

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: _____

2021 LAND USE BOARD APPLICATION

Please check all that apply:

<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input checked="" type="checkbox"/> Interpretation
<input type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input checked="" type="checkbox"/> Other (specify): <u>Appeal</u>	

PERMIT#: N/A
ASSIGNED _____
INSPECTOR: _____

Referred from Planning Board: YES / NO
If yes provide date of Planning Board meeting: _____

Project Name: WPT Acquisitions, LLC

Street Address: 13 and 21 Mountainview Avenue; 518 Route 303

Tax Map Designation:
Section: 74.07 Block: 1 Lot(s): 33, 36 and 2
Section: _____ Block: _____ Lot(s): _____

Directional Location:
On the North side of Mountainview Avenue, a pproximately 390 feet West of the intersection of Mountainview Ave & Rte 303, in the Town of ORANGETOWN in the hamlet/village of Orangeburg.

Acreage of Parcel <u>13.9 +/- acres</u>	Zoning District <u>LI, LO, CC, Rte 303 overlay</u>
School District <u>South Orangetown SD</u>	Postal District <u>10962</u>
Ambulance District <u>Rockland Paramedic Svs</u>	Fire District <u>Orangetown Vol Fire Assn</u>
Water District <u>Suez</u>	Sewer District <u>Orangetown Sewer District</u>

Project Description: *(If additional space required, please attach a narrative summary.)*
demolish existing building and house to erect a warehouse/distribution center. See attached narrative for full statement.

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Signature and Date: 7/20/21 Applicant's Signature: [Signature]

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? NA
- 2) Is any open space being offered? NA If so, what amount? _____
- 3) Is this a standard or average density subdivision? NA

If site plan:

- 1) Existing square footage NA
- 2) Total square footage NA
- 3) Number of dwelling units -0-

If **special permit**, list special permit use and what the property will be used for.

NA

Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area No

Are there **streams** on the site? If yes, please provide the names. No

Are there **wetlands** on the site? If yes, please provide the names and type:

No

Project History:

Has this project ever been reviewed before? No

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

None

Brian Di Girolomo
70 S Greenbush Rd
Orangeburg, NY 10962

Christopher M. Meyers
30 Mountainview Ave
Orangeburg, NY 10962

Neal D Leibesberger
469 Western Hwy
Orangeburg, NY 10962

James E McCluskey
467 Western Hwy
Orangeburg, NY 10962

Addolorata Grillo
21 Bataan Rd
Orangeburg, NY 10962

LMAM Properties LLC
45 Wolfe Circle
W Nyack, NY 10994

Eastcoast BLR 1993 LLC
3 Reuten Dr
Closter, NJ 07624

Robert Stablic
BCR Realty LLC
16 Lark St
Pearl River, NY 10965

Classic North Realty LLC
512 Rte 303
Orangeburg, NY 10962

Town Plaza II LLC/Azarian Grp
6 Prospect St 2A
Midland Park, NJ 07432

Nolan Monuments Inc
508 Rte 303
Orangeburg, NY 10962

Cesare Tullio
9 Ventnor Ct
Waretown, NJ 08758

Mountainview Prop of
Rockland LLC
15 Inwood Dr
Bardonia, NY 10954

East Coast BLR 1993 LLC
3 Reuten Dr
Closter, NJ 07624

John Nevins
17 Mountainview Ave
Orangeburg, NY 10962

Thomas Finsterwald
15 Mountainview Ave
Orangeburg, NY 10962



OFFICE OF BUILDING, ZONING, PLANNING
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 GREENBUSH ROAD
ORANGETOWN, N.Y. 10962

Jane Slavin, RA
Director

(845) 359-8410

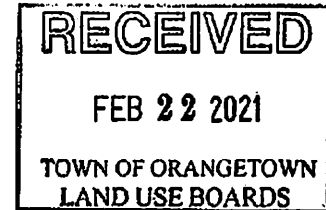
Fax: (845) 359-8526

Date: February 19, 2021

To: Cheryl Coopersmith, Chief Clerk
Planning Board

From: Jane Slavin, RA.,
Director O.B.Z.P.A.

Subject: **13 & 21 Mountainview Avenue & 518 RT 303**
Consultation review
74.07-1-2, 33 & 36; LI, LO & CC zoning district



PB#21-10

Submission Reviewed:

Application and narrative as prepared by Ira M. Emanuel, P.C. and conceptual site plan as prepared by Dynamic Engineering.

- 1) Per chapter 43, Article XIII, Route 303 Overlay Zoning District applies;

13.3(E); *"If, after the effective date hereof, a primary access and egress route, or private road, drive or easement used as an entrance road, is established from Route 303 to a property which is located immediately east or west of the Route 303 Overlay District, such property shall be deemed to fall within and be subject to the provisions of this ordinance."*

and

13.3(F); *"If, after the effective date hereof, any application for a building permit or other land use approval is submitted concerning a parcel located within the Route 303 Overlay Zone and the application includes or incorporates any separate or distinct parcel which is located beyond the boundaries of the Overlay Zone, the provisions of this ordinance shall also apply to such separate or distinct parcel."*

and

13.10 (B)(5); *"Retail warehouse uses including mini-storage uses and distribution centers which require or utilize a structure with a total combined square footage in excess of 65,000 square feet on any single parcel (or assemblage of contiguous individual parcels, or on any one parcel which has been subdivided after the date of this local law) shall be prohibited." A use variance is required.*

- 2) Concept plan indicates parking within the 50' side yard and rear yard setbacks. Per table 3.11, LI District, column 7 number 8; *"NO parking is permitted in any required yard, unless permitted by any board or town agency having jurisdiction. This permission may be granted at the time of site review"*
- 3) A variance is required for the proposed number of parking spaces.
- 4) Chapter 21A, Site Development Plan Approval applies. Upon submission for formal review and approval, applicant must submit a full site development plan per 21A.



OFFICE OF BUILDING, ZONING, PLANNING
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 GREENBUSH ROAD
ORANGETOWN, N.Y. 10962

Jane Slavin, RA
Director

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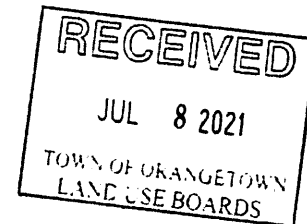
Fax: (845) 359-8526

Date: July 8, 2021

To: Cheryl Coopersmith, Chief Clerk
Planning Board

From: Jane Slavin, RA.,
Director O.B.Z.P.A.E.

Subject: 13 & 21 Mountainview Avenue & 518 RT 303
Consultation review
74.07-1-2, 33 & 36; LI, LO & CC zoning district



PB#21-38

Submission Reviewed:

Application and narrative as prepared by Ira M. Emanuel, P.C. and conceptual site plan as prepared by Dynamic Engineering.

- 1) Comments from my February 19, 2021 letter still apply.
- 2) Per chapter 43, Article XIII, Route 303 Overlay Zoning District applies and the proposed project must comply with all requirements.
- 3) Chapter 21A, Site Development Plan Approval applies. Upon submission for formal review and approval, applicant must submit a full site development plan per 21A.
- 4) The entrance driveways are quite wide. Applicant should consider reducing width of driveways and designing the Mountainview driveway to limit the ability for trucks to enter and exit, to and from the west.
- 5) Applicant has advised that they had met with representatives from NYSDOT on March 25, 2021, (see meeting minutes and follow up email from NYSDOT dated June 14, 2021). NYSDOT has expressed concern with reducing the roadway to one lane in each direction and has requested additional models and information to be provided. (See item number 4 of email).

JS-7-8-2021



EMANUEL LAW P.C.

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*
Counsel to Freeman & Loftus, RLLP

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New City, NY 10956

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Tel: 845-654-4141

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

NARRATIVE SUMMARY

13 & 21 MOUNTAINVIEW AVENUE AND
518 ROUTE 303 SITE PLAN
Tax Lots 74.07-1-2, 33 and 36

This is an appeal of a decision of the Director of OBZPAE and a request for interpretation regarding the use of property within the Route 303 Overlay District.

The applicant, WPT Acquisitions, LLC, is the contract vendee of the site. It wishes to replace the existing building with a 175,760 sf warehouse/distribution center. The parcel is located on the north side of Mountainview Avenue, approximately 375 feet west of New York State Route 303. Most of the site is located in an LI zoning district. A small portion at the north end is in the LO district. There are no plans develop that area. The proposed use is allowed "as of right" in the LI district (Use Table, § 43-3.11, Attachment 7, Col. 2, #10: "Wholesale sales or storage, warehouses").

The applicant is also under contract to buy an adjoining parcel located in the CC district, but also in the Route 303 Overlay District ("303-OD"). It wishes to use the 303-OD parcel as an access drive. No other structures are intended to be built on the 303-OD parcel. Without this adjoining parcel, the main portion of the property could still be developed and operated as a warehouse/distribution center, with all traffic being routed via Mountainview Avenue.

The parcel consists of three adjoining tax lots. The main portion, tax lot 74.07-1-36, contains 12.21 acres of land and is improved with a large commercial/industrial/warehouse-type building. Despite this, the building was last occupied by a church called "Church of the Lord". It is now vacant. A small portion, tax lot 74.07-1-33, fronting on Mountainview Avenue and adjacent to the railroad, contains approximately 0.48 acres and is currently occupied by a house. The third lot is tax lot 74.07-1-2. This lot contains approximately 1.13 acres and fronts on Route 303. It is currently vacant. The total parcel contains 13.83 acres of land.

The applicant intends to demolish the existing building and the house and to erect a 175,760sf warehouse/distribution center. The building will contain 173,160sf of warehouse/distribution space and 2,600sf of office space accessory to the

warehouse/distribution use. All of the building, parking, and internal vehicle circulation will be within the LI district portion of the site. Tax lot 74.07-1-2, which lies in the CC and Route 303 Overlay districts, will be used solely for an access driveway to Route 303, and possibly for stormwater management and underground utility services. A copy of the proposed layout plan is submitted herewith.

At informal meetings with the Planning Board on February 24, 2021, and July 14, 2021, members were very much in favor of routing as much truck traffic as possible directly to Route 303, so as to avoid Mountainview Avenue. The applicant shares that desire, which is why it wishes to construct this new access drive.

