

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: 4/25/25

LAND USE BOARD APPLICATION

RECEIVED

Please check all that apply:

<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential
<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input checked="" 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 type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: _____
ASSIGNED _____
INSPECTOR: _____

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

Project Name: SUBDIVISION OF PROPERTY FOR LINDEN

Street Address: 23 CLINTON AVE.
S. NYACK, NY 10960

Tax Map Designation:

Section: 66.62 Block: 2 Lot(s): 18
Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the SOUTH side of CLINTON AVE., approximately
250 feet EAST of the intersection of PIERMONT AVE., in the
Town of ORANGETOWN in the hamlet/village of SOUTH NYACK.

Acreage of Parcel 0.975
School District NYACK
Ambulance District NYACK
Water District VEOLIA NY

Zoning District SNR-12
Postal District 10960
Fire District NYACK
Sewer District TOWN OF ORANGETOWN

Project Description: (If additional space required, please attach a narrative summary.)

PROPOSED SUBDIVISION OF 0.975 AC PARCEL INTO TWO
LOTS, PLACING EXISTING DWELLING ON SMALLER CONFORMING LOT.
VARIANCES FOR GRAVEL DRIVEWAY AND 12.5% DRIVE SLOPE

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

Date: 4/30/25 Applicant's Signature: _____

REQUIRED.

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? NO
- 2) Is any open space being offered? NO If so, what amount? NONE
- 3) Is this a standard or average density subdivision? STANDARD

If site plan:

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

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? YES

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.

PLANNING BOARD FOR SUBDIVISION -
3/12/25 PB #25-16

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

NONE

RECEIVED

APR 30 2025

3

TOWN OF ORANGETOWN
LAND USE BOARDS

34 Wayne Ave.
Suffern, NY 10901
(845) 357-0830
email: Greenwellpls@aol.com

Jay A. Greenwell, PLS, LLC
Land Surveying and Land Planning

RECEIVED

January 15, 2025

APR 30 2025

NARRATIVE SUMMARY

TOWN OF ORANGETOWN
LAND USE BOARDS

Subdivision of Property for Linden

The subject application involves 23 Clinton Ave. (Tax Lot 66.62-2-16), being a parcel of land containing 0.975 acre on the southerly side of Clinton Ave., about 250' east of Piermont Ave. in South Nyack. The property is zoned SN R-12, requiring 18,000 square feet per lot. There is an existing single family dwelling which is to remain on Lot 2, and a frame barn that is proposed to remain on Lot 1.

The property has 42,490 square feet in total, which provides more than enough lot area for two conforming lots. The existing dwelling is served by a gravel driveway, which the owner wishes to maintain, with expansion to serve both dwellings. It is the owner's intention to "downsize," selling the existing dwelling and constructing a new, smaller dwelling on the vacant lot. Furthermore, the owner wishes to incorporate the existing frame barn into the new residential development as an accessory studio / workshop.

The existing gravel driveway would be shared and expanded to serve both the existing dwelling and the proposed dwelling, as shown on the plans submitted. This will require a variance for the gravel driveway. The owner intends to sell the existing dwelling and wishes to afford the new prospective owner the ability to install a driveway and/or garage in the location and manner they desire. If / as / when a new driveway is installed for Lot #2, the easement would be abandoned. We have indicated a potential new macadam driveway that could serve the existing dwelling and be separate and distinct from the gravel driveway, as an illustration only.

A generic grading plan is included, demonstrating the potential layout, utilities, grading, erosion control, and drainage mitigation. The actual plans for Lot #1 would be prepared with a specific dwelling subsequent to the subdivision plan being filed, and would be reviewed by ACABOR at a public hearing.

All public utilities are available to the site, including gravity sewer, water, gas, electric, cable, and drainage. Mitigation for new impervious areas would be directed into drywells as indicated.

Jay A. Greenwell



GML Sec. 239

Select

By ID

Buffer

Results

[Export Search URL](#) [Zoom All](#) [Clear](#) [Report](#)

Features selected: 1

[Export All to CSV](#)

PARCEL DATE: August 2024

PRINT_KEY: 66.62-2-18

OLD ID: 7-125-1238.36

SWIS: 392489

MUNICIPALITY: ORANGETOWN

TOWN: ORANGETOWN

VILLAGE: N/A

ADDRESS: 23 CLINTON AV

ADDRESS 2:

ALTERNATE ADDRESS:

CITY: NYACK

STATE: NY

ZIP: 10960

OWNER: MARA L LINDEN

ADDITIONAL OWNERS:

DATE OF DEED: 05/31/2024

BOOK-PAGE: N/A

INSTRUMENT: 2024-00015328

DEED_ACRES: 0.98

GIS CALCULATED ACRES: 0.97568852

REQUIRES GML REVIEW: NO

ROW - PALISADES INTERSTATE PARKWAY: NO

ROW - NYS THRUWAY: NO

COUNTY PARK: NO

ROW COUNTY HWY: NO

ROW NYS HWY: NO

COUNTY REGULATED STREAMS: NO

LONG PATH HIKING TRAIL: NO

NYS PARK: NO

NYS FACILITY: NO

COUNTY FACILITY: NO

VILLAGE BOUNDARY: NO

TOWN BOUNDARY: NO

ORANGE COUNTY BOUNDARY: NO

X LONGITUDE: 652774

Y LATITUDE: 819629

SUBDIVISION MAP:

