

**TOWN OF ORANGETOWN PLANNING BOARD**  
**Virtual Meeting of Wednesday, March 9, 2022**

**MEMBERS PRESENT:** Thomas Warren, Chairman  
Michael Mandel, Vice Chairman  
Stephen Sweeney  
Denise Lenihan  
Andrew Andrews  
Michael McCrory  
Kevin Farry  
Lisa DeFeciani

**MEMBER ABSENT:** None

**ALSO, PRESENT:** Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Katlyn Bettmann, Senior Clerk Typist.

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

<b>Dominican College Athletic Complex Site Plan</b>	<b>PB#22-12</b>
Final Site Plan Review	
470 Western Highway, Orangeburg	<b>Final Site Plan</b>
74.06/3/1.1 & 1.3	<b>Approval Subject</b>
R-40 zoning district	<b>to Conditions</b>

**Other Business:**

1. Nyack Union Free School District: Referral for Lead Agency. A motion was made to consent to the Nyack Union Free School District to be Lead Agency by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, abstain; Michael McCrory, aye; and Andrew Andrews, aye.

2. The Board reviewed Drainage Consultant proposals from Brooker Engineering, Collier Engineering and Laberge Group and determined the Following that all three consultant proposals to be acceptable. The Board will Alternate consultants for drainage reviews, as needed.

The motion was made by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, abstain; Michael McCrory, aye; and Andrew Andrews, aye.

The decisions of the February 23, 2022 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Kevin Farry and carried as follows: Thomas Warren – Chairman, abstain; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Stephen Sweeney, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel, Vice Chairman and seconded by Kevin Farry and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for March 23, 2022.

**DATED: March 9, 2022**

*Cheryl Cooper*  
28 MAR 28 2022  
TOWN OF ORANGETOWN

**PB #22-12: Dominican College Athletic  
Complex Site Plan  
Final Site Plan Approval Subject to Conditions**

**Permit #50426**

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**TO: Matthew Mohlin, 538 Broadhollow Road, 4<sup>th</sup> Floor East, Melville,  
New York 11747**  
**FROM: Orangetown Planning Board**

**RE: Dominican College Athletic Complex Site Plan:** The application of Dominican College, owner, for Final Site Plan Review at a site known as **“Dominican College Athletic Complex 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 470 Western Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lots 1.1 & 1.3 in the R-40 zoning district.

Board Member Stephen Sweeney recused himself from the proceedings of this item.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 9, 2022**, at which time the Board made the following determinations:

Brian Quinn, Robert Wilder, Matthew Mohlin and Ken Keltai appeared and testified.

The Board received the following communications:

1. PRC report dated February 23, 2022.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated March 7, 2022.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 4, 2022.
4. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 7, 2022.
5. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 14, 2022.
6. Letter and Notice from Rockland County Health Department, dated February 16, 2022, signed by Elizabeth Mello, PE.
7. Letter from Rockland County Highway Department dated January 27, 2022, signed by Dyan Rajasingham, Engineer III.
8. Email from the New York State Department of Environmental Conservation, from Ellen Hart, Environmental Analyst, Division of Environmental Permits, dated February 2, 2022.
9. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated January 20, 2022.

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10. Civil Plans prepared by H2M Architects & Engineers, dated October, 2020, last revised January 14, 2022:

- G0.0: Cover Sheet
- C0.0: Overall Site Plan
- C1.0: Existing Site Conditions and Removals Plan
- C1.1: Tree Removal Plan
- C1.2: Tree Removal List
- C2.0: Dimensional Site Plan
- C3.0: Grading and Drainage Plan
- C3.1: Culvert Sections
- C4.0: Landscaping Plan
- C5.0: Erosion and Sediment Control Plan
- C6.0: Site Details
- C6.1: Culvert Profile/ Sediment Trap Details
- C7.0: Bleacher Site Plan, Section, and Elevations
- C7.1: Bleacher Details

11. Copy of the Realty Subdivision Plan, prepared by Corless and Associates, dated October 1, 2015, last revised November 16, 2021.

12. Email from Patricia and Michael McNamee, dated November 13, 2021.

13. Building Permit Referral to the Planning Board dated August 13, 2020, prepared by Rick Oliver, Building Inspector.

14. Project Narratives prepared by H2M Architects & Engineers, signed by Matthew Mohlin, PE.

The Board reviewed the plans. The hearing was then opened to the Public.

A motion was made to open the Public comment portion of the hearing by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Stephen Sweeney, recused; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye.

**Public Comment:**

Tina Addino, 87 Chestnut Oval, express concerns regarding line of sight, screening of the athletic field, and noise after hours.

