

**Meeting of January 15, 2020
Town of Orangetown Planning Board**

MEMBERS PRESENT: William Young, Vice-Chairman; Michael Mandel; Robert Dell; Andrew Andrews; Stephen Sweeney and Michael McCrory

MEMBERS ABSENT: Thomas Warren, Chairman and Bruce Bond

ALSO PRESENT: Jane Slavin, Director, Department of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

William Young, Vice-Chairman, called the meeting to order at 7:30 p.m. Mr. Young 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 Item from the July 17, 2019 Meeting:

Jay and Joe Construction LLC Subdivision Plan **PB #14-39**
Prepreliminary/ Preliminary Subdivision Plan **Continued to the**
and SEQRA Review **February 26, 2020**
80 South Middletown Road, Pearl River **Meeting**
69.17/1/76; RG zoning district

New Items:

Sambrotto Subdivision **PB #20-01**
Request for Two 90-day extensions to **Granted**
File the Subdivision Plan
with Rockland County Clerk's Office
34 Clausland Mountain Road, Blauvelt
70.15/2/11; R-40 zoning district

Natelli Conservation **PB#20-02**
Easement Relocation Plan **Postponed**
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
230 South Greenbush Road, Orangeburg
70.19/1/27.1; R-15 zoning district

Chefman Site Plan **PB #20-03**
Prepreliminary/Preliminary Site Plan **Continued:**
and SEQRA Review **Revise plan**
29 Corporate Drive, Orangeburg **Needs Drainage**
73.19/1/8; LIO zoning district

Lander Minor Subdivision Plan **PB #20-04**
Prepreliminary/ Preliminary/
Final Subdivision Plan **Continued:**
and SEQRA Review **Revise plan**
1 Duryea Place, Nanuet **Needs Drainage**
63.19/1/5; R-22 zoning district

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The Club West at Pearl River
Phase II Site Plan
Final Site Plan Review
661 West Blue Hill Road, Pearl River
73.10/1/5; OP-PAC zoning district

PB #20-05

Final Site Plan
Approval Subject
to Conditions

Other Business:

1. The Board reviewed and Approved the 2020 Fee Schedule for Brooker Engineering, the Planning Board Drainage Consultant.

2. Referral from the Town Board: Petition of Zone Text Amendment and Special Permit: Orangeburg Commons

Zoning Text Amendment/ Changing the Maximum Percentage of Total Gross Floor Area that can be Developed for Retail, Personal Service Establishments and/ or Restaurants in Mixed Use Development to 35% / Chapter 43-4.32(O)iv(b) & Special Use Permit Application to Increase Percentage of Retail, Personal Service Establishments and/ or Restaurants to 34.55% and Designation of Town Board as Lead Agency under SEQRA, Tax Map Designation: Section 74.15, Block 1, Lot 21./1 through Section 74.15, Block 1, Lot 21./5.

The Orangetown Planning Board had no objection to the Town Board being Lead Agency on the application for the Petition of Zone Text Amendment and Special Permit for Orangeburg Commons.

The Planning Board had no further comment.

3. Referral from the Town of Clarkstown: Pedersen Appeal #4140, located at 2 Cleveland Street, Central Nyack for an extension of one year on its application for variances. The site is located within 500 feet of the municipal boundary with the Town of Clarkstown. The Town Orangetown Planning Board reviewed the submitted information and deemed the matter for local determination.

4. Quinlan Subdivision Plan: PB#19-49, 68.19-2-36/38: Request for a waiver under Town Code Section 21-13 of the requirements that applicants for a subdivision provide a plan showing existing and proposed contours, drainage, stream location, as well as other information.

Kathleen Duane and Donald Brenner appeared and presented their arguments to the Board, namely, that although the instant application was deemed a "subdivision" under the Town Code, it was in essence only a lot line change, and that if and when the lots were ready to be developed or redeveloped, the owner at that time would be required to present more detailed site plans with all the requested information. Mr. Brenner also stated that the applicant is the Executor of an estate and that paying for such plans at this time would be costly and not feasible for the applicant.