**Linden Subdivision
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**March 12, 2025
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TO: Jay Greenwell, 34 Wayne Avenue, Suffern, New York
FROM: Orangetown Planning Board

RE: PB# 25-16: Linden Subdivision: The application of Mara Linden, owner/applicant for Pre-preliminary/ Preliminary/Final Subdivision Review at a site known as "**Linden Subdivision**", 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 23 Clinton Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.62, Block 2, Lot 16; R-12 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 12, 2025** at which time the Board made the following determinations:

Jay Greenwell and Mara Linden appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated March 7, 2025.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 11, 2025.
3. An interdepartmental memorandum from the Bureau of Fire Prevention on, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated February 21, 2025.
4. Letter from Brooker Engineering, signed by Frank Toto, Project Engineer, dated March 11, 2025.
5. Interdepartmental memorandum from the Office of Recreation & Parks, Town of Orangetown, signed by Aric Gorton, Superintendent of Parks, Recreation and Building Maintenance, dated February 25, 2025.
6. Letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 26, 2025.
7. Letter from Rockland County Sewer District No.1, signed by Nicholas King, Engineer II, dated February 26, 2025,
8. Email from Orange & Rockland Utilities, from Alfred Gaddi, PE, dated February 11, 2025.
9. Email from the New York State Department of Transportation, from David Groucher, Region 8 Highway Work Permits, dated February 11, 2025.

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10. Copy of the Short Environmental Assessment Form, dated January 16, 2025, signed by Mara Linden.
11. Project Narrative, prepared by Jay Greenwell, PLS, dated January 15, 2025.
12. Subdivision Plan prepared by Jay Greenwell, PLS, dated December 26, 2024, last revised January 17, 2025.
 - Sheet 1: Subdivision of Property
 - Sheet 2: Grading, Drainage & Utility Plan
 - Sheet 3: Details
13. Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, PE, dated January 20, 2025.
14. Emails from the following people:
 - Bonnie Ossman, dated March 10, 2025
 - Joel Newton, dated March 10, 2025
 - Audra Jones, dated March 10, 2025
 - Ida Parks, dated March 10, 2025
 - Matthew Chapman, dated March 10, 2025
 - Denise Chapman, dated March 10, 2025
 - Matt DuBeau, dated March 12, 2025

The hearing was then opened to the Public.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel - Vice Chair and second Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

There being no one from the Public a motion was made by Andrew Andrews and second by Michael Mandel, Vice Chair and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

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SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (a) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Lisa DeFeciani and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Lisa DeFeciani and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, nay; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye; the Board made a Negative Declaration pursuant to SEQRA.

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

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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. Gravel Driveways are not permitted per Section 6.332. The proposed gravel driveway will need to obtain a zoning Variance approval from the Town of Orangetown Zoning Board of Appeals.

4. Per Chapter 11, Section 2-4A, review is required by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR). However, this requirement may be waived by the Planning Board at the request of the applicant. The Planning Board made a motion to waive the requirement of ACABOR Review.

A motion to waive ACABOR review of this application was made by Michael Mandel, Vice Chair and second by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye;

5. The drainage calculation provided are under review by DEME. However, because the Perc Rate is assumed, a field Perc Test and determination of groundwater elevation shall be performed at all of the proposed stormwater system locations. These tests/ investigations shall be performed in the Spring when the ground water table is typically at its highest. These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design. The information/ test results/ elevations shall be added and incorporated into the SWPPP and drainage calculations. DEME shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to these issues shall be submitted to DEME.

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6. In connection with comment #5, the drainage calculations use an incorrect (too low) rainfall rate for the 100-yr. storm. This shall be corrected.
7. An overflow shall be designed and shown for the drywell system on proposed Lot #1.
8. A small portion of a 4-inch PVC pipe is shown at the north-east corner of proposed Lot #1. The full length and purpose of the pipe shall be determined and shown on the drawings. IF the pipe is for drainage, it must be connected to the catch basin immediately east (if not already connected.)
9. The area of disturbance (a.o.d.) calculations on sheet 2 and in the drainage, calculations shall be revised to include the areas for the separate driveways for each lot.
10. The existing sanitary sewer house connection for proposed Lot #2 (existing house) shall be shown on the plans (as available.)
11. A note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near existing and proposed sanitary sewer facilities.
12. The existing driveway entrance across the street from the proposed subdivision shall be shown on the plans.
13. Any proposed stabilized construction entrance shall be separate from any existing driveway.
14. The proposed stabilized construction entrance (SCE) is too narrow. The SCE must be at least 24 feet wide.
15. All proposed grading shall be shown on the plans.
16. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
17. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.

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Continuation of Condition #17...

