

**Meeting of October 8, 2014
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; William Young; Bruce Bond
Michael Mandel; Robert Dell; and Thomas Warren

MEMBERS ABSENT: None

ALSO PRESENT: Bert von Wurmb, Department of Building, Zoning, Planning
Administration and Enforcement; Robert Magrino, Deputy Town Attorney;
Ann Marie Ambrose, Stenographer and Cheryl Coopersmith,
Chief Clerk

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

Jay and Joe Construction LLC Subdivision Plan Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 69.17/1/76; RG zoning district	Continued: Needs Drainage	PB #14 - 39
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Miele Subdivision Plan Commercial Subdivision Plan Final Subdivision Plan Review 74.18/3/32; LI & LO zoning districts	Final Commercial Subdivision Approval Subject to Conditions	PB #14 - 42
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Miele Site Plan Final Site Plan Review 74.18/3/32; LI & LO zoning districts	Final Site Plan Approval Subject to Conditions	PB #14 - 43
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Other Business:

The Board discussed the need for projects located in the Critical Environmental
Area to appear in front of the Planning Board when removing trees, repairs or
improvements to the properties. The Board discussed a threshold of the removal
of no more than 6 trees, however, that was up to the Building Inspectors review
of a site.

The Board held that the Building Department has the authority to make the
determination if the impact was significant enough to warrant review by the
Planning Board. Further, the Planning Board gave the authority to the Building
Inspectors to review sites in the Critical Environmental Area based upon their
knowledge and process any the Building Permits.

The decision of the September 22, 2014 Planning Board Meeting was reviewed,
edited, and approved. The motion for adoption was made and moved by
Bruce Bond and seconded by William Young and carried as follows:
William Young, aye; Kevin Garvey, abstain, Thomas Warren, aye, Robert Dell,
abstain; Bruce Bond, aye and Michael Mandel, aye.

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The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Thomas Warren and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for October 22, 2014.

DATED: October 8, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions

Cheryl Coopersmith

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**PB #14-44: Miele Commercial Subdivision Plan – Final Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

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TO: Kenneth DeGennaro, Brooker Engineering
76 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board

RE: Miele Commercial Subdivision Plan: The application of Joseph Miele, owner, (Donald Tracey, Attorney for the owner), for Final Commercial Subdivision Plan Review, at a site to be known as "**Miele Commercial 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 375 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 32 in the LI & LO zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, October 8, 2014**, at which time the Board made the following determinations:

Kenneth DeGennaro appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated October 1, 2014.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 8, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 2, 2014.
4. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 29, 2014, with an attachment of a letter Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated February 11, 2013.
5. Letters from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated April 17 & October 6, 2014.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 3, 2014.
7. Project Narrative prepared by Brooker Engineering, dated July 14, 2014.
8. Subdivision/Site Plan prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012; last revised July 15, 2014.
9. Copies of the following Board Decisions: ACABOR #14-22, Approved as Presented, dated September 18, 2014, ZBA #14-18, Variances Approved for Screening for Open Storage Yards, Side Yard: No Structure, Rear Yard: No Structure, and Side Yard for Shed, dated March 19, 2014 and PB #12-19, Preliminary Subdivision Approval Subject to Conditions, dated March 13, 2013.

The Board reviewed the plans.

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The hearing was then opened to the Public.

Public Comments:

Norman and Vickie Cooper, 8 Bryson Road, Fairlawn, New Jersey, owners of 360 Western Highway, Tappan: raised concerns regarding noise coming from the site. They want the neighborhood to remain nice and their tenants to be happy.

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:
Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye and Thomas Warren, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted a FINAL COMMERCIAL SUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. Individual lots created by the Commercial Subdivision cannot be sold. These lots are available only for lease. The designated lot numbers are for use by tenants, property owner and the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.
2. The following note shall be placed on the Subdivision: "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."
3. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

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4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #14-22, Approved as Presented, dated September 18, 2014, ZBA #14-18, Variances Approved for Screening for Open Storage Yards, Side Yard: No Structure, Rear Yard: No Structure, and Side Yard for Shed, dated March 19, 2014 and PB #12-19, Preliminary Subdivision Approval Subject to Conditions, dated March 13, 2013.