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DECISION: In view of the testimony before the Board and the information in the application case file, the request for a waiver under Town Code Section 21-13 was granted relating to the normal requirements for a subdivision applicant to provide more detailed maps and information, based upon the specifics of this case, namely, that this application was for a lot line change, and that condition #6 be rescinded and replaced by the following:

It shall be clearly labeled on the subdivision plan that, "The approval of the lot line change by the Planning Board in PB#19-49 does not indicate that the Planning Board made any finding relating to whether Lot 2 Tax Lot 36 can be safely or reasonably developed. As such, this Lot has not been approved as a Building Lot in PB#19-49, and if the applicant or future applicant desires to obtain a building permit for this Lot, then the applicant or future applicant shall be required to appear before all appropriate Orangetown land use boards and agencies for site plan review and approval, as required by the applicable sections of the Town of Orangetown Code," or other language to this effect approved by the Town Attorney's Office.

Similarly, a note shall also be placed on the subdivision plat stating the following: "Should the existing structure on Lot #38 be demolished and a new structure be built, then the applicant or future applicant shall be required to appear before all appropriate Orangetown land use boards and agencies for site plan review and approval, as required by the applicable sections of the Town of Orangetown Code," or other language to this effect as approved by the Town Attorney's Office.

The foregoing Resolution was made and moved by Michael Mandel and seconded by William Young and carried as follows: Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Andrew Andrews, aye; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, aye; Bruce Bond, absent and Robert Dell, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 10:15 p.m. The next Planning Board meeting is scheduled for January 29, 2020.

DATED: January 15, 2020

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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**PB#20-01: Sambrotto Minor Subdivision Plan
Two 90 Day Extensions to File the
Subdivision with the Rockland County Clerk's Office**

**Town of Orangetown Planning Board
January 15, 2020**

**TO: Raymond Sambrotto, 34 Clausland Mountain Road, Blauvelt,
New York 10913**

FROM: Orangetown Planning Board

RE: Sambrotto Minor Subdivision Plan: The application of Raymond Sambrotto, owner, for a Request to file the Subdivision Map with the Rockland County Clerk's Office at a site to be known as "**Sambrotto Minor Subdivision**" 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 34 Clausland Mountain Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.15, Block 2, Lot 11 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 15, 2020**, the Board made the following determinations:

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 8, 2020.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated January 13, 2020.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 13, 2020.
4. Copies of the following Board Decision: PB #18-39, Re-approval of PB #16-09, dated December 12, 2018 - Final Subdivision Plan Review, dated February 10, 2016 and ZBA #18-02, Extension of time, dated January 3, 2018.

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 Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Robert Dell, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye.

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**PB#20-01: Sambrotto Minor Subdivision Plan
Two 90 Day Extensions to File the
Subdivision with the Rockland County Clerk's Office**

**Town of Orangetown Planning Board
January 15, 2020**

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Two 90 day extensions to file the Subdivision Map with the Rockland County Clerk's Office.**

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Thomas Warren, Chairman, absent; William Young, Vice Chairman, aye; Andrew Andrews, aye; Michael McCrory, aye; Michael Mandel, aye; Robert Dell, aye; Bruce Bond, absent and Stephen Sweeney, 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: January 15, 2020
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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**PB #20-05: The Club West at Pearl River
Phase II Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #48572

**Town of Orangetown Planning Board Decision
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**TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board**

RE: The Club West at Pearl River – Phase II Site Plan: The application of The Club West at Pearl River LLC, owner for Final Site Plan Review. The site will be known as “**The Club West at Pearl River - Phase II 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 is located at 661 West Blue Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 73.10, Block 1, Lot 5; OP & PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 15, 2020** the Board made the following determinations:

Donald Brenner and Diego Villareale appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated January 8, 2020.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by signed by Jane Slavin, R.A., A.I.A. dated January 13, 2020.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 13, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 15, 2020.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 27, 2019.
6. A letter from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated January 9, 2020.
7. A notice from Suez, signed by Bill Prehoda, dated December 30, 2019.
8. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated January 14, 2020.
9. A copy of the Building Permit Referral signed by Building Inspector Rick Oliver dated February 15, 2019.
10. Project Narrative prepared by the applicant.