Lowell Pierrette, Dominican College Student Athlete, Senior on the Men's Track & Field Team, stated that noise from the site is not an issue

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Pat McNamee, 75 Chestnut Oval, raised concerns regarding sound, site and quality of life. She wanted to know if there would be any restrictions on rental of the site.

John Burke, Vice-President of Student Development at Dominican College, held that there would not be a Public Address system in the summer, approximately 30 games in a season and whatever needs to be done for screening will be worked on. The music will not be played during practice and they will try to control unstructured practice. He expressed that the school needs the improved field since the school has 200 plus athletes. Mr. Burke noted that rentals without lights is limited.

Josie Lettieri, Dominican College Student Athlete, Freshman woman's lacrosse, held that the school needed a home field. She raised safety issues that the students now need to drive to games.

Saverfo Addino, 87 Chestnut Oval, held that the property is zoned R-40 and renting it would make it a commercial operation. He expressed concerns regarding the use of cameras viewing his property, drainage of the site and the scoreboard encroachment.

Jordana Tomasetti, Dominican College Student, held that the field would be beneficial to the school and is a great opportunity for the neighborhood to play on the improved field.

Armani Abreu, Dominican College Student Athlete, held that the team cannot have games on the existing field and that he understands the community, however, the improved field would have a positive impact.

Laurence Riebro, Dominican College Student Athlete, on the Men's Track Team, held that the team now uses another field to practice on.

Joubert Derival, Assistant Cross-Country Coach, expressed to the Board that the improved field would benefit the community and also bring high quality students to Dominican College.

Maurof Barry, Dominican College Student, does not think the noise will be an issue and the neighbors can bring their kids to watch the sports.

Adam Lenn, Dominican College Student, held that the improved field would be good for the neighborhood kids.

Joe Burbridge, an employee of Dominican College, held that the school wanted the best facilities for the students.

Jose Clinton, resident of Orangetown, wants the school to work with the community.

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There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Stephen Sweeney, recused; Kevin Farry, aye; Lisa DeFeciani, aye; Michael McCrory, aye; and Andrew Andrews, aye.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was granted **Final Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. The Public Address system shall only be used for the college, and not during the summer.
5. All rental events, not part of Dominican College shall conclude by 6:00 p.m.
6. No lighting shall be used at the athletic field, portable or permanent.
7. The Board amended Sheet C4.0 of H2M plans, "Landscape Plan" to include 16 trees, (Green Giant Arborvitae and Spruce trees) minimum height 10-foot at planting. The Green Giant Arborvitae 16 trees are to be added to the South West corner of the field near Carlton Rd. In addition, the applicant shall plant a mix of Spruce trees and Green Giant Arborvitae on the Chestnut Oval side being the same size of 10 to 12 feet. Note that if the Building Inspector finds blank areas during construction at the site, an additional 10 trees shall be added at the discretion of the Building Inspector. The Chairman of the Planning Board marked and initialed the revisions that were marked on the plan and signed by the applicant.

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8. The Bulk Chart shall be revised as follows:  
a) Minimum Lot width required is 80 feet, not 100 feet.
9. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and the construction plans are reviewed and approved by the Inspector.
10. The applicant still needs to comply with PB#20-57 Conditions:

The Stormwater Pollution Prevention Plan is under review and a formal review shall be sent directly to the applicant's engineer. However, below is a tentative list of SWPPP and SWPPP related items required:

- a.) The Project Description and Scope of the SWPPP and the drawings shall clearly identify the specific type of NYSDEC water quality/ quantity system(s) that are being proposed, using the naming system spelled out in the NYSDEC Stormwater Management Design Manual.
- b.) The Project Description and Scope, other pertinent sections of the SWPPP, as well as the design calculations, need to demonstrate how the design criteria and minimum standards spelled out in Chapter 5 – Green Infrastructure and Chapter 9 – Redevelopment, of the New York State Stormwater Management Design Manual, are being addressed/ satisfied.
- c.) Full pre and post construction stormwater calculations, with pre and post graphical and tabular hydrographs shall be provided in the SWPPP. These required items shall be placed in separate/ labeled/ individual sections/appendices.
- d.) Full design calculations and details for all proposed stormwater quality/ quantity systems/ features shall be made part of the SWPPP. This shall include all of the backup calculations for the summary sheet supplied in the SWPPP.
- e.) The beginning of the SWPPP shall include a table showing **elevation vs. area vs volume** numbers for the proposed infiltration pond system & WQ practices.
- f.) The drainage calculations shall also contain year storm vs volume vs elevation **tables** for all of the proposed stormwater systems and WQ features.
- i.) Appendix C shall include specific during construction inspection checklists for all of the proposed stormwater quality/ quantity structures e.g. Cultec chamber system (one set for each system – east and west), drainage manholes, piping, open channel, rip-rap, etc.