5. The commercial subdivision is for a total of 17 spaces as shown on the proposed plan.

6. The location of the drainage system(s) and their outlet from the property shall be given on the plans.

7. The applicant shall define what is to be stored outside and inside. Because runoff from this site eventually enters the Sparkill Creek, the applicant shall demonstrate how grease/ oils/ gases, etc. from vehicles or equipment stored outside or inside shall be contained/ treated/ disposed of; to ensure that they do not enter the drainage system.

8. Written descriptions for all proposed easements shall be provided with the plans.

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

- 1) An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 2) The applicant indicates that the 14 parking spaces schematically shown on the site plan are sufficient for the requirements of this proposal. Since it is unclear as to the future uses of the unleased areas, how is it possible to determine that 14 spaces are sufficient for the site. If parking is provided based on the existing square footage, then 219 parking spaces are required, resulting in a deficiency of almost 94%. Since the site is located on a County highway, the Town shall be satisfied that the number of parking spaces provided is sufficient for the site, both now and in the future.

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**PB #14-44: Miele Commercial Subdivision Plan – Final Approval
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Continuation of Condition #9...

- 3) The Town of Orangetown must ascertain if the proposed uses on each of the lots is consistent with the uses permitted in the zoning district. Is storage of equipment and materials permitted if no building exists on the lot? These issues must be addressed.
- 4) The plan provided is a subdivision plat and does not provide the necessary details for a site plan review. The location of parking, buildings, landscaping, signage, lighting, and other planimetric features must be provided so to properly evaluate the site plan. In addition, if this drawing is to be used for both site plan and subdivision proposals, Map Note #17 must be revised to refer to both GML Section 239 m & n.
- 5) The plan indicates that the vegetated hillside is to remain undisturbed. This area shall be clearly delineated in the field so as to assure that no encroachments will occur in the area.

10. The Rockland County Department of Highways recommends that the no parking should be allowed at the Western Highway next to this property.

11. The Rockland County Department of Highways would pose no objection to the Town allowing this applicant to continue operating the site as proposed providing that all concerns such as noise, safe chemical use, transport and parking, etc. are addressed to the satisfaction of the Board members.

12. A Rockland County Highway Department Work Permit will be required prior to the start of any construction on site.

13. The Rockland County Department of Health reviewed the plans and based on the information provided, there are no Rockland County Department of Health approvals needed for this project.

14. The Planning Board requests that the applicant consider delineating the leased lots with fencing.

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

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

17. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

18. TREE PROTECTION: The following note shall be placed on the Subdivision Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - 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.

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19. All landscaping shown on the subdivision plan 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.

20. 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.

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

22. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

24. 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

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

Overrides

The Board made a motion to override Conditions #1, #3 and #8 of the February 11, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E. Commissioner of Planning, for the following reasons:

#1. As required by the Rockland County Stream Control Act, the subdivision Plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

The Board held that the condition does not apply since the proposed subdivision is a Commercial Subdivision, and not a land subdivision.

A motion to override the condition was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Thomas Warren; Michael Mandel, aye; and William Young, aye.

#3. The lot area for proposed lot 74.18-3-32Q is located almost completely within the required rear and side yards of the original lot. In addition, a portion of this lot is within the access easement to lots 30 and 31. the creation of all of these lots, except for lot 74.3.32A, will result in lots that are non-conforming with regards to the required lot area of two acres for both the LO and LI zoning districts. The Town of Orangetown must determine if creating these undersized lots is consistent with the intent of their zoning ordinance.

The Board held that the condition does not apply since the proposed subdivision is a Commercial Subdivision, and not a land subdivision.

A motion to override the condition was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Thomas Warren; Michael Mandel, aye; and William Young, aye.

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Overrides Continued.....

#8. A Bulk Table, listing all of the bulk standards for each proposed lot, must be provided.

The Board held that the condition does not apply since the proposed subdivision is a Commercial Subdivision, and not a land subdivision.

