINAL SUBDIVISION APPROVAL; PB #07-42; SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Subdivision 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 Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of the previous Board decisions: Final Planning Board Approval Subject to Conditions, dated June 27, 2007, ACABOR #07-33, Approved Subject to Conditions, dated May 15, 2007 PB #06—84, ZBA #07-32, Approved with Conditions, dated April 12, 2007, and Preliminary Approval Subject to Conditions, dated January 24, 2007.

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**4. The Rockland County Department of Health reviewed the plans dated September 20, 2006, revised September 29, 2008 and approved the plans for the proposed subsurface disposal system on July 16, 2008, and has no objection to the existing dwelling continuing to use of the existing system. In addition, the Rockland County Department of Health has no objection to the approval of this subdivision.**

5. The applicant needs to secure private sanitary sewer easements in order to "tie" into the existing sanitary main across Western Highway. These shall be acquired prior to signing the Subdivision Map. Copies of same shall be depicted on the plans and submitted to DEME and the Planning Board.

6. The final subdivision map submitted shows septic systems, existing and proposed on Subdivision lot #2. DEME and Rockland County Department of Health will have to review and provide comments on the current sewage arrangement before the Planning Board grants reapproval of the subdivision.

7. Because the Perc Rate is assumed, a field Perc Test shall be administered prior to receiving **final approval for site plan**, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.

8. The applicant shall provide DEME with the written approvals for both the new septic system for proposed Lot #2 as well as the approval for the existing septic system for Lot #1 to remain on proposed Lot #2, from the Rockland County Health Department.

9. The Drainage Consultant to the Planning Board recommendations acceptance for drainage subject to the following conditions: The Applicant proposes to subdivide a 0.98-acre parcel on the east side of Western Highway between Klee Avenue and Blauvelt Road into two lots. The previous plan indicated an existing 1-story dwelling on Lot 1 that would remain, and an existing barn on Lot 2 that would be removed and replaced with a proposed 2-story dwelling. An existing driveway was to be modified so that both lots would share a common driveway with access from Western Highway. A drainage plan with calculations had been provided and was the basis of our May 24, 2007,

- Provide a calculation of the net increase in the impervious area (i.e. a table breakdown of the source and size of each impervious area under existing conditions compared to the source and size of each impervious area under developed conditions (including areas added and removed). Include this tabulation with the drywell calculations and resubmit all.
- The effective depth of the drywell, 4-ft, has been used in the drywell calculations and is shown on the detail. The actual depth of the drywell is larger than the effective depth and must also be shown on the detail and on the plan view (e.g. 5-ft deep, 6-ft deep, etc).

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

- Provide an excerpt from the Rockland County Soil Map indicating the type of soil on the site. Revise the CN value for the appropriate soil if needed. Use the good condition CN value to be conservative. Resize the Drywell as necessary. Include soil map with the drywell calculations and resubmit all.

In September 2007, the Drainage Consultant received a submittal that did not address those conditions of acceptance. On January 9, 2008, the Drainage Consultant sent the applicant an email advising, that as of that date, they had not heard from the Applicant regarding those conditions. In its email, the Drainage Consultant recommended that the Applicant submit a complete revised submittal package for the next review.

Upon review of the current submittal, the Drainage Consultant found that the Applicant has revised its proposed plan so that the existing barn on Lot 2 will remain and be converted to a single family residence. The existing driveway will be modified so that both lots will share a common driveway with access from Western Highway. A detail for a 6-ft diameter drywell has been included but its location has not been shown on the plan and revised sizing calculations have not been provided.

Accordingly, the Drainage Consultant recommends that the Applicant should be directed to submit a drainage plan, supported by calculations and a grading plan, to demonstrate that there will be a zero net increase in runoff rate from the developed site under a 24-hr, 100-yr Type III storm. If percolation tests on the site are performed, this information can be used to define seepage pit percolation during the storm; otherwise, a default value of 30-min per in. may be used. The plan and calculation should be signed and sealed by a N.Y. State P.E. I can be contacted by the Applicant's Engineer to discuss the calculation method.

**10.** Notes shall be added to the plat indicating that, when public sanitary sewer connection becomes available, that the homeowners will connect and that any 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.

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**11.** It is our understanding that the barn will be converted to a residence and this is expressed in notes on the plat drawings. However, the letter from Harvey Goldberg of HDR, dated February 27, 2008 and included in the packet from the Town, indicates that “an existing barn that will be removed” contradicts the site plan. This must be clarified or corrected.

