

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF MAY 14, 2008**

**MEMBERS PRESENT:**

Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson,  
Kevin Garvey, Anthony Iurica, John Foody, and William Young

**MEMBERS ABSENT:** Jeffrey Golda

**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning ,  
Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney,  
Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Robert Dell, Chairperson called the meeting to order at 7:40 P.M.

Mr. Bond read the agenda. Hearings as listed on this meeting's agenda which are made  
a part of these minutes, were held as noted below:

<b>Walsh Subdivision Plan</b> Request for 2 <sup>nd</sup> 90 Day Extension To File Subdivision Plat with the Rockland County Clerk's Office (West Nyack) 64.20/1/3; R-40 zone	<b>Granted</b>	<b>PB #08-25</b>
<b>Collazo Minor Subdivision Plan</b> Amendment to Grading & Utility Plan (Pearl River) 73.05/1/60; R-15 zone	<b>Amendment Subject to Conditions</b>	<b>PB #08-26</b>
<b>Capital Management Group Site Plan</b> Consultation (Pearl River) 68.16/6/36; CS zone	<b>Consultation</b>	<b>PB #08-27</b>
<b>SMK Subdivision Plan</b> Prepreliminary/Preliminary/Final Subdivision Plan and SEQRA Review Condition of PB #06-76 "Raso Subdivision" 77.10/1/20.1; R-15 zone	<b>Final Approval Subject to Conditions/Neg. Dec.</b>	<b>PB #08-28</b>
<b>Wyeth Site Plan</b> Prepreliminary/Preliminary/Final Site Plan and SEQRA Review - Retention Basins (Pearl River) 68.08/1/1; LI zone	<b>South Basin - Continued to May 28<sup>th</sup> Meeting North basin – Continued to June 25<sup>th</sup> Meeting</b>	<b>PB #08-29</b>
<b>Orangeburg Commons Site Plan</b> Request to Amend Final Planning Board Decision PB #07-19 Dated February 28, 2007 and Recommendation to the Town Board to Establish the Value and Term of the Performance Bond (Orangeburg) 74.15/1/21; LI zone	<b>Denied Requests and Amended the Final Planning Board Decision and Recommendation to the Town Board to Establish the Value and Term of Performance Bond</b>	<b>PB #08-30</b>

**May 14, 2008 Planning Board Meeting**

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The decisions of the April 23, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, absent; John Foody, aye and William Young, aye.

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 Bruce Bond and second by Robert Dell and agreed to by all in attendance. The meeting was **adjourned at 9:50 p.m.** The next Planning Board meeting is scheduled for **May 28, 2008.**

**DATED: May 14, 2008**  
**Town of Orangetown Planning Board**

**PB #08-25: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Walsh Subdivision  
Request for the 2<sup>nd</sup> 90-Day Extension  
To File the Subdivision Plan  
With the Rockland County Clerk's Office,**

**PB #08-25  
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TO: Steven Bilheimer; HDR Engineering; 1 Blue Hill Plaza; Pearl River, NY 10965  
FROM: Orangetown Planning Board  
RE: The application of the Gerald and Bonnie Walsh, owners for a 2<sup>nd</sup> 90 day Extension to File the "**Walsh Subdivision**" with the Rockland County Clerk's Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 252 Townline Road, West Nyack, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 64.20, Block 1, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 14, 2008**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated May 7, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated May 14, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated May 8, 2008.
4. PB #07-38, Final Subdivision Approval Subject to Conditions, dated June 27, 2007.
5. A memo from Steven Bilheimer, P.E., DRR, dated January 23, 2008.

The Board discussed the 2<sup>nd</sup> day Extension to file the subdivision plan.

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

**DECISION: In view of the foregoing, the Board GRANTED a 2<sup>nd</sup> 90 Day Extension in time to file the Walsh Subdivision with the Rockland County Clerk's Office, subject to the following conditions:**

1. The applicant still needs to comply with PB Decision #07-18, condition 26 ("Out of District" sanitary sewer use permission for the Rockland county Sewer District #1, as well as all approvals from them).