To that end, the applicant has met with the New York State Department of Transportation to discuss improvements to Route 303 in the vicinity of the project. These improvements, upon which DOT looks favorably, include the creation of a two-way center turn/left turn lane from a point approximately 580 feet north of the project site, through the intersection with Mountainview Avenue/Greenbush Road, and continuing approximately 600 feet south of the intersection. Modems to be installed on traffic signals at Erie Street, Mountainview Avenue/Greenbush Road, and Orangeburg Road will allow these signals to be synchronized to provide better traffic flow. A copy of the proposed Route 303 improvement plan (in concept) is submitted herewith.

These improvements will allow trucks to enter and exit the Route 303 site driveway with full movements (both left and right turns into and out of the site).

Under the Orangetown Zoning Code, the creation of a road through a 303-OD parcel to provide access to lands immediately adjacent to the 303-OD will bring those adjacent lands under the overlay district regulations. (Orangetown Zoning Code §§ 43-13.3.E and F.)

The 303-OD regulations also state: "Retail warehouse uses including ministorage uses and distribution centers which require or utilize a structure with a total combined square footage in excess of 65,000 square feet * * * shall be prohibited." (Zoning Code § 43-13.10.B.(5).) From this, the Director of OBZPAE concluded that a use variance will be required for the larger proposed facility. The Director's determination, as set forth in her memo dated February 14, 2021, and reiterated in her memo dated July 8, 2021 is submitted herewith.

We disagree, and hereby appeal to this Board.

SEQRA and GML Status

This application is a Type II action under the SEQRA regulations (6 N.Y.C.R.R. § 617.5(c)(37) "interpretation of an existing code, rule or regulation"), and therefore no EAF is required.

As this is an application for interpretation and appeal, and not for site plan, special permit or other land use approval, no referral to the Rockland County Planning Department is required under GML § 239-m(3)(a).

Appeal and Request for Interpretation

Jurisdiction

This Board has original jurisdiction to hear appeals from the Director's determinations and to seek an interpretation of provisions of the Zoning Code. (Orangetown Zoning Code § 43-10.331; NY Town L. § 267-b.1.)

A. § 43-13.10(B)(5) Does Not Apply

The applicant seeks an interpretation of § 43-13.10(B)(5). When interpreting zoning code provisions, New York law is clear:

It is well settled that zoning codes, being in derogation of the common law, must be strictly construed against the enacting municipality and in favor of the property owner (*see FGL & L Prop. Corp. v City of Rye*, 66 NY2d 111, 115 [1985]; *Matter of Allen v Adami*, 39 NY2d 275, 277 [1976]; *Matter of Geisinsky v Village of Kings Point*, 226 AD2d 340 [1996]). A zoning board's interpretation of a zoning code is "not entitled to unquestioning judicial deference, since the ultimate responsibility of interpreting the law is with the court" (*Matter of Tartan Oil Corp. v Bohrer*, 249 AD2d 481, 482 [1998] [internal quotation marks omitted]; *see Matter of Tallini v Rose*, 208 AD2d 546, 547 [1994]). A zoning code must be construed according to the words used in their ordinary meaning (*see Matter of Chrysler Realty Corp. v Orneck*, 196 AD2d 631, 632 [1993]) and may not be extended by implication (*see* 1 Anderson, *New York Zoning Law & Prac* § 9.39, at 466 [3d ed 1984]; *see also Matter of KMO-361 Realty Assoc. v Davies*, 204 AD2d 547 [1994]; *Gillen v Zoning Bd. of Appeals of Town of Cortlandt*, 144 AD2d 433, 436 [1988]). Where the interpretation of a zoning code is irrational or unreasonable, the administrative agency's determination will be annulled (*see Matter of Tallini v Rose, supra; Matter of KMO-361 Realty Assoc. v Davies, supra; Matter of Chrysler Realty Corp. v Orneck, supra*).¹

¹ *Matter of Baker v Town of Islip Zoning Bd. of Appeals*, 20 AD3d 522, 523, 799 N.Y.S.2d 541 (2d Dept 2005), mot for lv to appeal denied 6 N.Y.3d 701, 843 N.E.2d 1155 (2005). In *Baker*, the ZBA determined that area beneath a second story of a house that was held up by pilings, and which did not have a floor or walls, was nevertheless included in total floor area. Although the Supreme Court upheld the ZBA's decision, the Appellate Division reversed. The Appellate Division reviewed the definition of "total floor area" in the zoning code and held that, since the code included only those areas "within the exterior walls of the dwelling", and since the area in question was open, and without a finished floor, it was not to be included in the calculation, despite being roofed by the second floor of the house:

Since the bare ground under the second story portion of the petitioners' house is not enclosed by exterior walls, doesn't have a floor, and is not a deck, breezeway,

§ 43-13.10 establishes regulations for non-residential areas within the 303-OD. Subsection B contains “Specific conditions applicable to all properties located within the Route 303 overlay project.”

§ 43-13.10.B(5) provides:

(5) Retail warehouse uses including mini-storage uses and distribution centers which require or utilize a structure with a total combined square footage in excess of 65,000 square feet on any single parcel (or assemblage of contiguous individual parcels, or on any one parcel which has been subdivided after the date of this local law) shall be prohibited.

It appears that the restriction on size applies only to “retail warehouse uses”. Such uses “include” retail (i.e., open to the public) “mini-storage uses and distribution centers”. Retail warehouse uses include Costco, Home Depot, or similar big box stores, or Public Storage or similar mini-warehouses.

This interpretation is consistent with § 43-13.10.A:

A. Variances for retail. Retail uses are not presently permitted as-of-right in certain existing zoning districts (i.e., LI, LIO and LO) and consequently require use variances. If there is any application, after the effective date hereof, for a retail use in excess of 65,000 square feet gross floor area in an LI, LIO or LO Zone, the grant of such variance shall require a determination on the issue of use variance and a separate determination on the issue of an area variance by the Zoning Board of Appeals.

This section expressly states that, in zones where retail uses are otherwise not permitted, the granting of a use variance to allow retail uses must be accompanied by a separate area variance if the retail use is to exceed 65,000 square feet.

Thus, it appears that the drafters of the 303-OD were concerned with large retail uses within the overlay district.

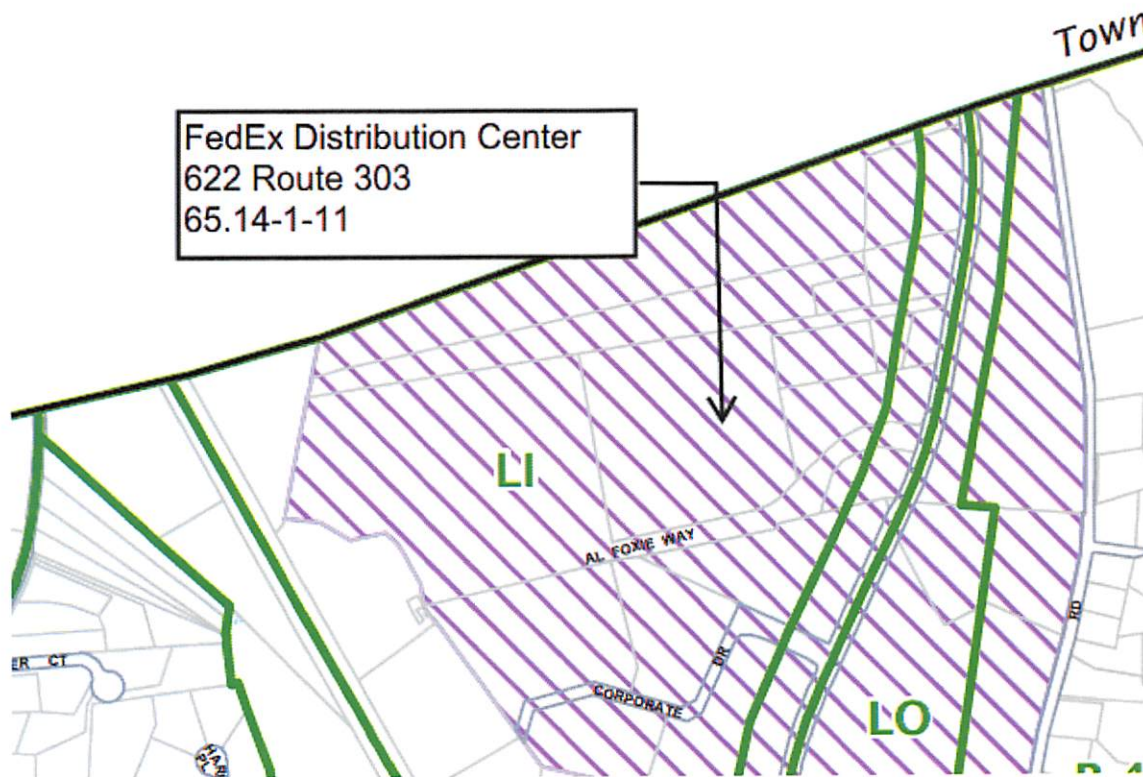
This is exemplified by the treatment given to the FedEx warehouse/distribution center at 622 Route 303 (tax lot 65.14-1-11), which is also located within both the LI and the 303-OD districts. That facility was approved in 2011.² It consists of a FedEx warehouse/distribution center having a total floor area of 220,998sf, which is far in excess of the 65,000sf referred to in § 43-13.10.B(5). Yet, neither the Planning Board,

shed, garage, or other accessory use, it is not included in the definition of total floor area and shouldn't have been used to calculate the FAR. Furthermore, the subject provisions of the Code do not define total floor area to include areas that are "underneath a roofed-over portion of the house" and it may not be extended by implication to do so (see *Matter of Chrysler Realty Corp. v Orneck, supra*).

Matter of Baker at 524.

