

**Meeting of January 9, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman; William Young, Vice-Chairman; Michael Mandel; Stephen Sweeney, Robert Dell; Bruce Bond

MEMBERS ABSENT: Blythe Yost

ALSO PRESENT: Rick Oliver, Building Inspector, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the meeting to order at 7:30 p.m. Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Little Bucs Youth Sport Training Field Grading Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 215 & 245 and 247 & 257 Oak Tree Road, Tappan 77.15/1/31 and 77.20/1/1; LIO zoning district	Continued: Needs Drainage	PB #19-01
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Lee Construction LLC Site Plan Kopunek Subdivision - Lot #2 Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 23 Sterling Avenue, Tappan 77.06/2/69.2; R-15 zoning district	Preliminary Site Plan Approval Subject to Conditions Neg. Dec.	PB #18-12
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Other Business:

1. 132 East Central Avenue, Pearl River (68.20-2-7): The Board had no comment regarding the proposed small extension onto an existing doctor's office and deferred review and approval to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.

2. The Board reviewed and approved the 2019 Fee Schedules: Drainage Consultants

- Brooker Engineering
- Maser Consulting

The decisions of the December 12, 2018 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, aye; Bruce Bond, aye; Robert Dell, aye and Blythe Yost, absent.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for January 23, 2019.

DATED: January 9, 2019

Cheryl Coopersmith, Chief Clerk Boards and Commissions



TOWN CLERK'S OFFICE

JAN 25 A 9:13

TOWN OF ORANGETOWN

PB #18-12: Lee Construction Site Plan **Permit #47245**
Kopunek Subdivision – Lot #2
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
January 9, 2019
Page 1 of 12

**TO: William Brodsky, 350 Boxberger Road, Valley Cottage,
New York 10989**
FROM: Orangetown Planning Board

RE: Lee Construction LLC Site Plan: The application of Ryerson Farms LLC, applicant for Lee Construction, LLC, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as “**Lee Construction Site Plan; Kopunek Subdivision – Lot #2**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 23 Sterling Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 2, Lot 69.2 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, March 14 & April 25, 2018 and January 9, 2019** at which time the Board made the following determinations:

March 14, 2018

William Brodsky appeared and testified.

The Board received the following communications:

1. A Project Review Report dated March 7, 2018.
2. An 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 March 12, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 13, 2018.
5. A letter from the Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated February 2, 2018.
6. A letter from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated February 7, 2018.
7. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 1, 2018.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated February 7, 2018.
9. A Short Environmental Assessment Form, signed by William Brodsky, dated February 8, 2018.
10. A Narrative submitted by the applicant.

TOWN CLERK'S OFFICE
2019 JAN 25 A 9:13
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
January 9, 2019
Page 2 of 12**

11. Plot Plan for Lee Construction LLC, prepared by Paul Gdanski, P.E., PLLC, dated November 5, 2017.
12. Copy of the Building Permit Referral, dated January 17, 2018, prepared by Rick Oliver, Building Inspector.
13. Emails from the following area residents:
Nicole Listas, dated March 14, 2018; Kathy Kopunek, dated March 13, 2018; Michael Davis and Teresa Loveman, both dated 14, 2018,
14. Copies of the following Board Decisions: PB #13-44, Kopunek Subdivision; Final Subdivision Plan Approval Subject to Conditions, dated October 16, 2013 and ZBA #16-68, Floor Area Ratio, Front Yard, Side Yard, Total Side Yard and Rear Yard for Lot #1 and Lot Area and Lot Width for Lots #1 and #2, Approved, dated September 25, 2013.

The Board reviewed the plan. The meeting was then open to the public.

Public Comment:

Michael Davis and Teresa Loveman, 26 Steuben Place, Tappan; raised concerns regarding the size of the house, noting that it would tower over other houses in the neighborhood. Ms Loveman noted that a real estate advertisement in a local magazine stated that the lot could accommodate a 1,500 square foot house, however the plan notes a much larger house. Ms Loveman also raised concerns regarding the development's impact on drainage to her property. She stated that the project site was 20 feet higher in grade than hers, and that water presently puddles on her property. Finally, she noted that the site has not been maintained since the original owner sold the property to a developer.

Kathy Kopunek, 20 Steuben Place, Tappan; held that she invested a lot of time and money to subdivide the property and was told that the lot would only accommodate a 1,500 square foot house. Ms Kopunek stated that the proposed size of the house is out of character with the neighborhood and that the developer should consider downsizing the house size. She noted that there could be conflict of interest in the Applicant's application, since his attorney is Teresa Kenney, a Town of Orangetown Town Attorney.

Niel Brower, 12 Steuben Place, Tappan; discussed the existing stone wall on the site; if it is to remain, and extent of its removal by the applicant.

The applicant requested a **CONTINUATION**.

TOWN CLERK'S OFFICE
JAN 25 9 13
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 3 of 12

April 25, 2018

William Brodsky and Walter Lee appeared and testified.

