

**Meeting of March 27, 2019
Town of Orangetown Planning Board**

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

MEMBERS ABSENT: Stephen Sweeney and Blythe Yost

ALSO PRESENT: Jane Slavin, Director, 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:

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------|
| Lee Construction LLC Site Plan Kopunek Subdivision - Lot #2 Final Site Plan Review 23 Sterling Avenue, Tappan 77.06/2/69.2; R-15 zoning district | Final Site Plan Approval Subject to Conditions | PB #19-19 |
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| 1050 Route 9W Site Plan Critical Environmental Area Prepreliminary/Preliminary Site Plan and SEQRA Review 1050 Route 9W, Upper Grandview 71.09/1/28; R-22 zoning district | Continued: Needs Drainage | PB #19-20 |
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| Orangetown Commerce Center Site Plan Amendment to Approved Site Plan Recommendation to the Town Board to Establish the Value and Term of the Performance Bond 5 Greenbush Road, Orangeburg 74.15/1/2; LI zoning district | Recommended to Town Board | PB #19-21 |
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| Bergson Subdivision Plan 90 Day Extension to File the Subdivision with Rockland County Clerk's Office 56 Woods Road, Palisades, Palisades Historic District 78.18/1/3.1 & 3.2; R-80 zoning district | Granted | PB #19-22 |
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Other Business:

1. **Blue Hill Plaza:** In accordance with Section 106 of the National Historic Preservation Act, referral to review impact of Co-location on existing Antenna at 1 Blue Hill Plaza building for historic architectural and/or archaeological resources.

The Board reviewed the request and had no comment.

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Other Business Continued...

2. 140 Old Orangeburg Road:

In accordance with Section 106 of the National Historic Preservation Act, referral to review impact of modifications to an existing wireless installation, consisting of removing two antennas and installing 6 antennas and related equipment on an existing smokestack. The review is for impact on historic architectural and/or archaeological resources.

The Board reviewed the request and held that given the Campus like setting of RPC, the proposal has minimal impact on the residential zone.

The decisions of the March 13, 2019 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: Thomas Warren – Chairman, aye; William Young - Vice-Chairman, aye; Michael Mandel, aye; Stephen Sweeney, absent; Bruce Bond, aye; Robert Dell, abstain 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 8:40 p.m. The next Planning Board meeting is scheduled for April 10, 2019.

DATED: March 27, 2019

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



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**PB #19-19: Lee Construction Site Plan
Kopunek Subdivision – Lot #2
Final Site Plan Approval Subject to Conditions**

Permit #47245

**Town of Orangetown Planning Board Decision
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**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 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. 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 a meeting held **Wednesday, March 27, 2019** at which time the Board made the following determinations:

William Brodsky appeared and testified.

The Board received the following communications:

1. A Project Review Report dated March 20, 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 March 22, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 21, 2019.
4. A letter from Maser Consulting, signed by Jesse Cokeley, P.E., dated March 19, 2019.
5. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 4, 2019.
6. Plot Plan for Lee Construction LLC, prepared by Paul Gdanski, P.E., PLLC, dated November 5, 2017, last revised January 30, 2019:
 - Sheet 1 of 3: Plot Plan
 - Sheet 2 of 3: Details
 - Sheet 3 of 3: Proposed Drainage Profile
7. Copies of the following Board Decisions: ACABOR #19-07, Approved with Conditions, dated February 21, 2019; ZBA #19-22, Front Yard Variance Approved, dated February 20, 2019 and PB #18-12, Preliminary Site Plan Approval Subject to Conditions, dated January 9, 2019.

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8. Copy of the Building Permit Referral, dated January 17, 2018, prepared by Rick Oliver, Building Inspector.
9. A copy of a letter from Anthony Limandri, General Foreman, Town of Orangetown Highway Department to William Brodsky, dated March 27, 2019.

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

Public Comment:

Brian Aitchison, 108 Summit Avenue, Tappan; raised concerns regarding the loss of 90 year old cedar trees on his property due to the construction of the proposed drainage system. He noted that he had discussions with James Dean, Superintendent of Orangetown Highway Department regarding the redesign of the drainage system. Mr. Aitchison held that catch basins in the roadway would be useless since the area only floods in major storms, also the placement of the catch basins would kill the trees.

Teresa Loveman, 26 Steuben Place, Tappan; raised concerns regarding the removal of trees from the neighborhood since the trees take up a lot of water.

Carolyn MacCullough, 116 Summit Avenue, Tappan; supported the prior speakers and stressed the importance of trees to the streetscape of the neighborhood.

Carly Scheck, 12 Sterling Avenue Tappan; requested that the Board do whatever they can do to save the trees.

John Conklin, 16 Sterling Avenue, Tappan; requested that the trees remain.

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

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."

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**PB #19-19: Lee Construction Site Plan
Kopunek Subdivision – Lot #2
Final Site Plan Approval Subject to Conditions**

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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. The following note shall be placed on the Site Plan: “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 comply with all previous applicable and pertinent Board Decisions: ACABOR #19-07, Approved with Conditions, dated February 21, 2019; ZBA #19-22, Front Yard Variance Approved, dated February 20, 2019 and PB #18-12, Preliminary Site Plan Approval Subject to Conditions, dated January 9, 2019.

5. The applicant shall request the Town of Orangetown Highway Department and the Department of Environmental Management and Engineering (DEME) to work out between themselves, with an Arborist, the best location for the drainage system, by moving or eliminating the catch basins for the minimal amount and best approach while at the same time save the trees. The design shall be approved by the Town of Orangetown DEME and the Planning Board Drainage Consultant, Maser Consulting.