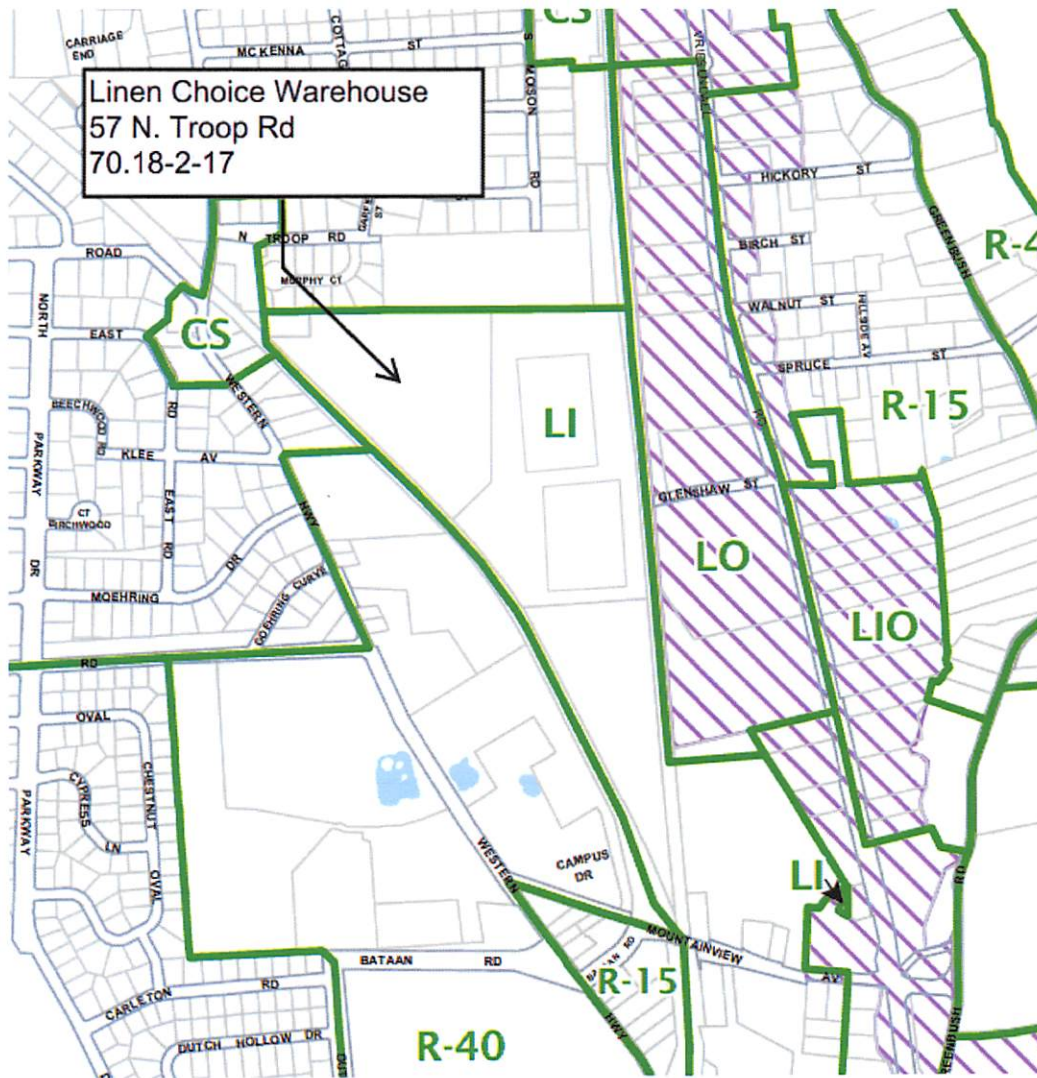
² See, ZBA applications 10-90 and 10-91.

ZBA, nor ACABOR files mentioned the purported size limitation. Indeed, the only mention of the 303-OD was in the various review memos from the Rockland County Planning Department, and then only to remind the Town agencies to ensure compliance with those requirements.



Similarly, the Linen Choice warehouse at 57 N. Troop Rd (tax lot 70.18-2-17) is in an LI district. However, because it takes access via an easement to Glenshaw Street, which in turn leads to Route 303 through the 303-OD, it, like the proposed warehouse here, should be brought into the 303-OD.³ The Linen Choice warehouse was approved at 170,000sf. Final site plan approval was granted by the Planning Board in February 2018 (PB 18-10). This Board granted access approval under Town Law § 280-a.4. There was no discussion of the need for a building size variance for the Linen Choice project at either board.

³ Zoning Code § 43-13.3.E.: “If, after the effective date hereof, a primary access and egress route, or private road, drive or easement used as an entrance road, is established from Route 303 to a property which is located immediately east or west of the Route 303 Overlay District, such property shall be deemed to fall within and be subject to the provisions of this ordinance.”



Since the limit on size applies to “retail warehouse uses including mini-storage uses and distribution centers”, and since the size limit was not applied to the FedEx or the Linen Choice facilities, one must conclude that the size limitation applies only to “retail warehouse uses”, of which “[retail] mini-storage” and “[retail] distribution centers” are subsets.

Having established that the size limit applies only to “retail warehouse uses”, it follows that it does not apply to the commercial warehouse/distribution center proposed by the applicant.

B. If the Size Limit Applies, Then an Area Variance Is Needed, Not a Use Variance

If, despite the foregoing, it is still determined that the 65,000sf limit of § 43-13.10.B(5) applies, then relief would come in the form of an area variance, not a use variance.

The 303-OD is an overlay district. In general, the uses permitted in the underlying districts are still permitted in the 303-OD, subject to the regulations of the 303-OD. The proposed use, as a warehouse/distribution facility, is expressly permitted in the applicable LI district. (Use Table, Col. 2, #10.)

Nothing in the 303-OD district regulations prohibit the *use* of property within the district as a warehouse/distribution facility. In fact, such a use is expressly permitted. However, the 303-OD limits the size of “retail warehouse uses” to not more than 65,000 square feet. (§ 43-13.10.B(5).)

The New York Town Law defines “use variance” and “area variance”. A “use variance” is “the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.” (NY Town Law § 267.1.)

An “area variance” is “the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.” (*Id.*)

Put another way, “An 'area' variance is one which does not involve a use which is prohibited by the zoning ordinance, while a 'use' variance is one which permits the use of land which is proscribed...”. (*Consolidated Edison Co. of New York, Inc. v. Hoffman*, 403 N.Y.S.2d 193, 197, 43 N.Y.2d 598, 374 N.E.2d 105 (N.Y. 1978).)

Here, the use (warehouse/distribution center) is permitted in both the underlying LI district and in the overlay district. However, while the LI district does not limit the size of the use (other than in relation to the size of the lot on which it sits), the 303-OD, *arguendo*, places a limit of 65,000 square feet. Thus, while a retail warehouse use smaller than 65,000 square feet is allowed, one that is larger than 65,000 square feet is “not allowed by the dimensional or physical requirements of the applicable zoning regulations” in the 303-OD.

This situation is no different than if a warehouse/distribution center was proposed in the LI district but exceeded the allowable floor area ratio. Such a warehouse/distribution center would be similarly prohibited absent an area variance.

The 303-OD regulations themselves provide an example of the difference between a use variance and an area variance. § 13.10.A provides:

Variations for retail. Retail uses are not presently permitted as-of-right in certain existing zoning districts (i.e., LI, LIO and LO) and consequently require use variances. If there is any application, after the effective date hereof, for a retail use in excess of 65,000 square feet gross floor area in an LI, LIO or LO Zone, the grant of such variance shall require a determination on the issue of use variance and a separate determination on the issue of an area variance by the Zoning Board of Appeals.

The 303-OD requires first, a use variance to allow a retail use in the LI, LIO, and LO districts, as such uses area not permitted in those underlying districts. Having achieved a use variance, the retail use must then seek a separate area variance for the now-permitted use to exceed 65,000 square feet.

Here, the underlying use is permitted in the underlying LI district. If § 43-13.10.B(5) applies, then the 303-OD caps the size of the building at 65,000 square feet, thereby requiring an area variance to exceed the limit.

Planning Board and PRC Consultations

The applicant had consultations with the Planning Board on February 24, 2021, and July 14, 2021, and met with the PRC on July 7, 2021. At the both consultations, all Planning Board members expressed great concern with adding truck traffic to Mountainview Avenue. All members wanted the majority of truck traffic, if not all truck traffic, to use Route 303 as the access point.

At the PRC meeting, both the Rockland County Highway Department and DEME sought reductions in potential truck traffic on Mountainview Avenue.

The applicant, in consultation with NYSDOT, has designed improvements to Route 303 that will allow full turning movements into and out of the site from Route 303, thereby significantly reducing the need for truck traffic on Mountainview Avenue.

Ironically, the Director's opinion creates a result that is contrary to the expressed desires of the Planning Board and PRC. If the Director is correct, then we are left with a situation where the very remedy to the problem (access to Route 303) will lead to its abandonment.

As noted above, the proposed warehouse/distribution center is an as of right use in its LI district. No variances are needed for the project as proposed, other than to reduce the number of parking spaces (a result that has been encouraged by DEME). The project could be built without taking access from Route 303, thus avoiding the issue Director's issue completely. However, doing so would increase truck traffic on Mountainview Avenue. Both the Planning Board and the applicant would prefer to avoid that result to the extent practicable.

Based on the foregoing, we believe that (a) the size limit of § 43-13.10.B(5) does not apply, just as it did not apply to the much larger FedEx warehouse/distribution center, and (b) if the size limit does apply, then an area variance would be required for the excess size of the building, not a use variance.

Dated: July 20, 2021
New City, New York

EMANUEL LAW P.C.

