TOWN OF ORANGETOWN PLANNING BOARD MEETING OF OCTOBER 14, 2009

MEMBERS PRESENT: Robert Dell, Chairperson; Kevin Garvey; John Foody; Andy Stewart; William Young and Jeffrey Golda

MEMBER ABSENT: Bruce Bond, Vice-Chairperson

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

Robert Dell, Chairperson called the meeting to order at 7:35 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:

Art Student League Resubdivision Plan
Final Resubdivision Plan Review
74.16/1/9 & 75.13/1/1; R-40 zoning district
Final Approval
Subject to
Conditions

Art Student League Site Plan
Final Site Plan Review
74.16/1/9 & 75.13/1/1; R-40 zoning district
Final Site Plan Approval Subject to Conditions

Other Business:

The Board reviewed a memorandum to the Planning Board dated May 28, 2008, prepared by Robert V. Magrino, Deputy Town Attorney, regarding SEQRA Reviews. The "Neg. Dec. Motion Checklist Guide" was reviewed and Andy Stewart was selected by the Board Members to coordinate SEQRA reviews before the Planning Board. A motion was made by Robert Dell to designate Andy Stewart as the Official SEQRA Review Member on the Planning Board and seconded by William Young and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye and William Young, aye.

The Board reviewed, edited and approved the September 30, 2009 Planning Board Meeting. The motion for adoption was made and moved by Kevin Garvey and seconded by Andy Stewart and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye and William Young, aye.

TOWN OF ORANGETOWN PLANNING BOARD MEETING OF OCTOBER 14, 2009 Page 2 of 2

The Board made a motion to reopen the September 16, 2009 Planning Board Decisions and re-edited the Decisions. The Board determined that due to administrative issues, the following items needed to be removed from PB #09-26: Orange and Rockland Utilities, Inc. Site Plan—Corporate Drive Substation:

Condition #7.

- c. Item 17, "Noise and Odor Impact" of Part 2 shall be answered after the Town's consultant, as suggested in Comment 2 of this memorandum, has reviewed and determined the accuracy of the conclusion in the "Analysis and Acoustical Impact" report.
- d. Item 18, "Impact on Public Health" of Part 2 of the Full Environmental Assessment Form shall be answered after the Town's consultant, as suggested in Comment 2 of this memorandum, has reviewed and determined the accuracy of the conclusion of the "Magnetic Field Modeling Assessment" report.
- e. Item 20 of Part 2 of the Full Environmental Assessment Form can not be answered until items 17 and 18 (comments c. and d.) have been satisfied.

The motion to delete "c., d., and e. of Condition 7" in PB #09-26; was made and moved by Jeffrey Golda and seconded by Kevin Garvey and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; Jeffrey Golda, aye; 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 Robert Dell and seconded by Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for October 28, 2009.

DATED: October 14, 2009

Town of Orangetown Planning Board

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TO: Walter Aurell, 118 Main Street, Tappan, New York 10983

FROM: Orangetown Planning Board

district

RE: Art Student League Resubdivision Plan: The application of Walter Aurell, applicant, for the Art Student League, owner, for Final Resubdivision Review for a site known as "Art Student League Resubdivision 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 located at 221 & 241 Kings Highway; Sparkill. East side of Kings Highway, approximately 1000 feet north of Hickey Street, Sparkill, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as

Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 14, 2009**, at which time the Board made the following determinations:

Walter Aurell and Gary Sussman appeared and testified for the applicant. The Board received the following communications:

- 1. A Project Review Committee Report dated October 7, 2009.
- 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 October 14, 2009.
- 3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 9, 2009.
- 4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 8, 2009.
- 5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated August 27, 2009.
- 6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 13, 2009.
- 7. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated October 9 & August 12, 2009.

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8. Plans prepared by Centerpoint Engineering, dated March 23, 2009, last revised on August 4, 2009:

Drawing 1: Overall Plan

Drawing 2: Grading, Utility and Erosion Control Plan

Drawing 3: Detail Sheet

9. Copy of PB #09-36, Preliminary Approval Subject to Conditions, dated June 24, 2009, ZBA #09-15, Use Variance Approved with Specific Conditions, dated July 1, 2009 and ACABOR #09-26, Approved with Conditions, dated September 8, 2009.

10. Drainage Analysis, prepared by Centerpoint Engineering, dated March 23, 2009, last revised July 30, 2009.

The Board reviewed the Resubdivision 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 John Foody and carried as follows:

Bruce Bond, absent; Andy Stewart, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, aye.

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 applicant is merging two lots by eliminating a common property line. A separate subdivision map shall be submitted prior to final approval.

Town of Orangetown Planning Board Decision October 14, 2009 Page 3 of 5

- **4.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Conditions: PB #09-36, Preliminary Approval Subject to Conditions, dated June 24, 2009, ZBA #09-15, Use Variance Approved with Specific Conditions, dated July 1, 2009 and ACABOR #09-26, Approved with Conditions, dated September 8, 2009.
- **5.** Submit a Subdivision Map signed and sealed by a New York State Licensed Land Surveyor.
- **6.** Iron pins shall be drawn and labeled at each property corner.
- 7. In accordance with the Planning Board's request, the Drainage Consultant to the Planning Board reviewed the subject Resubdivision Plan. The Applicant proposes to consolidate two lots (75.13-1-1 and 74.16-1-9) into a single 14.93 acre lot. Generally, there is no impact on drainage due to the merger of lots. The Drainage Consultant recommends acceptance for drainage only for the Resubdivision of these two lots.
- **8.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.
- **9.** 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.
- **10.** Rockland County Department of Health (RCDOH) reviewed the plans and grant approval at this time. This approval is solely for compliance with Article 19 of the Rockland County Sanitary Code (mosquito control) and other agency approvals may be necessary for this project.
- **11**. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
- **12.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
- **13**. 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.