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11. Plans entitled "The Club at Pearl River II", prepared by JMC Site Development Consultants, dated February 14, 2019, last revision date of November 13, 2019, unless noted:

- C-000: Cover Sheet
- C-010: Existing Conditions Map
- C-100: Layout Plan, last revised January 8, 2020
- C-200: Grading Plan, last revised January 8, 2020
- C-300: Utilities Plan, last revised January 8, 2020
- C-310: Sanitary Sewer Main Extension Plan, dated January 8, 2020
- C-400: Erosion and Sediment Control Plan
- C-500: Landscaping Plan
- C-600: Lighting Plan
- C-800: Road Profile Plan
- C-900: Construction Details
- C-901: Construction Details
- C-902: Construction Details
- C-903: Construction Details
- C-904: Construction Details
- C-905: Construction Details
- FA-1: Site Truck Turning Analysis

12. Submitted at the meeting, cuts of the proposed site plan prepared by JMC Site Development Consultants noting a change to the entrance and an enlarged section of a dumpster/parking area.

13. A copy of the Town of Orangetown Town Board Resolution No 270, dated May 21, 2019.

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

Public Comment:

Jim Gallagher, 3 Glenn Court, Pearl River; held that the proposed plan is fantastic and supports the development of the site.

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Andrew Andrews and carried as follows Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Bruce Bond, absent; Michael Mandel aye; Andrew Andrews, aye; Stephen Sweeney, aye; Robert Dell, aye and Mike McCrory, aye.

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

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. 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. All outdoor construction activities, including site-clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. All internal sidewalks shall be a minimum of 6 feet wide.
5. A revised site plan was presented at the Planning Board Meeting that redesigned the access road to the project site. The revised access road shall be reviewed and approved by the Town of Orangetown Bureau of Fire Prevention.
6. A full set of building construction plans must be submitted to OBZPAE for review.
7. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained and the Final Site Plan is stamped by the Chief Clerk to the Board.
8. The SWPPP supplied is under review by DEME. However, a cursory review of the SWPPP has revealed a number of issues:
 - a) The SWPPP shall be bound by a 3-ring binder.
 - b) The introduction to the SWPPP and the drawings shall clearly identify the specific type of infiltration pond that is being proposed using the naming system spelled out in the NYSDEC Stormwater Management Design Manual.

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Continuation of Condition #8...

- c) The beginning of the SWPPP shall include a table showing elevation vs. area vs volume numbers for the proposed infiltration pond system & Water Quality (WQ) practices.
 - d) The drainage calculations shall also contain year storm vs volume vs elevation table for all of the proposed stormwater systems and WQ features.
 - e) Appendix F shall include the required post construction checklists for all of the proposed stormwater management facilities: CDS unit, stormwater pond, catch basin, piping, etc.
 - f) Appendix G shall include the required "during" construction checklists for all of the proposed stormwater management facilities as well as all of the proposed soil erosion and sediment control features.
 - g) The drainage calculations shall include storage –elevation tables and curves for the stormwater infiltration system and WQ practices. Pre and post hydrograph shall also be provided in the calculations. It is recommended that the pre and post calculations and hydrographs be separated into separate appendices.
- 9.** A 12-foot wide maintenance path shall be clearly depicted around the proposed infiltration basin. The path shall be placed in order to reach all critical components: water quality structure, inlet, outlet structure, exhaust to outlet structure (level spreader), emergency spillway, etc. Also, the current plan does not show how the basin will be accessed for maintenance, this shall be corrected.
- 10.** A "blow up" of the proposed stormwater infiltration basin shall be added to the plans. Cross-sections depicting the elevations at all the year storms designed for, plus their related storage volumes, shall be included in said profiles.
- 11.** The plans shall clearly indicate the total area of disturbance and the total amount of existing and proposed impervious surfaces, in table form.
- 12.** Although drawing C-800 contains an unlabeled road profile (believed to be the entrance road to the site), profiles for the entire road system shall be added to the plans. These road profiles shall include all facilities located within them.