By: 

Ira M. Emanuel
Attorneys for applicant

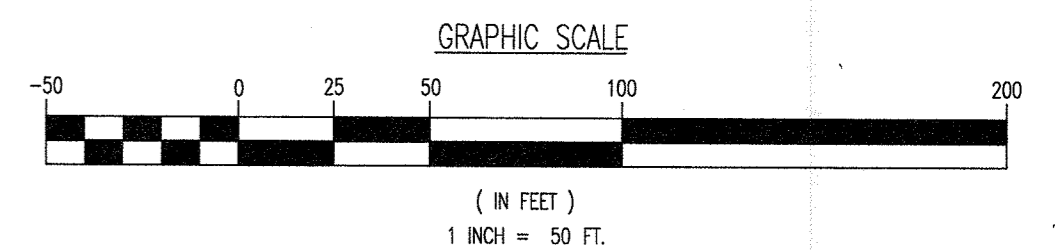


MATCHLINE

SEP 15 2021
Town Of Orange, NJ



MATCHLINE



Project: 07/12/21 - 9:05 AM, By: kmcghee, Product Ver: 24.0a (LMS, Tech) - CONCEPT PLAN - NO VEH. CIRC. & ALT.
 File: \\TRAFFIC\PROJECTS\2686_Arco Design_Build_Industrial\NY\Draw\Concept\268699013concept2.dwg

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REV.	DATE	COMMENTS	BY
2	07/09/21	REV. PER TOWN COMMENTS	KMS
1	04/26/21	REV. PER NYS DOT COMMENTS	KMS

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 TRAFFIC IMPACT STUDIES • ACCESS PERMITTING
 HIGHWAY & INTERSECTION DESIGN
 TRAFFIC SIGNAL & ELECTRICAL DESIGN
 245 Main Street, Suite 110
 Chester, NJ 07930
 T: 908.879.9229 | F: 908.879.0222
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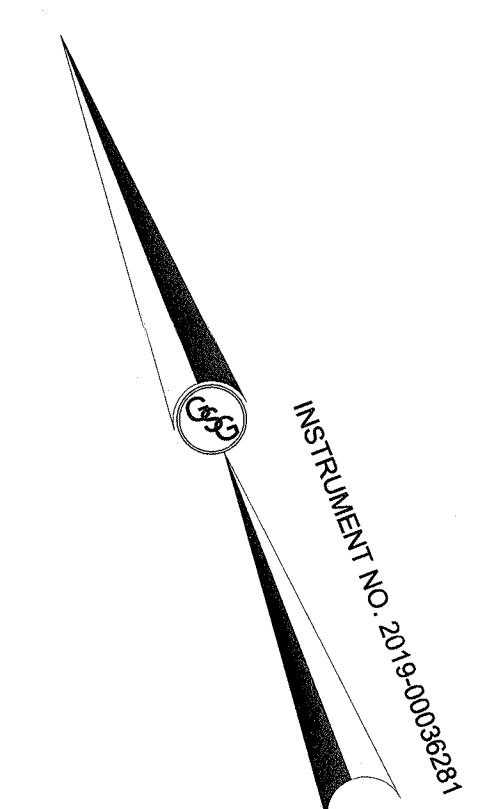
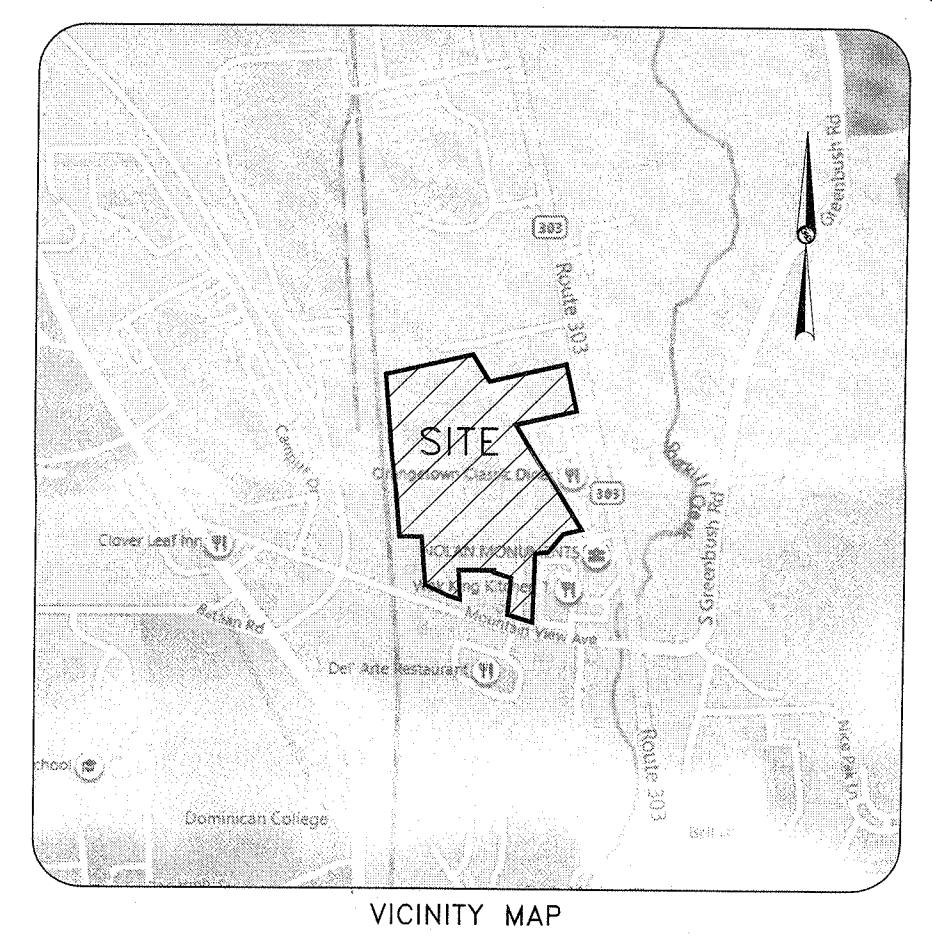
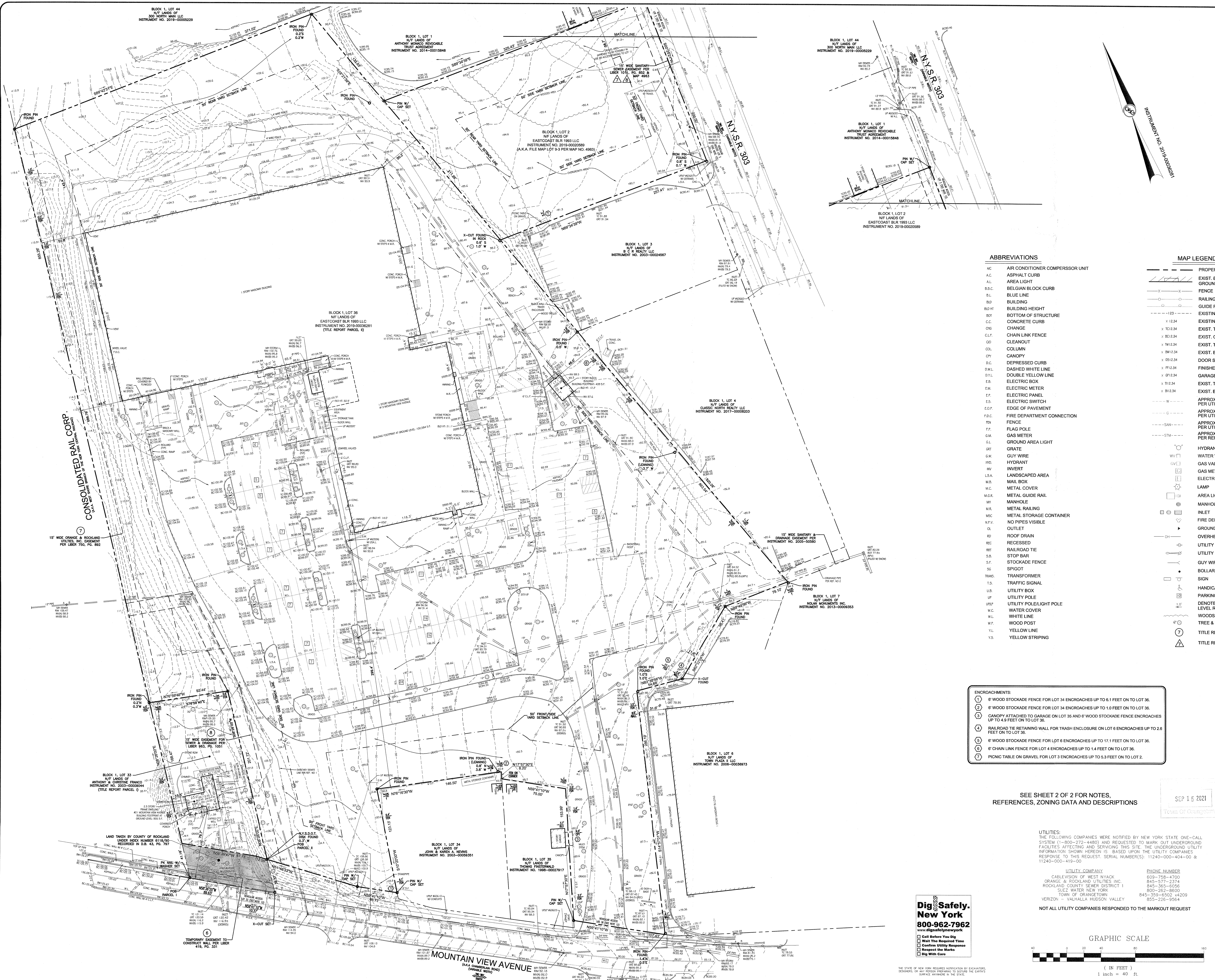
COREY M. CHASE
 PROFESSIONAL ENGINEER
 NEW YORK LICENSE No. 093631

WPT INDUSTRIAL REIT

**CONCEPT PLAN
 STRIPING IMPROVEMENTS**
 SECTION 74.07, BLOCK 1, LOTS 2, 33 & 36
 13 MOUNTAINVIEW AVENUE
 TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK

JOSEPH STAIGAR
 PROFESSIONAL ENGINEER
 NEW YORK LICENSE No. 63421

SCALE: 1"=50'	DRAWN BY: PCP	DESIGNED BY: PCP	CHECKED BY: KMS
PROJECT NUMBER: 2686-99-013T	DATE: 03/22/2021	REV. #:	2
SHEET NUMBER:	1 OF 1		