**PB #08-25: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**Walsh Subdivision  
Request for the 2<sup>nd</sup> 90-Day Extension  
To File the Subdivision Plan  
With the Rockland County Clerk's Office,**

**PB #08-25  
May 14, 2008**

2. A Performance Bond will be required. However, the bond can not be calculated until all of the conditions of Final Approval have been satisfied.

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

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: May 14, 2008 Town of Orangetown Planning Board**

**PB #08-26: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Collazo Subdivision Plan  
Amendment to Grading and Utility Plan**

**PB #08-26  
May 14, 2008  
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TO: Donald Brenner, Esq.; 4 Independence Avenue, Tappan, NY 10983  
FROM: Orangetown Planning Board  
RE: The application of Ruth Collazo, owner, for an Amendment to the Grading and Utility Plan to improve the site with 2 parking spaces in an alternate configuration than the original plan known as “**Collazo Grading and Utility 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 on 274 South Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 73.05, Block 1, Lot 60 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 14, 2008**, at which time the Board made the following determinations:

Donald Brenner and Ruth Collazo appeared and testified.

The Board received the following communications:

1. A Project Review Report dated May 7, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 14, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 8, 2008.
4. A letter from Centerpoint Engineering, signed by Stuart Strow, P.E., dated May 8, 2008.
5. A Copy of the Approved Subdivision Plan prepared by Robert Sorace, PLS, dated February 8, 2002, revised March 18, 2004, File November 21, 2005.
6. A Copy of the Approved Grading & Utilities Plan and Construction Details Plan, prepared by Centerpoint Engineering, dated January 26, 2003, revised January 13, 2004.
7. A Revised Grading & Utilities Plan and Construction Details Plan, prepared by Centerpoint Engineering, dated April 21, 2008.

**PB #08-26: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**Collazo Subdivision Plan**  
**Amendment to Grading and Utility Plan**

**PB #PB-26**  
**May 14, 2008**

8. A copy PB #04-22, Final Planning Board Decision, Subdivision of Conditions, dated July 13, 2005.

The Board reviewed the plan.

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

The Board made a motion to Reaffirm its it's previous decisions under the **Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR)**.

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).

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

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

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

**PB #08-26- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**Collazo Subdivision Plan**  
**Amendment to Grading and Utility Plan**

**PB #PB-26**  
**May 14, 2008**

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **GRANTED AN AMENDMENT TO THE GRADING AND UTILITY PLAN SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Board required that the area of the proposed parking area be redesigned to allow 2 vehicles to park perpendicular as opposed to parallel parking. The Site Plan noting the parking area shall redrawn and reviewed and approved by the Town of Orangetown Building Department. The area for the parking area shall be approximately 18 feet by 20 feet.

The foregoing Resolution was made and moved by Bruce Bond and seconded by John Foody and carried as follows: Robert Dell, aye; Kevin Garvey, aye, Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; Jeffrey Golda, absent; and William Young, 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: May 14, 2008**

Town of Orangetown Planning Board

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

**PB #08-27: TOWN OF ORANGETOWN PLANNING BOARD CONSULTATION**

**Capital Management Group Site Plan  
Consultation**

**PB #08-27  
May 14, 2008  
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TO: Jay Greenwell, PLS; 85 Lafayette Avenue; Suffern, NY 10901  
FROM: Orangetown Planning Board  
RE: The application of Thomas Mingone, Capital Management Group, applicant, for Joseph Sepkowski, owner, for Consultation for a Site Plan at a site to be known as "**Capital Management Group 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 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 36 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 14, 2008**, at which time the Board made the following determinations:

Jay Greenwell, Tom Mingone and Kier Leveque appeared and testified.

The Board received the following communications:

1. A Project Review Report dated May 7, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 14, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 8, 2008.
4. A letter from the Rockland County Department of Planning, signed Salvatore Corallo, Commissioner, dated May April 28, 2008.
5. Letters from Rockland County Highway Department, signed by Sonny Lin, P.E. dated April 7, 2008.
6. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated May 2, 2008.
7. A Project Narrative, Site Plan for Capital Management Group, prepared by Jay A. Greenwell, PLS, LLC.
8. Consultation Layout Site Development Plan prepared by Jay Greenwell, PLS, LLC, dated February 7, 2008.
9. A Short Environmental Assessment Form, signed by Thomas Mingone, Capital Management Group, dated March 6, 2008.