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13. Profiles for all proposed sanitary and storm/ drainage piping shall be added to the drawings.

14. The detail for the proposed outlet control structure does not show an access point from the top, this shall be corrected.

15. Material specifications, design details, installation information and post construction maintenance requirements for the stormwater infiltration pond and CDS unit shall be added to the drawings as well as being discussed in other appropriate sections of the SWPPP.

16. Sanitary calculations for the proposed site plan, prepared and sealed by a NYS Licensed Professional Engineer, shall be submitted to DEME for review and approval. These calculations shall not only include an analysis of the proposed flows from the new development and sizing of the mains, but also an analysis of the capacity of the pumping station that it will be tying into, to determine that there is adequate capacity at the station to handle the additional flows.

17. It appears that the proposed sanitary sewer system is to be dedicated to the Town of Orangetown Sewer Department. If this is the case, ingress/ egress easements shall be depicted (with metes and bounds) over all of the private roadways and encompassing all mains of private property. The roadway easements shall be the full width of the roads and the easements for any sewer mains "off road" shall be at least 20 feet in width. Copies of the written ingress/ egress easements shall be provided to the Town of Orangetown Town Attorney's Office and DEME for review and approval.

18. The proposed sanitary manhole cover detail shall be modified to include the words sanitary sewer and the date of installation, as specified in Note #2 of the detail.

19. The sanitary building connection inverts shall be labeled on the utilities plan.

20. This site plan will require a Homeowners Association, or equivalent, to be formed in order to spell out the responsibilities for the maintenance of the private roadway, private stormwater drainage system, etc. This agreement shall include a named responsibility for overall drainage systems (SWPPP contact.)

21. Any and all planting for the proposed infiltration basin shall be clearly called out on the Landscaping Plan.

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22. A post construction stormwater maintenance agreement, in accordance with NYSDEC Phase II regulations, for the proposed stormwater system shall be submitted to DEME and the 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.

23. There appears to be a proposed retaining wall along the Southeastern side of proposed building #3. Design details and a profile for the proposed wall shall be added to the drawings. This information shall be provided prior to the Site Plan receiving Final Approval.

24. The page and liber or instrument number (s) for all existing easements/ dedications shall be given on the plans, if applicable.

25. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM Elevation.

26. The SWPPP shall be revised to clearly indicate if the proposed area to be disturbed, listed as 10.30 acres on drawing C-400 is to be phased (e.g. staying under the permit allowed 5 acres) or going above the 5 acre threshold. The applicant/ applicant's engineer is advised/ reminded that any a.o.d. over 5 acres **MUST** receive a waiver from the Town and that the maximum a.o.d. the Town **MAY** allow (if it chooses) is 10 acres. If indeed the applicant/ applicant's engineer is seeking to disturb over 5 acres at any one time, the applicant's engineer must formally request that waiver in writing in the SWPPP, explain in the SWPPP why it is necessary (as per NYSDEC, saving time is not a valid reason) to create the larger disturbance and the additional SESC measures that will be employed while the disturbance is over 5 acres (e.g. reduction of exposed soil time from 14 days to 7 days, 2 SWPPP inspectors per week, separated by at least one day, by the qualified SWPPP inspector, etc.)

27. The revised soil erosion and sediment control plan is under review by DEME.

28. A safety bench, sediment depth maker, 25-foot buffer designation from high water mark, low flow channel, pond drain and a plaque/ sign indicating SPDES number for the proposed stormwater infiltration basin shall be added to the basin plans.