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**Continuation of Condition #10....**

j.) Appendix K shall include specific post construction inspection checklists for all of the proposed stormwater quality/ quantity structures e.g. Cultec chamber system (one set for each system – east and west), drainage manholes, piping, open channel, rip-rap, etc.

k.) The drainage calculations shall include storage- elevation tables and curves for the stormwater systems and water quality (WQ) practices. The pre and post calculations and hydrographs shall be separated into separate appendices.

**11.** As previously requested, the SWPPP and drainage calculation shall include **ALL** design parameters for the proposed 5-foot wide open bottom culvert: the year-storms it can pass, the calculations that determined its size and slope, any and all potential upstream and downstream impacts (whether positive, negative or neutral), etc.

**12.** Installation details for the proposed stream piping culvert shall be added to the drawings and the SWPPP.

**13.** The actual, full and signed soils report, soil information/ breakdown (as shown on drawing C3.0), and the perc and groundwater tests shall be included in the SWPPP, not just an 8 1/2 x 11 copy of the drawing C3.0.

**14.** The SWPPP and drawings/ details shall include complete and detailed installation and post construction maintenance information for the stormwater proposed stormwater systems. Detailed written descriptions for same shall be added to the SWPPP. These descriptions shall include a thorough explanation of how inspection and maintenance are to occur and instructions for each (to be included in the required post-construction stormwater maintenance agreement – comment #14 below) to ensure the systems continued operation. For example, as discussed with the applicant's engineer, video inspection of detention system at least once every two (2) years, with a copy of written report and copy of video to be supplied with each years' annual inspection report

**15.** The rim and invert elevations for all proposed inspection ports and drainage manholes shall be listed on all of the plans (including all plan views.)

**16.** A separate drawing shall be added to the plan set that shows a detailed view of the proposed filed underdrain system and how it will tie into the proposed Cultec chamber systems. The detailed view will show pipe length, size, slope, material and elevation for the entire underdrain system. The SWPPP will thoroughly discuss the connection of the underdrain system to the Cultec system and how it will function based on the storms analyzed.

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17. **Separate** profiles for ALL proposed drainage piping shall be added to the plans, including but not limited to, east side Cultec chamber to drainage manhole DA-1, trench drain to drainage manhole DA-1, open box concrete culvert, etc. The Culvert profile is lacking information, e.g. existing grades, proposed grading, etc.

18. It is unclear as to what the symbol in **the bottom of the existing stream bed**, above and below the new culvert, on drawing C5.0 is supposed to represent. This symbol shall be identified. Also, the SWPPP shall fully describe how the water course diversion (assumedly bypass pumping) is to take place, including a written description, sizing of the pumping, details for pump location, exhaust, energy dissipation, etc. Detail shall also be added to the plans.

19. The location, sizing, and exhaust of the proposed stone outlet sediment trap shall be more detailed on the SESC drawing. It is recommended that a blow-up of the sediment trap be added to the drawings for clarity. Also, A separate appendix shall be added to the SWPPP that shall include calculations for the sizing of the basin, its specifications, its required cleanout height, its maintenance, etc.

20. Labeled separation tabs shall be added to the SWPPP binder.

21. On Drawing C5.0, the sediment trap limit symbol shall be added to the legend. Also, the NYSDEC standard symbol for a sediment trap shall be put back on the drawing.

22. The proposed post construction stormwater maintenance agreement is insufficient. The applicant shall obtain a boiler plate from the Town of Orangetown Town Attorney's Office. Facility specific post construction inspection checklists shall be provided with the revised PC-SWMA. As previously requested, a separate appendix shall be added to the SWPPP. As agreement, including checklists.

23. Copies of all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed subdivision, shall be supplied to the Planning Board and this Department, prior to signing the map.

**24. Drainage Review Recommendation – Brooker Engineering**

The application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board Drainage Consultant therefore recommends that the Dominican College Athletic Complex Site Plan be approved for drainage subject to the following Project Comments.

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**Continuation of Condition #24...**

**Project Description**

This is the fourth drainage review report for this project; the last review was dated November 10, 2021. The project consists of the construction of a new athletic turf field with bleachers at the Dominican College campus. Stormwater runoff flows east in this area of the property towards an existing stream, which is an unmapped FEMA watercourse. The area contains mostly grass ground cover and is downhill of the residential area to the west.