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**Capital Management Group Site Plan**  
**Consultation**

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10. Submitted at the meeting by the applicant, an Alternate Site Plan prepared by Jay Greenwell, PLS, LLC, dated April 16, 2008.

11. Submitted at the meeting by the applicant, a Zoning Analysis Plan prepared by Jay Greenwell, PLS, LLC, dated May 13, 2008, with photographs of surrounding properties.

The Board discussed the application. The Board advised the applicant to consider submitting the alternate plan for Planning Board review.

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

**Dated: May 14, 2008**

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

**PB #08-28: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**SMK Subdivision Plan – Lot 20.1  
(Raso Subdivision)  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**PB #08-28  
May 14, 2008  
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, NY 10901  
FROM: Orangetown Planning Board  
RE: The application of Sean Keenan, applicant, for Mark and Paul Raso, owner, for Prepreliminary/Preliminary/Final Subdivision Plan Review for a proposed two lot subdivision to be known as “**SMK Subdivision**”, as required in the **Raso Subdivision Final Approval PB #06-76, Condition #7, requiring reappearance in front of the Planning Board for further subdivision of the property**, 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 170 Old Tappan Road, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.10, Block 1, Lot 20.1 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 14, 2008**, at which time the Board made the following determinations:

Jay Greenwell and Sean Keenan appeared and testified.

The Board received the following communications:

1. A Project Review Report dated May 6, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 14, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 8, 2008.
4. A letter from HDR, signed by Harvey Goldberg, Project Manager, dated April 28, 2008.
5. A letter from the Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated April 16, 2008, with an attachment of a letter from the Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated September 25, 2006.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated April 28, 2008.

## **PB #08-28:TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**SMK Subdivision Plan – Lot 20.1  
(Raso Subdivision) Final Site Plan Approval  
Subject to Conditions/Neg. Dec.**

**PB #08-28**

**May 14, 2008**

7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 8, 2008.
8. An interdepartmental memorandum Office of Parks & Recreation, Town of Orangetown, signed by Richard Rose, Superintendent, dated May 7, 2008.
9. A letter from the County of Rockland Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated May 5, 2008.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated April 2, 2008.
11. A Short Environmental Assessment Form signed by Sean Keenan, dated March 4, 2008.
12. Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, P.E., dated March 11, 2008.
13. A Copy of PB #06-76, Raso Minor Subdivision, Final Planning Board Approval Subject to Conditions, dated October 11, 2006.
14. SMK/RASO Plans prepared by Jay Greenwell, PLS, dated March 3, 2008:
  - Sheet 1: Subdivision of Property
  - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control and Details

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

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 Anthony Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board declared itself Lead Agency.

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

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

**PB #08-28: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**SMK Subdivision Plan – Lot 20.1**  
**(Raso Subdivision) Final Site Plan Approval**  
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In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Planning Board waives the review of the Town of Orangetown Architecture and Community Appearance Board of Review of the Subdivision Application. However, prior to any construction, grading or removal of trees on the site, the applicant must make application to ACABOR for review and approval of any construction on the site.

**PB #08-28: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**SMK Subdivision Plan – Lot 20.1**  
**(Raso Subdivision) Final Site Plan Approval**  
**Subject to Conditions/Neg. Dec.**