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Phase II Site Plan
Final Site Plan Approval Subject to Conditions**

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29. The proposed 12-foot stormwater basin access path shall be modified to either provide a turnaround area or "exit" from the path, to allow clear and convenient access to the proposed basin. Also, the access path shall be stabilized with grasscrete (as the entrance to the path have been designed) or another acceptable material. Details for same shall be provided on the drawings.

30. The proposed revised overflow spillway shall be "straight." As getting gravity flow to turn is difficult. This may require relocation or re-orienting of the overflow spillway.

31. The "NYSDEC Stormwater Design Manual" and the "NYS Standards and Specifications for Erosion and Sediment Control" are both out of date. The current manuals/ respective updates, shall be referenced.

32. The proposed ductile iron pipe sanitary main, running along Veteran's Memorial Drive, shall be labeled as such on the profile on drawing C-310.

33. The appropriate trench detail type (I or II) to be utilized for the sanitary and storm sewer main installations both in the road and "off road", shall be labeled as such on the plan view/ utility drawings.

34. A detail for the proposed k-crete encased ductile iron sanitary sewer main shall be added to the drawings.

35. Note #2 under the manhole detail, drawing C-901, shall state that the sanitary manhole cover shall be solid.

36. The applicant is advised that a permit from the Rockland County Highway Department is required for the proposed sanitary sewer main installation along Veteran's Memorial Drive. A copy of said permit shall be submitted to DEME.

37. Copies of all correspondence, including any and all approvals from the New York State Department of Environmental Conservation, U.S. Army Corps. Of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.

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38. Drainage Review Recommendation – Brooker Engineering

The proposed action demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering therefore recommends that the Club at Pearl River Phase II Site Plan be approved for drainage subject to the following comments.

This is the second drainage review report for this project. The site is located at the southern corner of the intersection of Blue Hill Plaza Road and Orangeburg Road. The site is heavily wooded and undeveloped. Stormwater runoff flows south to an existing wetland downhill of the developed portion of the site; no encroachments into the wetland are proposed. The grading for the project diverts off-site stormwater runoff around the proposed development. Stormwater runoff from the developed portion of the property is directed to a stormwater management basin, which is labeled as and Infiltration Basin Area. The project adds 4.7 acres of impervious area which is conveyed to a 47,777 cubic feet infiltration basin.

Project Comments

1. The project design relies heavily on infiltration to achieve no net increase in peak runoff rates. Soil percolation tests were taken in the vicinity of the bottom of the basin rates to verify infiltration rates and the groundwater table. Locations of the perc tests conflict between the grading plan (C-200) and the SWPPP; this shall be reconciled.
2. The buildings are mainly on fill; however, the uphill portions of each of the basins are in cut. The groundwater elevations shall be evaluated with respect to cut elevations and foundation drains shall be shown on the Utility Plan. The potential for baseflow from intercepting the groundwater table and directing this baseflow to the infiltration shall be evaluated as this may impact the ability of the basin to infiltrate stormwater.
3. Most test pits note mottling at elevations higher than the observed groundwater during the test pits. Soil mottling is an indicator of seasonal high water table. The SWPPP and drainage design shall evaluate the potential for seasonal high water impacting the drainage design and infiltration assumptions.
4. There is a large embankment at a slope of 2.5 horizontal to 1 vertical between the infiltration basin and Buildings 3 & 4 and the clubhouse. The soil and erosion control plan shall include measures to intercept sediment before reaching the bottom of the basin as this may impact the long term viability of the infiltration basin. The proposed temporary sedimentation basin located at the southern levee shall be relocated.
5. The planting plan shall specify the soil cover at the bottom of the basin. Soil and landscaping shall be selected to ensure that infiltration as per the measured percolation tests can be achieved.

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Continuation of Condition #38...