6. The applicant is required to submit a full set of architectural floor plans and details for review of compliance with New York State Residential Code.

7. The architectural plans must include specification of all materials as approved by the Town of Orangetown Architecture and Community Appearance Board of Review.

8. The applicant must submit specifications for the exterior generator and HVAC units.

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9. 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.

10. 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/engineer shall verify the actual/ proper /correct grading for this lot and label the site plan accordingly. If the discrepancy is due to a difference in survey datum, a letter from the applicant’s engineer/ surveyor shall be submitted describing/ justifying that situation.

11. The Site Plans shall indicate the location of all perc tests performed on site. As a reminder, perc test shall be run at all drywell locations at a minimum.

12. **Notes 1 & 2 on sheet 2 of 3** referring to the requirements that the construction of the proposed new drainage system shall take place prior to any construction on the proposed lot and 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, **shall be placed on Sheet 1 of 3.**

13. 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.

14. 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.

15. The applicant/ applicant’s engineer shall obtain written approval from the Town of Orangetown Highway Department for location of the catch basins and drainage piping along Sterling Avenue.

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16. 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.

17. Some of the notes on the previously submitted drawings are now lighter and difficult to read. The drawings shall be modified/ reprinted so that those notes and “call outs” are legible.

18. 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. All prior technical comments have been addressed.
2. Whether coordination is necessary with the Town of Orangetown DEME and Highway Department shall be confirmed prior to construction of the drainage improvements in the Sterling Avenue right of way from the site to the existing inlet in Summit Avenue.

19. 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.

20. 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.

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

22. 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.

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23. 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.

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

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25. 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.

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

27. 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).

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

29. 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

30. 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; Bruce Bond, aye; Blythe Yost, absent; Stephen Sweeney, absent 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: March 27, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

Cheryl Coopersmith
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PB#19-21: Orangetown Commerce Center Plan Tracking # 19-3-74.15:1:2
Recommendation to the Town Board
to Establish the Term and Value of the
Performance Bond – Revised Bond #17-49

Town of Orangetown Planning Board Decision
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TO: Alfred Rossi, P.E., Senior Vice President, BF Orangetown, LLC,
C/O RD Management, LLC, 810 7th Avenue, 10th Floor,
New York, New York 10019
FROM: Town of Orangetown Planning Board

RE: Orangetown Commerce Center Plans: The application of BF Orangetown LLC, owner, to establish the Value and Term of a REVISED Performance Bond at a site known as “**Orangetown Commerce Center Plans**”, 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 5 Greenbush, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 27, 2019** at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated March 20, 2019.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 1, 2019.

The Board reviewed the information. The meeting was then open 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 second by Thomas Warren and carried as follows: Thomas Warren – Chairman, aye, William Young, Vice-Chairman, aye; Bruce Bond, aye; Michael Mandel aye; Stephen Sweeney, absent; Blythe Yost, absent and Robert Dell, aye.

RECOMMENDATION: In view of the foregoing, the Planning Board Recommends to the Town of Orangetown Town Board that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 1, 2019.

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PB#19-21: Orangetown Commerce Center Plan Tracking # 19-3-74.15:1:2
Recommendation to the Town Board
to Establish the Term and Value of the
Performance Bond – Revised Bond #17-49

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The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before March 1, 2021, and Subject to the Following Conditions:

| <u>ITEM</u> | <u>COST</u> |
|---------------------------------|----------------------|
| Iron Pins | \$ 5,400.00 |
| Concrete Sidewalk | \$ 15,750.00 |
| Driveway Openings | \$ 27,000.00 |
| As-Built Drawings | \$ 10,800.00 |
| Storm Drainage | \$ 16,610.00 |
| | |
| Soil Erosion & Sediment Control | \$ 68,620.00 |
| Sanitary Sewers | \$ 11,150.00 |
| | |
| Sub-Total | \$ 155,330.00 |
| Administrative Close-out | |
| (20% of Sub-Total) | \$ 31,066.00 |
| | |
| Total Bond | \$ 186,396.00 |

Inspection Fee (3% of Sub-Total
of original bond amount) \$ 4,659.90

To be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

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

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

Dated: March 27, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

Cheryl Coopersmith
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PB #19-22: Bergson Subdivision Plan Granted 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York
FROM: Town of Orangetown Planning Board

RE: Bergson Subdivision Plan: The application of Palisades 9W LLC, applicant, Wyandanch Washington Realty LLC, owner, for a 90 Day Extension to File the Subdivision Plan with the Rockland County Clerk's Office at a site to be known as "**Bergson 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 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 27, 2019**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated March 27, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated March 22, 2019.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 21, 2019.

The Board reviewed the plan. The meeting was then open 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 Robert Dell and second by William Young and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Bruce Bond, aye; Michael Mandel aye; Stephen Sweeney, absent; Blythe Yost, absent and Robert Dell, aye.

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PB #19-22: Bergson Subdivision Plan Granted 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

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DECISION: In view of the foregoing, the Board **GRANTED a 90 Day Extension to File the Subdivision Plan with the Rockland County Clerk's Office.**

The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye, William Young, Vice-Chairman, aye; Bruce Bond, aye; Michael Mandel aye; Stephen Sweeney, absent; Blythe Yost, absent and Robert Dell, 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: March 27, 2019

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Town of Orangetown Planning Board



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