**PB #08-28**  
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4. The Short Environmental Assessment Form appears to be in order.
5. The roof drains for lot #2 shall be shown on the Subdivision Plans.
6. The sight distance for the two proposed driveways shall be shown on the subdivision plans.
7. The existing 2½ story frame dwelling shall be removed from the property prior to the Clerk of the Planning Board signing the map.
8. The driveway for the proposed lots shall come off of Summit Avenue, not Old Tappan Road.
9. The drainage calculations are currently under review by DEME. However, although the calculations may indicate that only one drywell is needed, runoff from proposed lot #2 as well as the two proposed driveways, will not enter the proposed drywell on lot #1. The calculations also assume that the proposed square footage for the home on lot #1 will remain unchanged (i.e. a larger home will not be proposed when the homes are to be designed and built – this is unrealistic.) Therefore, a drywell for each lot shall be provided. The applicant's engineer shall consider capturing the flow from the driveway (so as not to allow sheet flow onto Summit Avenue.)
10. The applicant is reminded that the driveway for proposed lot #1 can be no closer than 50 feet from the intersection of Summit Avenue and Old Tappan Road.
11. Monuments shall be drawn and labeled at all subdivision corners and along the entire right of way.
12. Profiles for the proposed driveways shall be given on the subdivision plans.
13. The Drainage Consultant to the Planning Board has reviewed the drainage information submitted by the applicant and found that proposed drainage plan can achieve a zero net increase in runoff rate from the developed site and therefore recommends acceptance for drainage subject to the following conditions:
  - Provide a calculation of the net increase in the impervious area (i.e. a table breakdown identifying the source and square footage of each existing impervious area to be removed compared to the source and size of each impervious area to be added under developed conditions. Include this tabulation with the drywell calculations and resubmit all (all calculation pages must be legible).
  - The storage volume component of the required storage must be a minimum of 80% of the total required storage unless routing calculations through the drywell are provided. As currently submitted the storage component is 70%. The Drainage Consultant recommends that the thickness of the stone surround be increased from 2-ft to 3-ft to increase the storage component.
  - The detail of the drywell must be revised to indicate the increased width of the stone surround, and shall also include filter fabric between the stone and soil on both the sides and bottom of the drywell.
  - Provide an excerpt from the Rockland County Soil Map indicating the type of soil on the site.
14. The Rockland County Department of Highways reviewed the plans and information provided and found that the proposed design as presented will have no foreseeable adverse impact upon the county highway system.

**PB #08-28: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**SMK Subdivision Plan – Lot 20.1**  
**(Raso Subdivision) Final Site Plan Approval**  
**Subject to Conditions/Neg. Dec.**

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**15.** The Rockland County Department of Health (RCDOH) notes that approval is not needed for this project.

**16.** 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.

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

**18.** Public sewer mains requiring extensions within the right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

**19.** Water scarce is a resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

**20.** If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

**PB #08-28: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**SMK Subdivision Plan – Lot 20.1**  
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**Subject to Conditions/Neg. Dec.**

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**21.** The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

**22.** Prior to the start of construction or grading, a Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

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

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

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

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

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

**27. 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:

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**PB #08-28**  
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**Continuation of Condition #27....**

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.

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

**29.** 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.

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

**31.** 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).



**PB #08-28: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Page 8 of 9**  
**SMK Subdivision Plan – Lot 20.1**  
**(Raso Subdivision) Final Site Plan Approval**  
**Subject to Conditions/Neg. Dec.**

**PB #08-28**  
**May 14, 2008**

- 32.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 33.** 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
- 34.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

**Dated: May 14, 2008**

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

**PB #08-28:TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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

**SMK Subdivision Plan – Lot 20.1  
(Raso Subdivision)  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**PB #08-28  
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: **SMK/Raso Subdivision Plan**

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

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

DESCRIPTION OF ACTION: **Subdivision Plan Review**

LOCATION: The site is located at 170 Old Tappan Road, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.10, Block 1, Lot 20.1 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning  
Administration and Enforcement  
Town of Orangetown  
20 Greenbush Road  
Orangeburg, NY 10962  
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation,  
- Region 3 Headquarters, NYSDEC  
- Town Supervisor, Applicant, Involved Agencies

**PB #08-30: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Orangeburg Commons Site Plan  
Denied Requests and Amended the  
Final Planning Board Decision  
and Recommendation to the Town Board  
to Establish the Value and Term of  
the Performance Bond**

**PB #08-30  
May 14, 2008  
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TO: Justin Lim, P.E., Leonard Jackson Associates, 26 Firemens  
Memorial Drive, Pomona, NY 10970  
FROM: Orangetown Planning Board  
RE: The application of FB Orangetown LLC, owners for an Amendment  
to PB #07-19, Final Site Plan review for a proposed Site Plan to be known as  
**“Orangeburg Commons Site Plan” and to make a Recommendation  
to the Town Board to Establish the Value and Term of the Performance  
Bond**, 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 170 Route 303,  
Orangeburg, Town of Orangetown, Rockland County, New York and as shown  
on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI zoning  
district.