6. The Drainage Consultant recommends post construction percolation tests be performed to ensure the design infiltration rates can be achieved.
7. Access for maintenance to the infiltration basin shall be added to the site plan.
8. Calculations for the infiltration rate of 2.93 cfs included as a variable in the hydrologic model shall be provided.
9. Calculations for sizing of the on-site storm drainage pipes shall be added to the SWPPP.
10. Calculations and details for the water quality structure shall be added to the plan and SWPPP.
11. Sections through the infiltration basin shall be added to the Site Plan; include the 100-year design water surface elevation.
12. Additional detailed grading shall be added at the northwest corner of the clubhouse to demonstrate positive drainage away from the structure.

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

- The main access into the site appears to be over tax lot 73.10-1-6. No access easement is indicated on the site plan. An access easement must be provided for tax lot 73.10-1-5 over tax lot 73.10-1-6. This easement must be recorded in the deed as well.
- The site is located on relatively steep topography. Extensive regrading must be done in order to implement the proposed development design. To limit the extent of soil erosion, prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

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- The site is comprised of relatively steep slopes, especially for a senior housing development. The site topography changes over 100 feet in grade from the entrance to the 152-foot contour along the south and eastern portion of the regraded area of the site. Stairs are included in the design to access between the lower and upper levels of the site. Elevation changes from the southern buildings to the northern buildings are as great as 20 feet. No handicapped ramps are included in the design, making it difficult for those seniors with mobility issues to access different sections of the site. A design that provides accessibility to all seniors must be provided.
- The clubhouse and pool are not centrally located, but rather at the northeastern edge of the developed portion of the site. As previously indicated, access to these facilities may be challenging to residents that are not mobile. The Town must be satisfied that the 14 parking spaces in closest proximity to the recreational faculties and clubhouse are adequate to serve the residents of the community.
- The numbers that appear along the western side of each building appear to indicate the number of parking spaces that are located there. However, no lines are drawn to show the parking spaces. These line must be included on the site plan so that the number of parking spaces can be confirmed.
- The three parking spaces at the southernmost unit may conflict with the dumpster enclosure. In addition, the tight turn in the driveway design may result in visibility issues for vehicles backing out of these parking spaces. This drive and parking area must be reconfigured to provide a safer design.
- To ensure that the existing forested area to remain is left undisturbed, a construction envelope shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible materials prior to any grading or disturbance on the site. Soils outside the construction envelope shall not be disturbed.

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**PB #20-05: The Club West at Pearl River
Phase II Site Plan
Final Site Plan Approval Subject to Conditions**

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- The elevations for the top and bottom of all retaining walls must be provided; only measurements are provided for the long wall proposed along the southeaster portion of the site. Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- An updated review must be completed by the Rockland County Highway Department and all concerns addressed and all required permits obtained.
- A review must be completed by the Rockland County Office of Fire & Emergency Services, Pearl River Fire District or the Orangetown Fire Inspector to ensure that access to the site is possible for all fire equipment. The Rockland County Department of Planning is particularly concerned with access via the emergency road, the turning radius located in the southwestern portion of the ring road, and access to the rear of the southern buildings.
- If there is any encroachment into the Federal wetlands, a review must be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- The maps indicate that the buildings are 2-stories while the bulk table indicates they are 3-stories. The third story may include a walk-out basement. It must be clarified what comprises the third story. All materials must be consistent.
- 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. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II, Drinking Water Supplies, of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

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- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- Areas dedicated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, designated specific locations on the site for the snow piles will eliminate the loss of parking spaces meant for the residents and guest of the senior housing complex.
- Since this is a senior housing development, TRIPS paratransit vehicles will likely be serving the residents of the site. Given that the site is steep, door to door service would be more ideal than a designated bus stop. The Planning Board must be assured that the design of the inner roadway can accommodate these vehicles. In addition, a review must be completed by the Rockland County Department of Public Transportation so that they can evaluate the site in relation to the needs of providing their service.
- The Full Environmental Assessment Form, dated June 22, 2018, was previously submitted for this project. In review of the parcel on May 2, 2019, issues were raised regarding the complete FEAF. As the Rockland County Planning Department has not received an updated FEAF, they do not know if these issues have already been addressed. Their concerns are as follows:
 - When the parcel was reviewed for the zone change, the July 23, 2018 letter from Rockland County Department of Planning listed Rockland County Highway Department as an interested agency since the site is directly on a County Highway. Page 2 of 13 of the Full Environmental Assessment Form (FEAF) still does not list the Rockland County Highway Department as a County agency in which approval or permits are required. This form must be updated to reflect such.