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Continuation of Condition #13....

- 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 truck 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.

- **14.** 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.
- **15.** 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.

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- **16.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 17. 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).
- 18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 19. 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
- 20. The Planning Board shall retain jurisdiction over lighting, landscaping, and signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, absent, Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye 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: October 14, 2009

Town of Orangetown Planning Board

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TO: Walter Aurell, 118 Main Street, Tappan, New York 10983 FROM: Orangetown Planning Board

RE: Art Student League Site Plan: The application of Walter Aurell, applicant, for the Art Student League, owner, for Final Site Plan Review for a site known as "Art Student League 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 located at 221 & 241 Kings Highway; Sparkill. East side of Kings Highway, approximately 1000 feet north of Hickey Street, Sparkill, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 14, 2009**, at which time the Board made the following determinations:

Walter Aurell and Gary Sussman appeared and testified for the applicant. The Board received the following communications:

- 1. A Project Review Committee Report dated October 7, 2009.
- 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 October 14, 2009.
- 3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 9, 2009.
- 4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 8, 2009.
- 5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated August 27, 2009.
- 6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 13, 2009.
- 7. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated October 9 & August 12, 2009.

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8. Plans prepared by Centerpoint Engineering, dated March 23, 2009, last revised on August 4, 2009:

Drawing 1: Overall Plan

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Drawing 3: Detail Sheet

9. Copy of PB #09-36, Preliminary Approval Subject to Conditions, dated June 24, 2009, ZBA #09-15, Use Variance Approved with Specific Conditions, dated July 1, 2009 and ACABOR #09-26, Approved with Conditions, dated September 8, 2009.

10. Drainage Analysis, prepared by Centerpoint Engineering, dated March 23, 2009, last revised July 30, 2009.

The Board reviewed the Site 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 John Foody and carried as follows:

Bruce Bond, absent; Andy Stewart, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, 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. The following note shall be placed on the Site Plan "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
- 2. The following note shall be placed on the Site Plan 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.

Town of Orangetown Planning Board Decision October 14, 2009 Page 3 of 7

- **3.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Conditions: PB #09-37, Preliminary Site Plan Approval Subject to Conditions, dated June 24, 2009, ZBA #09-15, Use Variance Approved with Specific Conditions, dated July 1, 2009 and ACABOR #09-26, Approved with Conditions, dated September 8, 2009.
- **4.** The proposed grading shall be shown on the Site Plan.
- 5. The revised drainage calculations are currently under review by DEME.
- 6. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Department of Health. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the Final Site Plan.
- **7**. The Applicant proposes to construct a new building to provide dormitory style housing for students. The Impervious area of the site will be increased by 3,826SF. To offset the increased runoff due to this increase in impervious area, the Applicant proposes to install a 21-ft x 21-ft x 5-ft deep drywell gallery to mitigate the increase in runoff. The Drainage Consultant to the Planning Board had previously recommended acceptance of the drainage subject a number of conditions that have been satisfied. However, the following conditions have been added based on its review of the revised plans:
 - Provide a revised detail of the proposed catch basin to include a 24-in deep sump and a catch basin trap. The proposed trash rack is subject to clogging and is unacceptable. The catch basin shall be a standard sized catch basin (i.e. 2'-6" x 4'-0").
 - The inlet to the drywell gallery is labeled 6-in and 12-in on the plan view of the detail. The 6-in label must be removed.
 - A note must be added to the Plan indicating that "All roof leaders must be connected to the drywell gallery". Properly sized pipes should be added under the deck along both sides of the proposed building to capture runoff from roof leaders and direct it to the catch basin.
 - Runoff from the decks shall be directed to the catch basin and drywell gallery by grading and swales (show on plan and provide details).

Additional conditions may be added based on response to these conditions.

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- **8.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - (1) A clarification is requested regarding whether the "Overall Plan" submitted is intended to also serve as the re-subdivision plan to be recorded in the County Clerk's Office. If this in not the intent, a separate drawing that will serve as the resubdivision plan must be submitted for review.
 - (2) As required by 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.
 - (3) A review shall be completed by the Village of Piermont and any comments considered.
 - (4) There shall be not net increase in storm water run off from the site.
 - (5) Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. 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.
 - (6) 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.
 - (7) Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

Town of Orangetown Planning Board Decision October 14, 2009 Page 5 of 7

Continuation of Condition #8....

- **(8)** A review shall be completed by the Rockland County Health Department with regard to the proposed septic tank system.
- (9) Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- (10) The Rockland County Historic Society's Survey includes the existing dwelling and barns this site. Any new structures or changes to the site shall be supportive and protective of the historic and architectural values of these structures.
- (11) Signage and landscaping that meets Town requirements shall be provided.
- **9.** The Rockland County Department of Highways found that the proposed project as submitted shall have a de minis impact to county roads in the area.
- **10.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.
- 11. Rockland County Department of Health (RCDOH) reviewed the plans and grant approval at this time. This approval is solely for compliance with Article 19 of the Rockland County Sanitary Code (mosquito control) and other agency approvals may be necessary for this project.
- **12**. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats prior to signing the final plans.
- **13.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 14. 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.

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Continuation of Condition #14....

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 truck 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.

- **15.** 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.
- 16. 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.
- **17.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

Town of Orangetown Planning Board Decision October 14, 2009 Page 7 of 7

- **18.** 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).
- **19.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- **20.** 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
- **21**. The Planning Board shall retain jurisdiction over lighting, landscaping, and signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, absent; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye 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: October 14, 2009

Town of Orangetown Planning Board