The Board received the following communications:

1. A Project Review Report dated April 18, 2018.
2. An 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 April 23, 2018.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 19, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 24, 2018.
5. Plot Plan for Lee Construction LLC, prepared by Paul Gdanski, P.E., PLLC, dated November 5, 2017, revised March 25, 2018.

The Board reviewed the plan.

Public Comment:

Steven Chillrud, 33 Sterling Avenue, Tappan; expressed concerns that ever since the developer performed the Perc Test, ponding has occurred on his property. He raised concerns regarding two large pine trees near the Sterling Avenue portion of the site and possible damage due to the proposed construction.

The applicant requested a **CONTINUATION**.

January 9, 2019

William Brodsky appeared and testified.

The Board received the following communications:

1. A Project Review Report dated January 2, 2019.
2. An 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 2, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 7, 2019.

TOWN CLERK'S OFFICE
2019 JAN 25 A 9 13
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 4 of 12

4. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., dated December 31, 2018.
5. Plot Plan for Lee Construction LLC, prepared by Paul Gdanski, P.E., PLLC, dated November 5, 2017, revised March 25, 2018.
6. Architectural Plan prepared by Barry Terach, dated November 26, 2018:
 - A-1: First Floor and Cellar Plan
 - A-2: Roof Plan
 - A-3: Elevations

The Board reviewed the plan.

Public Comment:

Teresa Loveman, 26 Steuben Place, Tappan; explained that her property sits lower than all the other properties in the area and that the Maser Consulting letter notes that it is not sure where the water is going; this is a big problem and wants all items properly answered. She also wants all plantings to be deer resistant and planted closer on center than what is depicted on the proposed plan.

Ms Loveman questioned the ownership of Ryerson Farms and Ryerson Estates, noting that the attorney for both companies is Teresa Kenney, an Orangetown Town Attorney.

Ken Schmitt, 20 Sterling Avenue, Tappan; requested an explanation regarding the placement of the proposed catch basins.

Victoria Schmitt, 20 Sterling Avenue, Tappan; discussed the impact to the neighborhood due to the placement of the proposed catch basins.

Dave Weintraub, 20 Steuben Place, Tappan; wanted to know if the proposed generator to be installed on the site will create noise.

There being no one else from the public, a motion was made to close Public Comments by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, aye; Blythe Yost, absent; Stephen Sweeney, aye and Michael Mandel, aye.

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

TOWN CLERK'S OFFICE
JAN 25 4 13 PM 2019
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 6 of 12

On motion by Bruce Bond and seconded by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, absent; and Michael Mandel, aye; the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted Preliminary 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. The following note shall be placed on the Site Plan: "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. The applicant shall submit architectural floor plans or elevations in order to assess if variances are required from the Town of Orangetown Zoning Board of Appeals.
5. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR). The applicant has agreed to plant additional evergreen trees, planted 4 to 5 feet on center at locations to be determined by ACABOR.
6. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval for the proposed drywell systems and the drainage work in Sterling Avenue.

TOWN OF ORANGETOWN
2019 JAN 25 A 9 13
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision
January 9, 2019
Page 7 of 12

7. The existing grading on the current site plan drawing appears to be different (greater/higher) than the existing grading for this lot on the official subdivision map (Map 8230, Book 129, Page 74). For example, the existing contour running northwest out of lot 77.06-2-69.1- Kopunek, west of the "TBR remains foundation" on this lot -77.06-2-69.2 is labeled as 146, however the official filed subdivision drawings show this contour to be 144. Overall, it appears that the existing contours on the present drawing are labeled/ shown as generally 2 feet higher than the subdivision drawing. Having performed a site visit and noting that it does not appear that any work / regrading has taking place on the lot, it would seem that the existing grading on the current site plan is incorrect. However, the applicant's surveyor shall verify the actual/ proper /correct grading for this lot and label the site plan accordingly.

8. The Site Plans shall indicate the location of the single perc test performed by Fairway Testing. IF the perc test already completed was run at one of the drywell locations, then an additional perc test shall be run at the other location (if the single perc test performed was not at either drywell location, perc tests shall be performed at both drywell locations.)

9. The plan view of the western drywell gallery shall identify the inter connection between the two drywells, as noted in the accompanying detail. Also, the top and invert elevations for the drywells shall be given on the plan views.

10. The detail for the eastern drywell gallery shows a sump pump discharge force main running through the second drywell. This is unacceptable. The sump pump discharge force main shall exit the drywell and run directly to the proposed catch basin.

11. The electrical connection for the proposed generator to the drywell sump pump shall be shown in the plan view. Also, the generator appears to be in the middle of two terraces sections along the western side of the proposed home. Explain how this generator will be accessed for maintenance, no stairs are shown at the retaining walls at this location.