ABBREVIATIONS

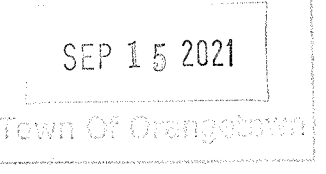
AC	AIR CONDITIONER COMPRESSOR UNIT
AC	ASPHALT CURB
AL	AREA LIGHT
B.S.C.	BELGIAN BLOCK CURB
B.L.	BLUE LINE
B.D.	BUILDING
B.D.H.T.	BUILDING HEIGHT
BOF	BOTTOM OF STRUCTURE
CC	CONCRETE CURB
CNG	CHANGE
C.L.F.	CHAIN LINK FENCE
CL	CLEANOUT
COL.	COLUMN
CPY	CANOPY
D.C.	DEPRESSED CURB
D.W.L.	DASHED WHITE LINE
D.Y.L.	DOUBLE YELLOW LINE
E.S.	ELECTRIC BOX
E.M.	ELECTRIC METER
E.P.	ELECTRIC PANEL
E.S.	ELECTRIC SWITCH
E.D.C.	EDGE OF PAVEMENT
F.D.C.	FIRE DEPARTMENT CONNECTION
FN	FENCE
F.P.	FLAG POLE
GM.	GAS METER
G.L.	GROUND AREA LIGHT
GR	GRATE
G.W.	GUY WIRE
HR.	HYDRANT
H.V.	HYDRANT
INVERT	INVERT
L.S.A.	LANDSCAPED AREA
M.B.	MAIL BOX
M.C.	METAL COVER
M.G.R.	METAL GUIDE RAIL
M.I.	MANHOLE
M.R.	METAL RAILING
M.S.C.	METAL STORAGE CONTAINER
N.P.V.	NO PIPES VISIBLE
OL	OUTLET
RO	ROOF DRAIN
REC	RECESSED
R.T.	RAILROAD TIE
S.B.	STOP BAR
S.F.	STOCKADE FENCE
SG	SPIGOT
TRANS.	TRANSFORMER
T.S.	TRAFFIC SIGNAL
U.B.	UTILITY BOX
UP	UTILITY POLE
UPP	UTILITY POLE/LIGHT POLE
W.C.	WATER COVER
W.L.	WHITE LINE
W.P.	WOOD POST
Y.L.	YELLOW LINE
Y.S.	YELLOW STRIPING

MAP LEGEND

	PROPERTY LINE
	EXIST. BUILDING FOOTPRINT AT GROUND LEVEL & DOORWAY
	FENCE
	RAILING
	GUIDE RAIL
	EXISTING CONTOUR
	EXISTING SPOT ELEVATION
	EXIST. TOP OF CURB ELEVATION
	EXIST. GUTTER ELEVATION
	EXIST. TOP OF WALL ELEVATION
	EXIST. BOTTOM OF WALL ELEVATION
	DOOR SILL ELEVATION
	FINISHED FLOOR ELEVATION
	GARAGE FLOOR ELEVATION
	EXIST. BOTTOM OF ISLAND ELEVATION
	EXIST. TOP OF ISLAND ELEVATION
	APPROX. LOCATION U.G. WATER LINE PER UTILITY MARKOUT
	APPROX. LOCATION U.G. GAS LINE PER UTILITY MARKOUT
	APPROX. LOCATION U.G. SANITARY LINE PER UTILITY MARKOUT & REFERENCE MAPPING
	APPROX. LOCATION U.G. STORM LINE PER REFERENCE MAPPING
	HYDRANT
	WATER VALVE
	GAS VALVE
	GAS METER
	ELECTRIC METER
	LAMP
	AREA LIGHT
	MANHOLE
	INLET
	FIRE DEPARTMENT CONNECTION
	GROUND AREA LIGHT
	OVERHEAD WIRES
	UTILITY POLE
	UTILITY POLE/LIGHT POLE
	GUY WIRE
	BOLLARD
	SIGN
	HANDICAP PARKING SPACE
	PARKING COUNT
	DENOTES OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE
	WOODS LINE
	TREE & TRUNK SIZE
	TITLE REPORT EXCEPTION NUMBER, TITLE NO. NCS-1037430-MPLS
	TITLE REPORT EXCEPTION NUMBER, TITLE NO. NCS-1037430-1-MPLS

- ENCROACHMENTS:**
- 6" WOOD STOCKADE FENCE FOR LOT 34 ENCLOSES UP TO 6.1 FEET ON TO LOT 36.
 - 6" WOOD STOCKADE FENCE FOR LOT 34 ENCLOSES UP TO 1.0 FEET ON TO LOT 36.
 - CANOPY ATTACHED TO GARAGE ON LOT 35 AND 6" WOOD STOCKADE FENCE ENCLOSES UP TO 4.9 FEET ON TO LOT 36.
 - RAILROAD TIE RETAINING WALL FOR TRASH ENCLOSURE ON LOT 6 ENCLOSES UP TO 2.6 FEET ON TO LOT 36.
 - 6" WOOD STOCKADE FENCE FOR LOT 6 ENCLOSES UP TO 17.1 FEET ON TO LOT 36.
 - 6" CHAIN LINK FENCE FOR LOT 4 ENCLOSES UP TO 1.4 FEET ON TO LOT 36.
 - PICNIC TABLE ON GRAVEL FOR LOT 3 ENCLOSES UP TO 5.3 FEET ON TO LOT 2.

SEE SHEET 2 OF 2 FOR NOTES, REFERENCES, ZONING DATA AND DESCRIPTIONS



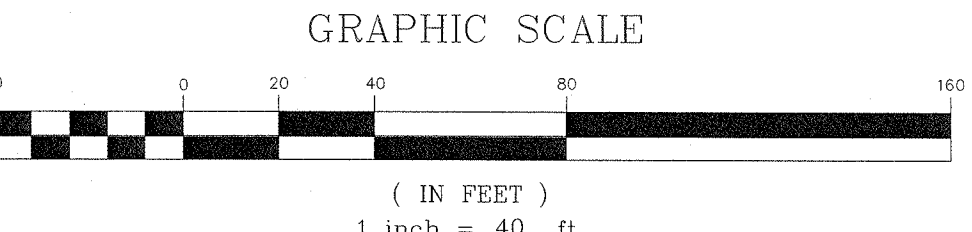
UTILITIES:
THE FOLLOWING COMPANIES WERE NOTIFIED BY NEW YORK STATE ONE-CALL SYSTEM (1-800-272-4480) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES' RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 11240-000-404-00 & 11240-000-419-00

UTILITY COMPANY	PHONE NUMBER
CABLEVISION OF WEST NYACK	809-758-4700
ORANGE & ROCKLAND UTILITIES, INC.	845-577-2374
ROCKLAND COUNTY SEWER DISTRICT 1	845-365-6956
SIEZ WATER NEW YORK	800-262-8600
TOWN OF ORANGETOWN	845-359-6502 x4209
VERIZON - VALHALLA HUDSON VALLEY	855-276-9564

NOT ALL UTILITY COMPANIES RESPONDED TO THE MARKOUT REQUEST

Dig Safely. New York
800-962-7962
www.digsafely.com

- Call Before You Dig
- Wait The Required Time
- Confirm Utility Response
- Respect the Marks
- Dig With Care



3	REVISE PER TITLE COMPANY COMMENTS	R.M.C.	01-10-2021
2	REVISE PER ATTORNEY COMMENTS	R.M.C.	01-11-2021
1	REVISE TO ADD LOT 33	R.M.C.	01-07-2021
0	DESCRIPTION OF REVISION	DRANK	DATE

ALTA/NSPS LAND TITLE SURVEY
LOTS 2, 33 & 36, BLOCK 1,
SECTION 74.07
518 NYSR 303 AND 13 & 21 MOUNTAIN VIEW AVENUE
ORANGETOWN (TOWN OF ORANGETOWN)
ROCKLAND COUNTY
STATE OF NEW YORK

GALLAS SURVEYING GROUP
2895 U.S. ROUTE 1
NORTH BRUNSWICK, NJ 08902
TEL: 732-422-6700
FAX: 732-940-8786
www.gallasurveying.com

DATE	SCALE	DRAWN	CHECKED
12-28-2020	1"=40'	R.M.C.	K.G.G./C.J.O.
FIELD DATE	FIELD BOOK	PAGE	FIELD CROW
12-02 TO 04-2020	147	60-61	K.C.J.A.S./L.R.
12-09-2020	147	68	K.C.J.C.S.
12-30-2020	147	68	K.C.J.C.Z.

FILE NO.: **G20267**
DRAWING NAME/SHEET NO.: **G20267.DWG 1 of 2**

NOT A PART OF THIS SURVEY. ALL INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. THIS SURVEY IS THE PROPERTY OF GREGORY S. GALLAS AND SURVEYING, INC. ANY REUSE OR REPRODUCTION OF THIS SURVEY IS STRICTLY PROHIBITED.

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 12-02-2020 AND UPDATED ON 12-30-2020.

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GREGORY S. GALLAS
NEW YORK PROFESSIONAL LAND SURVEYOR

THE STATE OF NEW YORK REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE, WHEREIN IN THE STATE.

ZONING DATA FOR LOTS 2 & 36: THE ZONING DATA SHOWN HEREIN WAS PROVIDED BY DYNAMIC ENGINEERING CONSULTANTS, PC ON DECEMBER 23, 2020 FOR LOTS 2 & 36 AND HAS NOT BEEN CONFIRMED BY THE SURVEYOR.