A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Thomas Warren; Michael Mandel, aye; and William Young, aye.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Michael Mandel, aye; Robert Dell, aye and Thomas Warren, 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: October 8, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions

Cheryl Coopersmith

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PB #14-45: Miele Site Plan – Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

October 8, 2014

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TO: Kenneth DeGennaro, Brooker Engineering, 76 Lafayette Avenue,
Suffern, New York 10901
FROM: Orangetown Planning Board

RE: Miele Site Plan: The application of Joseph Miele, owner, (Donald Tracey, Attorney for the owner), for Final Site Plan Review, at a site to be known as “Miele 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 375 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 32 in the LI & LO zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, October 8, 2014**, at which time the Board made the following determinations:

Joseph Miele, Kenneth DeGennaro and Donald Tracy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated October 1, 2014.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 8, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 2, 2014.
4. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 6, 2014.
5. Project Narrative prepared by Brooker Engineering, dated July 14, 2014.
6. Subdivision/Site Plan prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, and dated February 14, 2012; last revised July 15, 2014.
7. Copies of the following Board Decisions: ACABOR #14-22, Approved as Presented, dated September 18, 2014, ZBA #14-18, Variances Approved for Screening for Open Storage Yards, Side Yard: No Structure, Rear Yard: No Structure, and Side Yard for Shed, dated March 19, 2014 and PB #12-20, Preliminary Subdivision Approval Subject to Conditions, dated March 13, 2013.

The Board reviewed the plans.

The hearing was then opened to the Public.

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Public Comments:

Norman and Vickie Cooper, 8 Bryson Road, Fairlawn, New Jersey, owners of 360 Western Highway, Tappan: raised concerns regarding noise coming from the site. They want the neighborhood to remain nice and their tenants to be happy.

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: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye and Thomas Warren, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted a FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. Individual lots created by the Commercial Subdivision cannot be sold. These lots are only available for lease. The designated lot numbers are for use by tenants, property owner and the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.
2. 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."
3. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #14-22, Approved as Presented, dated September 18, 2014, ZBA #14-18, Variances Approved for Screening for Open Storage Yards, Side Yard: No Structure, Rear Yard: No Structure, and Side Yard for Shed, dated March 19, 2014 and PB #12-20, Preliminary Site Plan Approval Subject to Conditions, dated March 13, 2013.

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5. The plan contains a "Note", "The project received approval for Performance Standards by the Zoning Board of Appeals on March 19, 2014", however, the Zoning Board of Appeals decision only granted the area variances requested by the applicant. Please be advised that all uses and structures, both principal and accessory, shall require separate building permits and Certificate of Occupancies and all uses shall require Performance Standards review by the Zoning Board of Appeals.

6. All existing sanitary facilities shall be shown on the Site Plan.

7. The location of the drainage system(s) and their outlet from the property shall be given on the plans.

8. The applicant shall define what is to be stored outside and inside. Because runoff from this site eventually enters the Sparkill Creek, the applicant shall demonstrate how grease/ oils/ gases, etc. from vehicles or equipment stored outside or inside shall be contained/ treated/ disposed of; to ensure that they do not enter the drainage system.

9. A note shall be added to the Site Plan indicated the source benchmark for the referenced datum, including the BM elevation.

10. There appears to be a sanitary sewer main running through the north western portion of the property. However no easement is shown for this line. The applicant's engineer shall determine if the main is active, is there an existing easement for the main, if no easement exists, an easement shall be proposed and a metes and bounds description prepared. Said easement shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval prior to filing the easement.

11. Notes 20 and 25 on the Site Plan are the same. Also, these notes reference disturbed area, what areas of the site are to be disturbed.

12. The Site Plan shall show all proposed grading, if applicable.

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PB #14-45: Miele Site Plan – Final Site Plan Approval Subject to Conditions

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13. The Rockland County Department of Highways recommends that no parking should be allowed at the Western Highway next to this property.

14. The Rockland County Department of Highways would pose no objection to the Town allowing this applicant to continue operating the site as proposed providing that all concerns such as noise, safe chemical use, transport and parking, etc. are addressed to the satisfaction of the Board members.

15. A Rockland County Highway Department Work Permit will be required prior to the start of any construction on site.

16. The Rockland County Department of Health reviewed the plans and based on the information provided, there are no Rockland County Department of Health approvals needed for this project.

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

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

19. 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.

20. The Planning Board requests that the applicant consider delineating the leased lots with fencing.

21. 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:

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Continuation of Condition #21.....

- 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.

22. All landscaping shown on the site plan 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.

23. 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.

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

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25. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

27. 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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Michael Mandel, aye; Robert Dell, aye and Thomas Warren, 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: October 8, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Cheryl Coopersmith

TOWN CLERKS OFFICE
2014 OCT 27 AM 11 35
TOWN OF ORANGETOWN