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, May 14, 2008**, at which time the Board made the following  
determinations:

Justin Lim and Fred Doneit appeared and testified.

The Board received the following communications:

1. A Project Review Report dated May 7, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning,  
Planning Administration and Enforcement, Town of Orangetown, signed by  
John Giardiello, P.E., Director, dated May 14, 2008.
3. Three Interdepartmental memorandums from the Department of  
Environmental Management and Engineering (DEME), Town of Orangetown,  
signed by Bruce Peters, P.E., dated (2) dated May 2 and (1) dated May 8, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., Project Manager, dated  
May 5, 2008.
5. A letter from the Rockland County Department of Public Transportation, signed  
by Salvatore Corallo, Commissioner, dated May 8, 2008.
6. Sanitary Pump Design Report prepared by Leonard Jackson Associates,  
dated March 19, 2008 (Revision #13).
7. Drainage Report prepared by Leonard Jackson Associates, dated  
May 5, 2006, last revised March 20, 2008.
8. Stormwater Pollution Prevention Plan prepared by AKRF Engineering, dated  
November, 2007.

**PB #08-30: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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9. A letter from Leonard Jackson Associates, signed by Justin Lim, P.E., dated April 3, 2008, responding to comments of PB #07-18, Final Planning Board Approval and requesting Amendment to various conditions to that decision.
10. Plans prepared by Leonard Jackson Associates, dated April 8, 2006, revised March 19, 2008, unless otherwise noted:
- Drawing # 1: Title Sheet
  - Drawing #2: Layout Plan
  - Drawing #2A: Layout Plan (Part Plan A)
  - Drawing #2B: Layout Plan (Part Plan B)
  - Drawing #3: Grading, Drainage & Utility Plan
  - Drawing #3A: Grading, Drainage & Utility Plan (Part Plan A)
  - Drawing #3B: Grading, Drainage & Utility Plan (Part Plan B)
  - Drawing #4: Erosion & Sediment Control Plan, revised June 26, 2007
  - Drawing #4A: Erosion & Sediment Control Plan (Part Plan A) revised June 26, 2007
  - Drawing #4B: Erosion & Sediment Control Plan (Part Plan B) revised June 26, 2007
  - Drawing #4C: Erosion & Sediment Control Plan – dated June 26, 2007
  - Drawing #5: Landscaping Plan
  - Drawing #5A: Landscaping Plan (Part Plan A), revised December 13, 2006
  - Drawing #5B: Landscaping Plan (Part Plan B)
  - Drawing #6: Lighting Plan, revised November 29, 2006
  - Drawing #6A: Lighting Plan (Part Plan A), revised November 29, 2006
  - Drawing #6B: Lighting Plan (Part Plan B), revised November 29, 2006
  - Drawing #7: Construction Details (1 of 4)
  - Drawing #8: Construction Details (2 of 4)
  - Drawing #9: Construction Details (3 of 4)
  - Drawing #10: Construction Details (4 of 4)
  - Drawing #11: Stormwater Pollution Prevention and Construction Phasing, revised March 23, 2007
  - Drawing #11(A): Stormwater Pollution Prevention Details– dated June 26, 2007
  - Drawing #12: Stormwater Profiles (1 of 2)
  - Drawing #13: Stormwater Profiles (2 of 2)
  - Drawing #14: Sanitary Profiles
  - Drawing #15: Wall Profiles, revised March 23, 2007
  - Drawing #16: Snow Management Plan, dated March 23, 2007
- Existing Conditions Survey-dated October, 11, 2005, revised November 14, 2005
- Sheet 2 of 2: 05L343-19 - Subsurface Investigation Plan, dated June 30, 2005
- Topographic Survey of Property for Orangeburg Commons, prepared by Jay Greenwell, PLS, dated October 11, 2005, revised November 14, 2005.