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- Question C.2 on the FEAF indicates that there is no town comprehensive plan which includes the site in question. The Town adopted a comprehensive plan in May, 2003 entitled "Town of Orangetown Comprehensive Plan." Page III-3 identifies this area, indicating that "future development in this area could include office uses or other compatible land uses in an open space setting." Further within the document is Table III-1, which provides a listing of properties that the Town should pursue for open space preservation, and includes tax parcel 73.10-1-5. Therefore, the answers to C.2 must be changed to "Yes" in the FEAF. A comprehensive plan update may also be required if this parcel is rezoned.
- Question D.2.c of the FEAF lists Orangetown as the name of the district of service area for the water company. This shall be Suez instead.
- Question E.2.1 lists the name of the aquifer to be "principal aquifer." Instead it should be listed as "Lake Tappan."
- The Palisades Interstate Parkway has been designated as a Scenic Byway in New York and as a National Landmark by the National Park Service. Section E.3.h on Page 13 of 13 of the FEAF must be updated to reflect that the site is within five miles of an officially designated federal and state scenic or aesthetic resource.
- It is not indicated in the documents provided with the application if the units will be rental or owner-occupied. If the units are to be rented to the residents, then pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000.00 per day.
- The site plan must include standard notes, including district information.

40. The Rockland County Highway Department (RCHD) reviewed the submitted information and offers the following comments:

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- As the proposed housing facility is expected to generate more traffic flow in the area, it may have some negative impact on the level of service on the County Road. A traffic impact study (TIS) may be required to determine the effects and mitigate them, if necessary.
- It is preferred that the proposed emergency access driveway shall be moved away from the slip ramp.
- As the propose emergency access driveway for the facility slopes down to Veterans Memorial Drive near the slip ramp, there are possibilities of flooding and storm water runoff onto the public road. RCHD would recommend having catch basins installed in the emergency driveway to avoid these concerns.
- A drainage report for the proposed development shall be prepared and **submitted to RCHD**. The applicant shall make sure that the proposed drainage system is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- The proposed retaining wall encroaches into the County Right of Way. The County has no immediate or future intention to own or maintain the retaining wall in the County property. The wall needs to be relocated into the private property.

41. The Rockland County Health Department (RCDOH) reviewed the submitted information and offers the following comments:

- The future ownership of the sanitary sewer system is to be made clear on the Site Plans. If the sanitary sewer collection system is to be private, a Transportation Corporation must be set up in accordance with Article 1- "Sewage Works Corporations" of the Transportation Corporations Law. RCDOH must approve plans for the sewage disposal per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.
- Application is to be made to the RCDOH for water main extension approval.
- Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

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- If a kitchen is proposed in the Club House, a Food Service Establishment Permit will be required from RCDOH.
- Public pools are regulated by the Rockland County Department of Health and engineering plans for the pool must be submitted and approved.
- In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from the Rockland County Health Department Rockland Codes Initiative (RCI) prior to occupancy.

42. The Town of Orangetown Bureau of Fire Prevention (Bureau) had the following comments which are incorporated herein as conditions of approval. Revise the plans accordingly, and provide the required information to the Bureau. Place applicable comments on the Site Plan as "Notes."