1. THIS PLAN HAS BEEN PREPARED BASED ON REFERENCES INCLUDING:
SURVEY OF PROPERTY
JAY A. GREENWELL, PLS
85 LAUREL AVENUE
SUFFERN, NY 10981
SURVEYOR FILE NO. 21926

2. APPLICANT: ARCO DESIGN/BUILD INDUSTRIAL
44 SOUTH BROADWAY, SUITE 1003
WHITE PLAINS, NY 10601

3. OWNER: TBD

4. PARCEL DATA: SECTION 74.07 BLOCK 1, LOTS 2 & 36
TOWN OF ORANGETOWN
ROCKLAND COUNTY, NEW YORK

5. ZONE: LIGHT INDUSTRIAL DISTRICT (L1 ZONE)
RETAIL COMMERCIAL DISTRICT (CC ZONE)

6. EXISTING USE: RELIGIOUS USE (NON-PERMITTED USE) (§ 43-3.1)

7. PROPOSED USE: WAREHOUSE (PERMITTED USE) (L1 ZONE) (§ 43-3.1)
(NON-PERMITTED USE) (CC ZONE)
(NON-PERMITTED USE) (ROUTE 303 OVERLAY ZONE)

8. SCHEDULE OF ZONING REQUIREMENTS (§ SECTION NUMBER)

ZONING REQUIREMENT	L1 ZONE	EXISTING	PROPOSED
MINIMUM LOT AREA	2 AC		
MINIMUM LOT FRONTAGE	150 FT	MOUNTAIN VIEW AVENUE: 156.81' N.Y.S.R. 303: 100.00'	
MINIMUM LOT WIDTH	150 FT	MOUNTAIN VIEW AVENUE: 160.34' N.Y.S.R. 303: 100.00'	
MINIMUM FRONT YARD	50 FT		
MINIMUM SIDE YARD	20 FT		
MINIMUM REAR YARD	50 FT		
MAXIMUM BUILDING HEIGHT	50 FT		
MAXIMUM FLOOR AREA RATIO	0.50		
MAXIMUM IMPERVIOUS COVERAGE	8%		

NIS: NO STANDARD NA: NOT APPLICABLE (E) EXISTING NON-COMFORMANCE (V) VARIANCE

9. PARKING REQUIREMENTS
A. A PARKING SPACE SHALL BE CONSIDERED A SPACE NINE FEET WIDE AND 18 FEET LONG, EXCLUSIVE OF STANDING AREA AND AISLES FOR MANEUVERING. (§ 43-6.3)
B. AISLE WIDTH SHALL NOT BE LESS THAN 30 FEET FOR 80° OR 22 FEET FOR 90° PARKING. (§ 43-6.3)
C. OFF-STREET PARKING SPACES SHALL BE SO LAID OUT THAT IT SHALL NOT BE NECESSARY FOR A VEHICLE PARKED THEREON TO BACK INTO ANY PUBLIC HIGHWAY. (§ 43-6.33)
D. WAREHOUSE USES SHALL PROVIDE ONE (1) PARKING SPACE FOR EVERY TWO (2) EMPLOYEES, OR ONE (1) PARKING SPACE PER 300 FEET OF GROSS FLOOR AREA (§ 43-3.1)
(104,840 SF) (1) PARKING SPACES(300 SF) = 500 SPACES

10. LOADING REQUIREMENTS
A. LOADING BERTHS SHALL BE AT LEAST 12 FEET WIDE AND 45 FEET LONG, WITH A CLEAR HEIGHT OF 15 FEET. (§ 43-6.42)
B. UNOBSTRUCTED ACCESS TO REQUIRED LOADING BERTHS, AT LEAST 12 FEET WIDE, TO AND FROM A STREET SHALL BE PROVIDED. SUCH ACCESS SHALL BE COMBINED WITH ACCESS TO A PARKING LOT, PROVIDED THAT SAID DRIVEWAY HAS A MINIMUM WIDTH OF 25 FEET. (§ 43-6.43)
C. FOR MANUFACTURING, WHOLESALE AND STORAGE USES AND FOR DRY-CLEANING AND RUG-CLEANING ESTABLISHMENTS AND SHOWROOMS: ONE LOADING BERTH SHALL BE PROVIDED FOR EACH 10,000 SQUARE FEET OF FLOOR AREA OR LESS AND ONE ADDITIONAL BERTH FOR EACH ADDITIONAL 20,000 SQUARE FEET OF FLOOR AREA, OR MAJOR FRACTION THEREOF, SO USED. (§ 43-6.41.F)
1 + (104,840 SF) (1) LOADING SPACES(20,000 SF) = 9 SPACES

11. DRIVEWAY REQUIREMENTS
A. UNOBSTRUCTED ACCESS TO AND FROM STREETS SHALL BE PROVIDED. SUCH ACCESS SHALL CONSIST OF NOT MORE THAN ONE TWENTY-FOOT LANE FOR PARKING AREAS, NO LESS THAN 20 SPACES AND NOT MORE THAN FOUR TWENTY-FOOT LANES FOR PARKING AREAS WITH 20 SPACES OR MORE, EXCEPT ALONG STATE HIGHWAYS IN WHICH ACCESS SHALL NOT EXCEED 20 FEET. (§ 43-6.35)
B. NO ENTRANCE OR EXIT FOR ANY ACCESSORY OFF-STREET PARKING AREA WITH OVER 10 PARKING SPACES, NOR ANY LOADING BERTH, SHALL BE LOCATED WITHIN 50 FEET OF THE INTERSECTION OF ANY TWO STREET LINES. (§ 43-6.41)
C. ACCESS LANES SHALL BE SEPARATED FROM ANY OTHER ACCESS LANE BY CURBING OF SUFFICIENT HEIGHT TO PREVENT TRAFFIC OVER THE SAME AND SEPARATING THE ACCESS LANES BY A DISTANCE OF AT LEAST 50 FEET. (§ 43-6.35)
12. BUFFER REQUIREMENTS
A. WHERE THE SIDE OR REAR LOT LINE OF A LOT IN THE L1 DISTRICT ADJOINS OR LIES WITHIN TWENTY-FIVE (25) FEET OF ANY R DISTRICT, A 100 FOOT WIDE BUFFER SHALL BE REQUIRED. (§ CHAPTER 43 ATTACHMENT 10)
13. ROUTE 303 OVERLAY ZONE REQUIREMENTS FOR NONRESIDENTIAL AREAS
A. RETAIL USES ARE NOT PRESENTLY PERMITTED AS-OF-RIGHT IN CERTAIN EXISTING ZONING DISTRICTS (I.E., L1, L1O AND L1C) AND CONSEQUENTLY REQUIRE USE VARIANCES. (§ 43-13.10)
B. ALL USES WITHIN THE ROUTE 303 OVERLAY DISTRICT SHALL BE ADEQUATELY SCREENED TO MINIMIZE THE VISUAL IMPACT TO PASSENGERS ON ROUTE 303. (§ 43-13.10.1)
C. A TWENTY-FIVE-FOOT WIDE VEGETATED BUFFER, EITHER CONTAINING NATIVE VEGETATION NATURALLY OCCURRING AND/OR CONTAINING SHRUBS AND/OR TREES A MINIMUM OF SIX FEET HIGH, WITH SUCH SHRUBS AND/OR TREES AS LISTED UNDER THE PROVISIONS OF § 43-13.10.B(2) OF THE DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWN OF ORANGETOWN AT TIME OF PLANTING SHALL BE LOCATED ALONG THE PROPERTY LINE ADJACENT TO THE ROUTE 303 RIGHT-OF-WAY. (§ 43-13.10.B(2))
D. ANY NONRESIDENTIAL USE THAT IS ADJACENT TO A RESIDENTIAL ZONING DISTRICT OR RESIDENTIAL USE SHALL INCLUDE A VEGETATED BUFFER EITHER CONTAINING NATIVE VEGETATION NATURALLY OCCURRING AND/OR CONTAINING SHRUBS AND TREES A MINIMUM OF SIX FEET HIGH, WITH SUCH TREES AS LISTED UNDER THE PROVISIONS OF § 43-13.10.B(2) OF THE DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWN OF ORANGETOWN, AND IN ACCORDANCE WITH THE NOTES TO THE USE AND BULK TABLES. (§ 43-13.10.B(3))
E. DETENTION PONDS, SIGNAGE, LIGHTING FIXTURES OR FENCES SHALL NOT BE PERMITTED ON THE RIGHT-OF-WAY LINE THAT FORMS ROUTE 303 OR WITHIN THE TWENTY-FIVE-FOOT VEGETATED BUFFER ADJACENT TO SUCH RIGHT-OF-WAY LINE, EXCEPT THAT LIGHTING FIXTURES AND ON-SITE SIGNAGE SHALL BE PERMITTED WITHIN 10 FEET OF ANY ENTRANCE FOR INGRESS OR EGRESS. (§ 43-13.10.B(4))
F. RETAIL WAREHOUSE USES INCLUDING MINI-STORAGE USES AND DISTRIBUTION CENTERS WHICH REQUIRE OR UTILIZE A STRUCTURE WITH A TOTAL COMBINED SQUARE FOOTAGE OF 60,000 SQUARE FEET OR ANY SINGLE PARCEL, OR ASSEMBLAGE OF CONTIGUOUS INDIVIDUAL PARCELS, OR ON ANY ONE PARCEL, WHICH HAS BEEN SUBDIVIDED AFTER THE DATE OF THIS LOCAL LAW) SHALL BE PROHIBITED. (§ 43-13.10.B(5))
G. NEW AND USED AUTOMOTIVE CAR DEALERSHIPS, AUTOMOTIVE REPAIR AND AUTO BODY SHOPS, CARPENTRY FIRING STATIONS, OUTSIDE COMMERCIAL STORAGE OF FIVE OR MORE AUTOMOBILES, BUSES, TRUCKS, TRACTORS, TRAILERS, OR OTHER VEHICLES ON ANY PARTICULAR LOT SHALL BE PROHIBITED. (§ 43-13.10.B(6))
H. NOTWITHSTANDING THE AFORSAD, OR ANY OTHER PROVISION OF THIS CHAPTER 43:
H1) https://www.ecg0360.com/2019/02/24/ TO THE CONTRARY, AUTOMOBILE SERVICE/REPAIR FACILITIES SHALL BE PERMITTED IN ANY NONRESIDENTIAL ZONING DISTRICT WITHIN THE ROUTE 303 OVERLAY ZONING DISTRICT, SUBJECT TO ALL REQUIRED LAND USE BOARD APPROVALS, PROVIDED THAT ANY SUCH SERVICE/REPAIR FACILITY IS ANCILLARY TO AN EXISTING NEW CAR DEALERSHIP LOCATED ON ANY OTHER PARCEL WITHIN THE OVERLAY ZONING DISTRICT AND ALL SERVICE/REPAIR WORK TAKES PLACE WITHIN A COMPLETELY ENCLOSED BUILDING. (§ 43-13.10.B(6))
I. OUTSIDE STORAGE FOR RETAIL SALE OR WHOLESALE SALE OF BULK FUELS OR LIQUIDS SHALL BE PROHIBITED. (§ 43-13.10.B(7))
J. CINEMAS OR MOVIE THEATERS CONTAINING OVER 45,000 SQUARE FEET, OR STADIUMS (A FACILITY CAPABLE OF ACCOMMODATING 2,000 OR MORE PERSONS) SHALL BE PROHIBITED (§ 43-13.10.B(8))
K. RETAIL USES WHICH REQUIRE A STRUCTURE WITH A TOTAL COMBINED OR CUMULATIVE SQUARE FOOTAGE IN EXCESS OF 60,000 SQUARE FEET ON ANY SINGLE PARCEL OR ASSEMBLAGE OF UNDEVELOPED PARCELS SHALL BE PROHIBITED (§ 43-13.10.B(9))
L. NOT MORE THAN 35% OF ALL PARKING SHALL BE LOCATED WITHIN THE FRONT YARD OF ANY LOT OR PARCEL. THE BALANCE OF THE PARKING AND ALL LOADING AND UNLOADING SHALL BE LOCATED IN THE REAR OR SIDE YARD OF THE PREMISES. (§ 43-13.10.B(10))
M. CONNECTIONS BETWEEN ABUTTING PARKING LOTS, SHARED DRIVEWAYS AND EYEBROWS (LIMITED SERVICE ROADS) AND INTERNAL CIRCULATIONS, SHALL BE PROVIDED IN ORDER TO MINIMIZE TURNING MOVEMENTS ONTO ROUTE 303 TO THE EXTENT FEASIBLE. NO CURB CUTS WILL BE LOCATED ON ROUTE 303 WITHIN A ONE-HUNDRED-FOOT DISTANCE FROM ANY EXISTING INTERSECTION WITH A COUNTY OR TOWN ROAD EXCEPT UPON GRANT OF A SPECIAL PERMIT BY THE TOWN BOARD. NO CURB CUT IS TO BE PERMITTED WITHIN A ONE-HUNDRED-FIFTY-FOOT DISTANCE FROM ANY OTHER CURB CUT ON ANY SINGLE PARCEL, OR ASSEMBLAGE OF CONTIGUOUS PARCELS, OR ON ANY PARCEL WHICH HAS BEEN SUBDIVIDED AFTER THE EFFECTIVE DATE HEREOF, UNLESS APPROVED BY SPECIAL PERMIT OF THE TOWN BOARD. NOT MORE THAN ONE CURB CUT SHALL BE ALLOWED FOR A PARCEL UNLESS APPROVED BY SPECIAL PERMIT OF THE TOWN BOARD. IN ALL INSTANCES, CURB CUTS SHALL BE REVIEWED BY THE TOWN ENGINEER AFTER PRIOR CONSULTATION WITH AUTHORIZED REPRESENTATIVES OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION. (§ 43-13.10.B(11))
N. IN THE APPLICATION OF THE PROVISIONS OF THIS LOCAL LAW TO ANY PARTICULAR PARCEL UNDER CONSIDERATION OR REVIEW BY THE PLANNING BOARD, IN CONSIDERING ANY MATTER AND BEFORE GRANTING ANY APPROVAL, SHALL MAKE SPECIFIC FINDINGS WHICH SHALL CORRESPOND AND ESTABLISH COMPLIANCE TO THE EXTENT PRACTICABLE WITH THE LEGISLATIVE INTENT OF THIS ARTICLE XIII. (§ 43-13.10.B(12))
O. A TRAFFIC IMPACT STUDY AND ACCESS MANAGEMENT PLAN SHALL BE REQUIRED WHERE A PROPOSED USE WILL RESULT IN AN ESTIMATED TRIP GENERATION IN ANY DIRECTION ON ROUTE 303 AND INTERSECTING COUNTY AND TOWN HIGHWAYS IN WHICH THE INCREASE IN TRAFFIC IN THE JUDGMENT OF THE PLANNING BOARD WOULD BE, OR IS ESTIMATED TO BE, IN EXCESS OF 10% OVER THE EXISTING TRAFFIC MOVEMENTS FOR EITHER THE PEAK HOUR AND/OR TOTAL DAILY TRAFFIC ON ROUTE 303 OR ANY SUCH COUNTY OR TOWN HIGHWAYS. (§ 43-13.10.B(13))
P. SUBSURFACE DRAINAGE SYSTEMS FOR COMMERCIAL PROPERTIES SHALL BE PLACED UNDERGROUND IN LIEU OF THE USE OF DETENTION BASINS UNLESS DEMONSTRATED TO THE PLANNING BOARD THAT SITE CONDITIONS PROHIBIT SUCH A SYSTEM. IN THAT CASE, SUCH ABOVEGROUND DETENTION BASINS SHALL BE LOCATED IN THE REAR OR SIDE YARD. IN NO CASE SHALL THE ABOVEGROUND DETENTION BASINS BE SITED WITHIN ANY BUFFER AREA OR WITHIN ANY FRONT YARD SETBACK AREA OR WITHIN THE DESIGNATED STREET LINE. (§ 43-13.10.B(14))