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11. Second set of Plans prepared by Leonard Jackson Associates, dated April 8, 2006, revised December 11, 2006, unless otherwise noted:

Drawing # 1: Title Sheet, revised May 1, 2008

Drawing #3: Grading, Drainage & Utility Plan, revised May 1, 2008

Drawing #4: Erosion & Sediment Control Plan, revised May 1, 2008

Drawing #4C: Erosion & Sediment Control Plan – dated May 1, 2008

Drawing #7: Construction Details (1 of 4), revised May 1, 2008

Drawing #8: Construction Details (2 of 4), revised May 1, 2008

Drawing #13: Stormwater Profiles (2 of 2) revised April 23, 2008

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

The Board made a motion to Reaffirm it's previous decisions under the **Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR) with respect to the amendments of the amended decision.**

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).

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

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

The motion was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, abstain; John Foody, aye; William Young, aye; Jeffrey Golda, absent and Kevin Garvey, aye the Board Reaffirmed it's Negative Declaration.

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**Orangeburg Commons Site Plan  
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**PB #08-30  
May 14, 2008**

**1) RECOMMENDATION:** In view of the foregoing, the Board **RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD** that the value of the Performance Bond be established in accordance with the interdepartmental memorandum from Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated May 2, 2008. 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 May 2, 2010, and Subject to the Following Condition:

ITEM	COST
Commercial Street	\$ 419,050.00
Curbing	59,850.00
Sidewalk	22,050.00
Handicap curb ramps	8,000.00
Driveway Openings	
Traffic Signals	12,200.00
Street Signs	150,000.00
Monuments	6,500.00
Iron Pins	450.00
As-Built drawings	1,800.00
Storm Drainage	100,445.00
Soil Erosion & Sediment Control	178,900.00
Sanitary Sewer	3,800.00
	<u>Sub-Total \$ 976,245.00</u>

Administrative Close-out (10% of Sub-Total) \$ 97,624.50

Total Bond \$1,073,869.50

Inspection Fee (3% of Sub-Total) \$ 29,287.35

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

**All Bonds are to conform to current town regulations.**

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

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**2) DECISION: In view of the foregoing and the testimony before the Board, the Applicant's requested Conditions for amendment of PB #07-19, FINAL SITE PLAN were either DENIED or GRANTED AS LISTED BELOW IN THIS DECISION, SUBJECT TO THE FOLLOWING CONDITIONS:**

The applicant requested amendments to the Final Planning Board Decision #07-19 and the Planning Board took the following actions:

**1) A motion was made to DENY the request to remove Item #21, bullet 3(c) from PB #07-19, the requirement of sidewalks along Route 303, which reads as follows:**

"#21. 3(c): installation of a sidewalk along the site's Route 303 frontage from Orangeburg Commons south through the PIP property to provide for safe pedestrian passage to properties further south along Route 303 (there is already a sidewalk on the existing Route 303 over pass over the Palisades Interstate Parkway)."

The Board held for safety reasons the sidewalk shall be installed.

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

**2) A motion was made to DENY the request to remove Item #22, bullet 4: from PB #07-19, the applicant indicated "No Permit required from Army Corp of Engineers." The applicant should provide a letter from the Army Corp of Engineers supporting that statement. Item #22, bullet 4, reads as follows:**

"#22. 4: A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained. The review shall include an analysis of the potential for future viability of the two wetlands on site, especially given that they are to be located abutting a retaining wall and a highly engineered storm water basin, respectively."

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The Board held that the Jurisdictional Letter, which expired in January, 2007 for the site shall be updated and resubmitted to the Planning Board.

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

**3) A motion was made to DENY the request to remove Item #2 from PB #07-19, the applicant wanted to eliminate the traffic light on Highview Avenue and instead study the need to install a traffic light on Stevens Way. This study would be implemented after the development is completed to determine the need for or elimination of the traffic light installation on Stevens Way. The value of the Performance Bond includes the cost to install the traffic light. Item #2 reads as follows:**

“2. The Planning Board requests the applicant install, at its expense, a traffic light at the intersection of Highview Avenue and Western Highway, subject to the Town of Orangetown Town Board request to the County of Rockland. “

The Board held that during the Planning Board hearings, sufficient discussions were had regarding the need for the traffic light at Highview Avenue and voted to deny the request.