- The Bureau requests that all roadways be stabilized and hydrants are operational prior to the framing of any buildings as per New York State Fire Code Section: 501.4: "Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided."
- Provide information regarding the width and style of any vehicle gates. Provide information regarding the opening mechanism for emergency vehicles and if siren operated, a secondary means to open the gates and have them stay open.
- The dimensions for the largest fire apparatus that will respond to the site is as follows: Overall length from end of bucket on tower ladder to rear step is 48 feet and the center front axle to center rear axle is 285 inches. The plans shall be revised to show the fire apparatus turning drawing to show this. The area in front of building #1 provides for a turning area that goes into a section marked #6, explain what this area is. Is there a median in the main entrance roadway, if so each side must be 26 feet wide? In addition, the Emergency entrance roadway must be 26 feet wide.

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- Note the location of the Fire Department sprinkler system connections on each building. This will affect the final placement and number of fire hydrants.
- All fire hydrants on site are to be privately owned and maintained. The type of hydrant must be approved by the Bureau.
- All areas on the Site Plan other than duly marked parking spaces are to be designated fire lanes. The Bureau must review and approve the stripping and signage plan.
- NFPA 13 fire sprinkler system must be provided in each building. Drawings showing riser locations, etc., must be provided to the Bureau prior to installation.
- NFPA 72 fire alarm system must be provided in each building with direct connection to 44 Control. Drawings must be provided showing devices prior to installation.
- Key Boxes for FD access must be provided on each building and gate. Exact number of boxes and location will be determined.
- Truss signs as per NYS Code must be provided on each building. Exact number of signs and location will be determined.
- The application will provide information regarding any generators to be installed.
- Information must be provided regarding the use of chlorine or salt water in the swimming pool.
- The following information must be provided; if there will be outside grilling areas or fire pits.
- An application for a Certificate of Compliance Fire Safety for each building must be filed with the Bureau.

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43. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) offered the following information:

- **Protection of Waters:** The following stream is located within or near the site: Unnamed tributary, Class A, DEC Water Index Number NJ-2, Status is protected. Based on the submitted plans, it does not appear that the proposed project would physically disturb this stream. However, please note that a Protection of Waters permit would be required to physically disturb the bed or banks (up to 50 feet from the stream) of this stream. If a permit is not required, please note, however the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The site is not within a New York State-protected Freshwater Wetland or 100' adjacent to the area.
- **Water Quality Certification:** If the United States Army Corps of Engineers (ACOE) requires a permit pursuant to Section 401 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit.
- **State – Listed Species:** DEC has reviewed the State's Natural Heritage records and determined that the site is located within or near record(s) of the following State-listed species:
 - Bald Eagle (*Haliaeetus leucocephalus*) – Status is Threatened

A permit is required for the incidental taking of any species listed as endangered or threatened, which can include removal of habitat.

Based on location and distance to nearest known nest, this project is not likely to impact bald eagles. No further review is necessary, but please note that need eagle nests are established each breeding season, which runs from January 1st to September 30th. Records should be checked for new nests each year.

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- **ES Stormwater (Construction):** As the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) and a Storm Water Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits. As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form with the SWPPP and the application for coverage, in accordance with the application instructions.
- **Water Withdrawal:** According to the Full EAF, the proposed facility will generate a demand for water of approximately 31,000 gpd. The proposed source of water supply would be the Town of Orangetown district/ service area. Water main extensions are required to connect the proposed project to this water supply. The EAF indicates that an expansion of the existing district is needed. Please note that as this project will be served by an existing municipal water service, then additional Department approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area encompassing the project site to be served.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

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44. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

46. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

47. 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 preserve 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.

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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.

48. 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.

49. 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.

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

51. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, 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 (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification 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 (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer'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. Federal Wetlands - U.S. Army Corps of Engineers).

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

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53. 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

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

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, absent, William Young, Vice-Chairman, aye; Bruce Bond, absent; Michael Mandel aye; Andrew Andrews, aye; Stephen Sweeney, aye; Robert Dell, aye and Michael McCrory, nay.

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: January 15, 2020

**Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**



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