TITLE REPORT SCHEDULE 'A' DESCRIPTION (LOTS 33 & 36)

PARCEL I:
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE NORTHERLY SIDE OF MOUNTAINVIEW ROAD, SOMETIMES KNOWN AS CHAMBERLAIN ROAD, AND THE EASTERLY LINE OF THE WEST SHORE RAILROAD RIGHT OF WAY; AND

1. RUNNING THENCE NORTHERLY ALONG THE EASTERLY SIDE OF SAID RIGHT OF WAY ON A COURSE OF NORTH 8° 29' 00" EAST A DISTANCE OF 206.63 FEET TO A POINT;
2. THENCE EASTERLY ON A COURSE OF SOUTH 76° 59' 40" EAST A DISTANCE OF 92.44 FEET TO A POINT;
3. THENCE SOUTHERLY ON A COURSE OF SOUTH 8° 20' 00" WEST A DISTANCE OF 241.09 FEET TO A POINT IN THE NORTHERLY SIDE OF SAID MOUNTAINVIEW ROAD;
4. THENCE WESTERLY ALONG THE NORTHERLY SIDE OF SAID ROAD ON A COURSE OF NORTH 59° 41' 10" WEST A DISTANCE OF 10.31 FEET TO A MONUMENT;
5. THENCE STILL ALONG THE NORTHERLY SIDE OF SAID ROAD ON A COURSE OF NORTH 59° 36' 20" WEST A DISTANCE OF 89.63 FEET TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING FROM THE ABOVE, A PORTION OF SAID PREMISES TAKEN BY THE COUNTY OF ROCKLAND PURSUANT TO ORDER AND JUDGMENT UNDER INDEX NUMBER 911896 ENTERED ON JANUARY 4, 1991 AND RECORDED IN THE ROCKLAND COUNTY CLERK'S OFFICE IN BOOK 43 AT PAGE 797.

PARCEL II:
ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK, AS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF MOUNTAINVIEW AVENUE, SAID POINT BEING MARKED BY A NEW YORK STATE MONUMENT AT THE SOUTHEASTERN CORNER OF LANDS NOW OR FORMERLY OF FRANCO (TAX LOT 74.07-1-33) AND THE SOUTHWESTERN CORNER OF THE LAND HEREIN DESCRIBED, AND:

1. RUNNING THENCE ALONG THE EASTERLY LINE OF SAID LANDS NOW OR FORMERLY OF FRANCO, NORTH 09° 20' 00" EAST DISTANT 207.00 FEET TO AN IRON PIPE;
2. THENCE ALONG THE NORTHERLY LINE OF SAID LANDS NOW OR FORMERLY OF FRANCO, NORTH 17° 50' 40" WEST DISTANT 92.44 FEET TO AN IRON PIPE;
3. THENCE ALONG THE EASTERLY RIGHT OF WAY OF LANDS OF CONSOLIDATED RAIL CORP., NORTH 08° 28' 00" EAST DISTANT 886.79 FEET TO AN IRON PIPE;
4. THENCE ALONG THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF PACKAGING SYSTEMS CORP. (TAX LOT 70.19-1-44), SOUTH 89° 42' 31" EAST DISTANT 571.02 FEET TO AN IRON PIPE;
5. THENCE ALONG THE WESTERLY BOUNDARY OF LANDS NOW OR FORMERLY OF MONACO (TAX LOT 74.07-1-31) LANDS NOW OR FORMERLY OF WEXLER & COMPANY (TAX LOT 74.07-1-2), LANDS NOW OR FORMERLY OF BOB REALTY (TAX LOT 74.07-1-3) AND LANDS NOW OR FORMERLY OF CLASSIC NORTH REALTY, LLC (TAX LOT 74.07-1-4), SAID LINE ALSO BEING PARTIALLY ALONG THE WESTERLY LINE OF LOTS 8-1, 9-2, AND 8-3 AS SHOWN ON THE MAP ENTITLED "SUBDIVISION OF HARVEY SCOTT," FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP NO. 4963 AS MONUMENTED IN THE FIELD AND AS SUBDIVIDED, SOUTH 18° 31' 50" EAST DISTANT 863.54 FEET (SOUTH 18° 31' 50" EAST DISTANT 864.40 FEET DEED);
6. THENCE ALONG THE NORTHERLY AND THEN WESTERLY LINE OF LANDS NOW OR FORMERLY OF TOWN LINE PLAZA (TAX LOT 74.07-1-4) THE FOLLOWING FOUR COURSES AND DISTANCES:
A. NORTH 89° 49' 56" WEST DISTANT 78.16 FEET TO AN IRON PIPE;
B. THENCE SOUTH 52° 32' 04" WEST DISTANT 98.41 FEET;
C. THENCE NORTH 83° 30' 59" WEST DISTANT 94.88 FEET;
D. THENCE SOUTH 14° 57' 01" WEST DISTANT 286.19 FEET; TO A POINT ON THE NORTHERLY RIGHT OF WAY OF MOUNTAINVIEW AVENUE;
7. THENCE ALONG SAID NORTHERLY RIGHT OF WAY OF MOUNTAINVIEW AVENUE, NORTH 59° 41' 10" WEST DISTANT 107.43 FEET;
8. THENCE ALONG THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF FINSTERWALD (TAX LOT 74.07-1-33), NORTH 17° 57' 30" EAST DISTANT 920 FEET;
9. THENCE ALONG THE NORTHERLY LINE OF SAID LANDS NOW OR FORMERLY OF FINSTERWALD, NORTH 59° 41' 10" WEST DISTANT 75.00 FEET;
10. THENCE ALONG THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF NEVINS (TAX LOT 74.07-1-34), NORTH 17° 57' 30" EAST DISTANT 920 FEET;
11. THENCE ALONG THE NORTHERLY LINE OF SAID LANDS NOW OR FORMERLY OF NEVINS, NORTH 76° 16' 30" WEST DISTANT 148.50 FEET TO AN IRON PIPE;
12. THENCE ALONG THE WESTERLY LINE OF SAID LANDS NOW OR FORMERLY OF NEVINS, SOUTH 11° 20' 20" WEST DISTANT 123.13 FEET;
13. THENCE ALONG THE NORTHERLY RIGHT OF WAY OF MOUNTAINVIEW AVENUE, NORTH 59° 41' 10" WEST DISTANT 46.71 FEET;
14. THENCE ALONG THE SAME, NORTH 51° 46' 35" WEST DISTANT 110.10 FEET, BACK TO THE POINT OR PLACE OF BEGINNING.