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



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**4) A motion was made to ACCEPT AS AMENDED as being satisfied Item # 14, bullet 2: Removal of the condition because the drainage plan has been completed as part of the stormwater management Plan, and is presently subject to satisfaction of the conditions outlined in the May 5, 2008 letter HDR signed by Harvey Goldberg, P.E., Project Manager, as noted below:**

The Planning Board Drainage Consultant recommends acceptance for drainage subject to the following conditions: the runoff originating along the southwest, south and southeast property lines of the site reach the twin culverts under Route 303. The applicant has previously indicated that the runoff from these areas would flow toward the culverts via a swale along Route 303. The swale calculations are based on a grass-lined channel with a bottom width of 6-ft, 2:1 side slopes, a channel slope of 0.03ft/ft, roughness coefficient  $n=0.03$  and a depth of 3.5-ft at design point "X". The calculations also indicate a peak flow rate of 20 CFS at this point. The plans (Sheet 8) indicate a stone-lined trapezoidal channel with a 20-ft top width, 12-in depth and 2"1 depth and 2"1 side slopes. The existing grading plan contains additional discrepancies (i.e. the elevations on the downstream headwall of the 24-in CMP indicates 1.6-ft from invert to tip of headwall which is less than the 2.0-ft pipe, the pipe from the catch basin on Route 303 (to the northeast of that headwall) appears to flow in the opposite direction based on the existing inverts). The Drainage Consultant to the Planning Board recommends that a large scale plan and profile of this channel be added to the plans and that it provide detailed information (grading, dimensions, elevations, inverts, slopes, materials, etc) to permit construction, and that maximum water elevation for a 100-yr design storm be added to the profile. Actual grade and invert elevations (field checked as necessary) shall be used in the plan and profile. The swale shall start at the Route 303 culverts and continue upstream toward the 24-in CMP. The calculations and plans and plans must be revised as required.

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

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**5 ) A motion was made to ACCEPT AS AMENDED Item #15, bullet 2); since the walls in the buffer on the south and west sides have been included as part of the Site Plan approval. The item reads as follows:**

“ A 20 foot wide vegetated buffer shall be provided adjacent to all PIPC property, and planted with appropriate trees. This will help to prevent damage to root systems and salt or oil intrusion from the internal roads/parking lots to the vegetation on PIPC property. As proposed, the 20- foot wide vegetated buffer includes a wall structure in the vicinity of the adjacent railroad tracks. The buffer shall be revised to exclude all structures, including walls.”

The Board held that since the walls have been permitted and are existing the condition can be amended.

A motion to ACCEPT AS AMENDED AND OVERRIDE THE ROCKLAND COUNTY DEPARTMENT OF PLANNING, Condition A.(2), letter dated January 31, 2007, signed by Salvatore Corallo, Commissioner of Planning, was made and moved by Bruce Bond and second by Anthony Iurica and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, absent.

**6 ) A motion was made to ACCEPT AS AMENDED Item #18, bullet 2: The applicant indicated “Not further subdivision planned at this time”, so no action required. The item reads as follows:**

“ If it is anticipated that this mixed use project may be subdivided into separate parcels in the future, the materials provided shall include a preliminary sketch plat.”

The Board held that if the applicant wanted to further subdivide it's property they would need to reappear in front of the Planning Board for review and approval, therefore, this condition may be amended.

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A motion to ACCEPT AS AMENDED AND OVERRIDE THE ROCKLAND COUNTY DEPARTMENT OF PLANNING, Condition C.(2), letter dated January 31, 2007, signed by Salvatore Corallo, Commissioner of Planning, was made and moved by Bruce Bond and second by Anthony Iurica and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, absent.

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

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: May 14, 2008**  
Planning Board

BY: \_\_\_\_\_