**12.** 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.

**13.** 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.

**14.** 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.

**15.** There shall be no net increase in storm water runoff from the site.

**16.** All subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.

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17. The Rockland County Department of Highway has reviewed the plans and information and offers the following comments:

The Highway Department concurs with the concept of utilizing a common shared driveway to service the two lots. This will reduce the number of curb cuts along County Roadway. Should the applicant perform any changes to the width of the existing driveway access off Western Highway, an additional review and approval will be required from the Highway Department.

The split rail fence along Western Highway shall be relocated to be contained within the property line. For the notes showing the split rail fence along Western Highway to be relocated, please add "to be contained within the property line".

A copy of the latest drainage calculations prepared for this project shall be provided to the County Highway for additional review.

Sight distance calculations to the north and south of the driveway access shall be demonstrated on the site plan.

A Rockland County Highway Department Work Permit will be required for development of Lot #2 and must be secured prior to the start of any constructing or excavation on site. The applicant shall be aware that under the Drainage Section of the Rockland County Highway Department Standard Specifications, revised by the County Highway Department in November 2005, a Drainage Maintenance Fee of \$500.00 per legal tax lot will be imposed on each subdivision and/or site plan.

Separate additional Road Opening Permits will be required from the Rockland County Highway Department for the Sewer and Utility Connections required within the paved area of Western Highway.

18. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is in close proximity to the Sparkill Creek floodplain. The RCDA is unable to make a jurisdictional determination concerning the proposed project based upon the information submitted. In that regard, the applicant shall submit it proposed stormwater management plan, drainage plan and drainage calculations and any and all environmental impact statements, environmental assessment forms or environmental studies regarding the proposed site development to RCDA for further review.

19. Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

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**20.** The Town of Orangetown Fire Prevention Bureau recommends that the driveway be constructed to allow access for fire apparatus in all weather. This shall include features of both width and weight. The driveway should support the weight of heavy apparatus. Some apparatus exceeds 45,000 pounds. Also, the construction should include drainage pipes install under the driveway. Secondly, the Fire Prevention Bureau recommends that the entrance to the driveway should not be impeded by planting or columns, which would affect the turning radius of fire apparatus entering the driveway.

**21.** Driveway shall be stabilized to support emergency response equipment (75,000 lbs) as per the 2003 building code. Also, there shall be no parking fire zone lane along the entire length of the long driveway. Any necessary signage shall be installed before a Certificate of Occupancy is issued for the houses, and shown on the Final Approved Site Plan.

**22.** A note shall be placed on the plan in regards to an agreement to maintain the required signage by the homeowner for the long driveway.

**23.** The applicant's eastern proposed lot borders Town of Orangetown property which is a Rail-Trail. This section of the Rail-Trail will be further developed in the future. The applicant shall re-label the map to reflect this and consider additional screening at the rear of lots #2 and #3.

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

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

**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 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.

**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.

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**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, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young, aye and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, absent; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, 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: November 12, 2008**

Planning Board BY: \_\_\_\_\_ decd.  
Planning Board OBZPAE RC Planning RC Drainage RC Highway  
Env. Mgt. Eng. LMS Town Board Assessor Town Attorney  
PRC Supervisor

**Byrne Subdivision; Granted 1st 90-Day Extension To File the Subdivision Plan With the Rockland County Clerk’s Office  
November 12, 2008  
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TO: Donald Brenner, 4 Independence Avenue, New York 10983  
FROM: Orangetown Planning Board  
RE: The application of the Patrick Byrne, owner for a 1<sup>st</sup> 90 day Extension to File the “**Byrne Subdivision**” with the Rockland County Clerk’s Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located on Ehrhardt Road, Pearl River, Town of Orangetown. Rockland

County, New York and shown on the Orangetown Tax Map as Section 69.05, Block 4, Lot 41 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 12, 2008**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated November 5, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated November 12, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated November 6, 2008.
4. PB #08-23, Final Subdivision Approval Subject to Conditions, dated April 23, 2008.
5. A Letter signed by Donald Brenner, dated October 8, 2008.

The Board discussed the 1st Day Extension to file the subdivision plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, absent; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

**DECISION: In view of the foregoing, the Board GRANTED the 1st 90 Day Extension in time to file the Byrne Subdivision with the Rockland County Clerk's Office.**

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

The Clerk of 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 this Office of the Planning Board.

**Dated: November 12, 2008 Town of Orangetown Planning Board**