12. The construction of the proposed new drainage system shall take place prior to any construction on the proposed lot. A note stating same shall be added to the plans. Also, a note immediately following that note shall state that the construction of this drainage system shall be coordinated with the Town of Orangetown Highway Department and that the Highway Department shall be notified at least 48 hours in advance of any work being performed in/ on Sterling Avenue.

TOWN CLERK'S OFFICE

2019 JAN 25 A 9 13

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 8 of 12

13. The plan view indicates an 8 inch pipe connecting the trench drain to the western most drywell, but the details states this line to be 12 inches in diameter, this discrepancy shall be corrected.

14. Design details for the proposed generator shall be added to the plans (brand, model number, size, fuel, sound attenuation, max loading, base/ pad mounted, etc.) It shall also specify if it is designed to run the entire house in case of power failure or just the drywell sump pump.

15. A post construction maintenance plan shall be developed for the drywell system and emergency power system, with inspection forms, shall be prepared for review and approval by DEME and the Town Attorney's Office. Once approved, the maintenance plan shall be made part of the site plan approval and attached as an amendment or schedule to the deed for this lot.

16. The drywell details and plan view shall indicate if the drywells are to have open grating or solid covers.

17. The proposed drainage piping for Sterling Avenue shall be 12 inch HDPE, not SCR 35.

18. The applicant/ applicant's engineer shall obtain written approval from the Town of Orangetown Highway Department for the proposed 6 inch cover combination (3 inch Concrete/ 3 inch Asphalt) over the proposed 12 inch piping, at the western most proposed catch basin.

19. Stationing shall be added to the plan view of the proposed drainage system for Sterling Avenue. The corresponding station locations for the proposed catch basins shall be added to the plan and profile views.

20. A Performance Bond will be required for the proposed public improvement (drainage) along Sterling Avenue. The Bond shall be submitted by DEME under a separate cover subsequent to this application receiving Final Site Plan Approval from the Town of Orangetown Planning Board.

21. The drawing shall be modified to show a cleanout, on the proposed sanitary house connections, just inside the property line. Also, the inverts for the cleanouts shall be added to the plan.

22. The lot number given for this lot in the title block is incorrect. It is listed as 77.08-2-69.2; however the correct lot # is 77.06-2-69.2. The title block shall be corrected.

TOWN CLERK'S OFFICE
2019 JAN 25 A 9 13
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 9 of 12

23. Drainage Review Recommendation: Maser Consulting

Overall, the proposed stormwater management plan meets the intent of the regulations and therefore the Drainage Consultant for the Planning Board, Maser Consulting, recommends Lee Construction Site Plan be approved for drainage subject to the following comments:

Project Comments:

1. Coordination with the Town of Orangetown DEMA and Highway Department may be necessary to construct the drainage line in the Sterling Avenue right of way from the site to the existing inlet in Summit Avenue.
2. The profile provided on Sheet 3 of the plans is very helpful for review purposes. However, it appears to show a low spot in the location of the proposed drywells in the southwest corner of the property. The grading seems to account for overland flow to drain towards the southwest corner of the property, as it does in the existing condition, but the applicant shall specify whether or not the lids on the drywell will be open grates or not.
3. Explain how the generator will be accessed for maintenance. It appears to be on top of the middle wall without stairs. Furthermore, will the walls be equipped with fences.
4. Why does the force main discharge through the overflow drywell? It would seem to only create potential for maintenance issues unless there is a specific reason to bring the pipe through the overflow drywell.
5. Specify the inverts for the various inlets and outlets to and from the drywells.
6. It appears the inlets shown on the western drywell detail are switched from the locations shown on the plans. Also, the plans call for an 8" HDPE pipe coming from the trench drain, but it is shown as 12" on the drywell detail. This shall be revised for consistency.
7. The proposed grading in the southeast corner of the property appears to indicate disturbance to the existing stone wall. Please clarify.

24. The Rockland County Highway Department reviewed the documents and offered the following comment: The proposed action would have a de-minimis impact on the County Highway System. The Highway Department poses no objection to the local determination unless changes are proposed to the project in the future.

25. Based on the information provided, the Rockland County Health Department held that application is to be made to the Rockland County Health Department for review of the stormwater management system for compliance with the County Mosquito Code.

TOWN OF ORANGETOWN
2019 JAN 25 A 9 13
TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision
January 9, 2019
Page 10 of 12

26. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Department of Highways

28. 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.

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

30. 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.

31. 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:

TOWN CLERK'S OFFICE
2019 JAN 25 A 9:13
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 11 of 12

Continuation of Condition #31...

- 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.

32. 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.

33. 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.

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

35. 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).

TOWN CLERK'S OFFICE
2019 JAN 25 A 9:13
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
January 9, 2019
Page 12 of 12

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

37. 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

38. 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 and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Robert Dell, aye; Blythe Yost, absent; Stephen Sweeney, aye and Michael Mandel, 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 9, 2019 
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
Attachment

TOWN OF ORANGETOWN
2019 JAN 25 A 9:13
TOWN CLERK'S OFFICE