TITLE REPORT SCHEDULE "A" DESCRIPTION (LOT 2)

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK, SHOWN AND DESIGNATED AS LOT 83 ON A CERTAIN MAP ENTITLED "SUBDIVISION OF HARVEY SCOTT" MADE BY WILLIAM YOUNGLOOD ASSOCIATES DATED JUNE 15, 1978, LAST REVISED AUGUST 3, 1978 AND FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON AUGUST 4, 1978 IN BOOK 93 OF MAPS AT PAGE 19 AS MAP NO. 4963.

NOTES:

1. PROPERTY KNOWN AND DESIGNATED AS LOTS 2, 33 & 36, BLOCK 1, SECTION 74.07 ON THE OFFICIAL TAX MAP FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK.
2. AREA: LOT 2 58,284 S.F. OR 1,330.0 AC
LOT 33 18,987 S.F. OR 0.4303 AC
LOT 36 528,056 S.F. OR 12,076.7 AC
TOTAL 605,327 S.F. OR 13,804.7 AC
3. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON PRIOR UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBESTOS PLANS AND UTILITY MARK-OUT DOES NOT ENSURE MARKING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
4. THIS SURVEY WAS PREPARED WITH REFERENCE TO A CERTIFICATE OF TITLE FOR LOTS 33 AND 36, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. NCS-1037438-MPLS, EFFECTIVE DATE OF OCTOBER 22, 2020, WHERE THE FOLLOWING SURVEY RELATED EXCEPTIONS APPEAR IN SCHEDULE B-I:
5 (AS TO PARCEL I) ELECTRIC EASEMENT CONTAINED IN INSTRUMENT RECORDED ON 03/27/1905 IN (AS) LIBER 219 CP 181 - RIGHTS TO ROCKLAND LIGHT AND POWER COMPANY TO MAINTAIN ELECTRIC FACILITIES, BLANKET NOT PLOTTABLE, UTILITY POLES AND OVERHEAD WIRES SHOWN.
6 (AS TO PARCEL I) TEMPORARY EASEMENT TO CONSTRUCT WALL CONTAINED IN INSTRUMENT RECORDED ON 08/13/1944 IN (AS) LIBER 419 CP 331 - SHOWN.
7 (AS TO PARCEL I) ELECTRIC EASEMENT CONTAINED IN INSTRUMENT RECORDED ON 09/07/1962 IN (AS) LIBER 250 CP 892 - 15' WIDE EASEMENT SHOWN.
8 (AS TO PARCEL II) SANITARY AND/OR DRAINAGE SEWER LINE EASEMENT CONTAINED IN INSTRUMENT RECORDED ON 06/26/1975 IN (AS) LIBER 963 CP 1051 - 15' WIDE EASEMENT SHOWN.
THIS SURVEY WAS PREPARED WITH REFERENCE TO A REPORT OF TITLE FOR LOT 2, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE NO. NCS-1037438-MPLS, EFFECTIVE DATE OF OCTOBER 14, 2020, WHERE THE FOLLOWING SURVEY RELATED EXCEPTIONS APPEAR IN SCHEDULE B-II:
5 ELECTRIC EASEMENT CONTAINED IN INSTRUMENT RECORDED ON 03/27/1905 IN (AS) LIBER 219 CP 181 - RIGHTS TO ROCKLAND LIGHT AND POWER COMPANY TO MAINTAIN ELECTRIC FACILITIES, BLANKET NOT PLOTTABLE, UTILITY POLES AND OVERHEAD WIRES SHOWN.
6 SIDEWALKS AND/OR CURBS EASEMENT, ALONG WITH COVENANTS CONTAINED IN INSTRUMENT RECORDED ON 08/15/1978 IN (AS) LIBER 1011 CP 649 - BLANKET NOT PLOTTABLE.
7 SANITARY AND/OR DRAINAGE SEWER LINE EASEMENT CONTAINED IN INSTRUMENT RECORDED ON 08/15/1978 IN (AS) LIBER 1011 CP 650 - 15' WIDE EASEMENT SHOWN.
8 MATTERS AS SHOWN ON THE FILED MAP NO. 4963, FILED ON 08/04/1978 - 15' WIDE SEWER EASEMENT SHOWN.
9 ELEVATIONS ARE BASED UPON NAVD 88.
6. BY GRAPHIC PLOTTING, PROPERTY IS LOCATED IN FLOOD HAZARD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP NO. 36287C01870, EFFECTIVE DATE: MARCH 3, 2014, OBTAINED FROM FEMA NFIP WEB SERVICE ON NOVEMBER 24, 2019.
7. THE LOCATION AND EXTENTS OF UNDERGROUND TANKS AND VAULTS, IF ANY EXIST, HAVE NOT BEEN DETERMINED BY THE SURVEYOR.
8. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK OR BUILDING ALTERATIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK. THERE WAS EVIDENCE OF BUILDING CONSTRUCTION IN THE NORTHERN MOST PART OF THE BUILDING.
9. THERE WERE NO CHANGES IN STREET RIGHT OF WAY LINES, EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION, OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
10. THERE WAS NO EVIDENCE OF A FIELD DELINEATION OF WETLANDS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
11. THE MAJORITY OF THE PAINTED STRIPING FOR THE SITE IS BADLY FADED.
12. LOT 33 HAS ACCESS TO MOUNTAIN VIEW AVENUE, A PUBLIC RIGHT OF WAY, BY ASPHALT DRIVE AND DEPRESSED CURB. LOT 36 HAS ACCESS TO MOUNTAIN VIEW AVENUE, A PUBLIC RIGHT OF WAY, BY AN ASPHALT DRIVE. LOT 2 HAS ACCESS TO ROUTE 303, A PUBLIC RIGHT OF WAY, BY ASPHALT AND GRAVEL DRIVES.

REFERENCES:

1. SURVEY OF PROPERTY FOR 13 MOUNTAIN VIEW AVENUE, TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, PREPARED BY JAY A. GREENWELL, PLS, L.L.C., DATED: 07-18-2019, LAST REVISED: 09-17-2019.
2. CONCEPTUAL SITE PLAN, 13 MOUNTAIN VIEW AVENUE, TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, PREPARED BY JAY A. GREENWELL, PLS, L.L.C., DATED: 08-09-2019, LAST REVISED: 09-17-2019.
3. SUBDIVISION OF HARVEY SCOTT, LOCATED IN ORANGETOWN, TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, PREPARED BY WILLIAM YOUNGLOOD ASSOCIATES, DATED: 06-15-1978, LAST REVISED: 08-03-1978 AND FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON 08-04-1978 AS MAP NO. 4963, BOOK NO. 93, PAGE 19.
4. SURVEY OF PROPERTY FOR TAX LOT 74.07-1-2, TOWN OF ORANGETOWN, ROCKLAND COUNTY, STATE OF NEW YORK, PREPARED BY JAY A. GREENWELL, PLS, L.L.C., DATED: 07-07-2019.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

NO.	REVISION	DATE	BY
3	REVISE PER TITLE COMPANY COMMENTS	R.M.C.	01-20-2021
2	REVISE PER ATTORNEY COMMENTS	R.M.C.	01-11-2021
1	REVISE TO ADD LOT 33	R.M.C.	01-07-2021
0	DESCRIPTION OF WORK	DATE	

ALT/NRNSP LAND TITLE SURVEY
LOTS 2, 33 & 36, BLOCK 1,
SECTION 74.07
518 NYSR 303 AND 13 & 21 MOUNTAIN VIEW AVENUE
ORANGETOWN (TOWN OF ORANGETOWN)
ROCKLAND COUNTY
STATE OF NEW YORK

GALLAS SURVEYING GROUP
2860 U.S. ROUTE 1
NORTH BRUNSWICK, NJ 08902
TEL: 732-422-6700
FAX: 732-940-8786
www.gallasurvey.com

DATE	SCALE	DRAWN	CHECKED
12-28-2020	1"=40'	R.M.C.	K.G.G./C.J.O.
FIELD DATE	FIELD BOOK	PAGE	FIELD CREW
12-02 TO 04-2020	147	60-61	K.C.A.S./L.R.
12-29-2020	147	88	K.C.M.C.S.
12-30-2020	147	88	K.G./C.Z.

FILE NO.: G20267
DRAWING NAME/SHEET NO.: G20267.DWG 2 OF 2

TO: WFT ACQUISITIONS, LLC, TOGETHER WITH EACH OF THEIR AFFILIATES, SUBSIDIARIES, SUCCESSORS, ASSIGNS AND LICENSEES.
FIRST AMERICAN TITLE INSURANCE COMPANY, VINCEN & ELKINS, LP

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2019 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/RMS/LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND NOTIFIED BY ALTA AND NRPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(b), 8, 9, 11, 12, 14, 15, 17, 18, 19, & 20 OF TABLE THEREOF. THE FIELD WORK WAS COMPLETED AND UPDATED ON 12-30-2020.

NOT VALID UNLESS SIGNED AND SEALED BY THE SURVEYOR

GREGORY S. GALLAS 3013
NEW YORK PROFESSIONAL LAND SURVEYOR 8528

DATE: 01-20-2021

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THE STATE OF NEW YORK REQUIRES NOTIFICATION BY EXCAVATORS, INDIVIDUALS, OR ANY PERSON PREPARING TO DIG BEFORE SURFACE ANCHORS IN THE STATE.