Approximately 3.61 acres of impervious area are being added by the project. An underground infiltration system is proposed to provide stormwater mitigation. This system provides 38,995 CF of storage, which translates to storage of 3.1 inches of stormwater runoff from the new impervious surfaces. The existing stream will be realigned and a new culvert is proposed at this location. Supporting calculations have been provided to justify the size of the new culvert.

**Project Comments**

1. As per the November 10, 2021 and January 26, 2021 review, the delineation for drainage subarea DA-2 in the hydrograph model shall include off-site areas from the west where surface water runoff flows to the east and is conveyed to the detention system. Provide updated drainage basin delineations that support this.
2. As per the November 10, 2021 review, show the dimensions for the overall width of each cultech system, including separation distances between cultech chambers.
3. Show Detail 8 "Drainage Manhole with internal Weir" drawn to scale. It appears the pipe connection from the trench drain to the cultech system might bypass the weir and directly discharge with no flood storage.
4. The top of weir in the drainage manhole is at elevation 189.0 and the invert of the cultech system is elevation 188.0. It appears much of the stormwater runoff will overflow the weir and bypass the available storage in the cultech system. This shall be re-evaluated.
5. Provide inverts for the trench drain to demonstrate the criteria of "slope invert of trench drain to pipe outlet" on Note #1 of Detail 1 on Drawing 6.1 can be met.
6. Provide the invert elevation of the size inch orifice on the drainage manhole with Internal Weir Detail.

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

- A review must be completed by the Rockland County Highway Department, any concerns addressed, and all required permits obtained.
- An updated review of the January 14, 2021 site plan shall be completed by the Rockland County Department of Health (RCDOH). In addition, the applicant shall comply with RCDOH letter of November 8, 2021.
- If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

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**Continuation of Condition #25...**

- There shall be not net increase in the peak rate of discharge from the site at all design points.
- There is incorrect information listed on the Bulk Table For use group F, the minimum total side yard depth is 80 feet, not 100 feet. The maximum building height should be 8 inches per foot that the proposed development is from the front property line, not 3 inches. The use group must also be specified on the bulk table.
- The sound system must comply with the Town of Orangetown Noise Ordinance, as outlined in Chapter 22 of the Town Code.
- The subdivision map states that the property will receive water from United Water New York. This must be corrected to state water will be provided from Suez New York.
- The subdivision map must clearly delineate the boundaries of the proposed development site. The vicinity map shows the lot with the cemetery as part of the development site. This property is incorrectly labeled with property ID 74.06-3-1.1, when it is actually 74.06-3-1.4.

**26.** The Rockland County Department of Health had the following comment: Based on the information provided, all necessary Rockland County Department of Health approvals have been obtained.

**27.** The Rockland County Highway Department (RCHD) reviewed the plans and offered the following comment: RCHD believes that the proposed action would have no significant effects upon the County Roads, and RCHD has no further comments.

**28.** Rockland County Drainage Agency (RCDA) has reviewed the information submitted and available maps and determined that the site is outside the jurisdiction of RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846.

**29.** Orange and Rockland Utilities (O&R) reviewed the submitted information and offered the following comment: There does not appear to be any conflicts with the existing gas facilities. Please contact O&R's new business department for any new gas connections. All code 753 rules must be followed.

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**30.** The New York State Department of Environmental Conservation (NYSDEC) reviewed the submitted information and offered the following comments:

- What size storm is this culvert designed to handle? Could a 1%, 2%, or 5% annual chance flood pass?
- Since the minimum culvert sizing requirement of 1.25 x width is not being met for the blanket water quality certificate, there needs to be further documentation and clarification that the undersized culvert will not impact water quality and public safety and welfare upstream and downstream of the culvert. Alternatives to putting the stream in a culvert should be considered.
- Since the stream is being realigned anyway, why not move it further east so any structures are avoided?
- The current status of the permit application NYSDEC is incomplete. NYSDEC are awaiting a response to these comments and, in addition, items such as the SEQR determination will be needed for the NYSDEC to continue its review.

**31.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.

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

**33. 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:
  - 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.

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**Continuation of Condition #33 . . .**

- One (1) foot radius from trunk per inch DBH
- 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.

**34.** 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.

**35.** 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.

**36.** 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.

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

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

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

**40.** 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

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

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye, Stephen Sweeney, recused, Lisa DeFeciani, aye and Kevin Farry, aye.

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

**Dated: March 9, 2022  
Cheryl Coopersmith**



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