18. Drainage Review – Brooker Engineering:

The application was reviewed by Brooker Engineering, the Planning Board Drainage Consultant. It was Brooker's understanding that a generic plan set was submitted, demonstrating potential layout, utilities, grading, erosion control, and drainage mitigation. In Brooker's opinion that increases in stormwater runoff can be successfully mitigated for this project, and therefore recommend that Linden Subdivision be approved for drainage subject to the following Project Comments.

Project Description:

This is the first drainage review report for this project. The subject site, a 0.9754-acre parcel, located at 23 Clinton Avenue, South Nyack, New York. The proposed application consists of a proposed two lot subdivision located on the southerly side of Clinton Avenue. The project is located within the R-12 zoning district. The existing parcel has a moderate downward slope from the rear of the property to the property frontage on Clinton Avenue. The existing lot contains one residential dwelling, one barn, two sheds, gravel driveway, and a grass lawn. The proposed project includes construction of a new residential dwelling and extension of the existing gravel driveway on proposed lot #1. The project also includes a proposed breezeway connection the proposed dwelling to the existing barn which is to remain as a studio/ workshop. A drywell system is proposed to mitigate an increase of approximately 2,620 SF of impervious surfaces. A proposed trench drain and the proposed dwelling roof drains are proposed to be connected to the drywell system.

Project Comments:

1. The proposed roof drain line shall be added to the legend on Sheet 2, Grading, Drainage & Utility Plan.
2. Existing roof drains shall be shown for the existing dwelling to remain on Proposed Lot #2.
3. As per the September 7, 2023 drainage review report, provide a detail of the concrete pad and well pit.
4. The proposed roof drainage pipe size shall be labeled on Sheet 2, Grading, Drainage & Utility Plan.
5. The word "Additional" shall be added before "mitigation for 2,000 SF paved driveway will be required" under the "possible future macadam driveway for lot #2.
6. A manhole frame and grate detail for the proposed drywells shall be provided.
7. A pipe trench detail shall be provided.
8. The "20 Min" dimension in the "6' Precast drywell detail" shall be revised to reflect the proposed dimension.
9. The incoming trench drain pipe shall be shown on the 6' precast drywell detail.
10. The 6' precast drywells detail shall include pipe invert and the rim elevation.

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Continuation of Condition #18...

Drainage Report:

1. Soil testing shall be required to confirm the infiltration rate and depth to groundwater. Results from soil testing shall be included in the drainage report.
2. The full USDA soil report shall be included in the drainage report.
3. The drainage report shall denote that it does not include the possible future macadam drive for Lot #2.

For the next submission, provide a narrative that responds to each comment. The narrative should also indicate if any other discretionary revisions have been made to the plans that are not related to the review comments.

19. In review of the Linden Subdivision, the Town of Orangetown Parks and Recreation Department recommends, pursuant to the Orangetown Zoning Code Section 21-20.E and Town Board Resolution #396, dated May 8, 2006, which sets the amount of \$6,300.00 per lot for single family homes, that the Planning Board waive the requirement for the reservation of parkland and condition approval on payment of \$12,600.00 in lieu parkland.

A motion was made to reduce the fee to \$6,300.00, the motion was made by Michael Mandel, Vice Chair and seconded by Andrew Andrews, and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, nay; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

20. Rockland County Department of Planning returned the application since this parcel is outside their area of jurisdiction, as it is not within 500 feet of any State or County facility.

21. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

22. The New York State Department of Transportation (NYSDOT) held that the project is outside of the State Right of Way.

23. Orange and Rockland Utilities (O&R) review the plans and based on the drawings provided, there should not be any conflicts with the existing gas facilities. Note that all gas facilities must be located prior to work and all code 753 rules must be followed. Please contact O&R new business department for all customers/services.

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

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

26. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

- Rockland County Sewer District #1

28. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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Continuation of Condition #28...

- 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.

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

29. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

31. If the applicant, during the course of construction 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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32. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

33. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

AMENDMENT

The Board made motions to **AMEND Condition 5** of the March 11, 2025 interoffice memorandum from the Town of Orangetown Department of Environmental Management and Engineering, signed by Bruce Peters for the following reasons:

“5. Individual/ Paved (asphalt) driveways shall be shown for each lot – on each lot entirely (eliminating the need for access easements.) – Not as a possible/ future option.”

The Board amended to condition to read that the comment is not a condition, and added that the applicant shall submit an easement acceptable to the Town of Orangetown Town Attorney’s Office for review and approval.

A motion to amend the condition was made and moved by Lisa DeFeciani and seconded Bruce Bond and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, abstain; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

The foregoing Resolution was made and moved by Bruce Bond seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, abstain; Andrew Andrews, aye, Matthew Miller, absent; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

The Director 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 12, 2025

**Jane Slavin, RA, Director OBZPAE
Town of Orangetown Planning Board**



**TOWN OF ORANGETOWN
2025 APR - 3 P 1:19
TOWN CLERK'S OFFICE**

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

**Linden Subdivision
Town of Orangetown Planning Board Decision
Final Subdivision Plan Approval Subject to Conditions
Neg. Dec.
March 12, 2025**

PB #25-16

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.
The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Linden Subdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 23 Clinton Avenue, South Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.62, Block 2, Lot 16; R-12 zoning district.

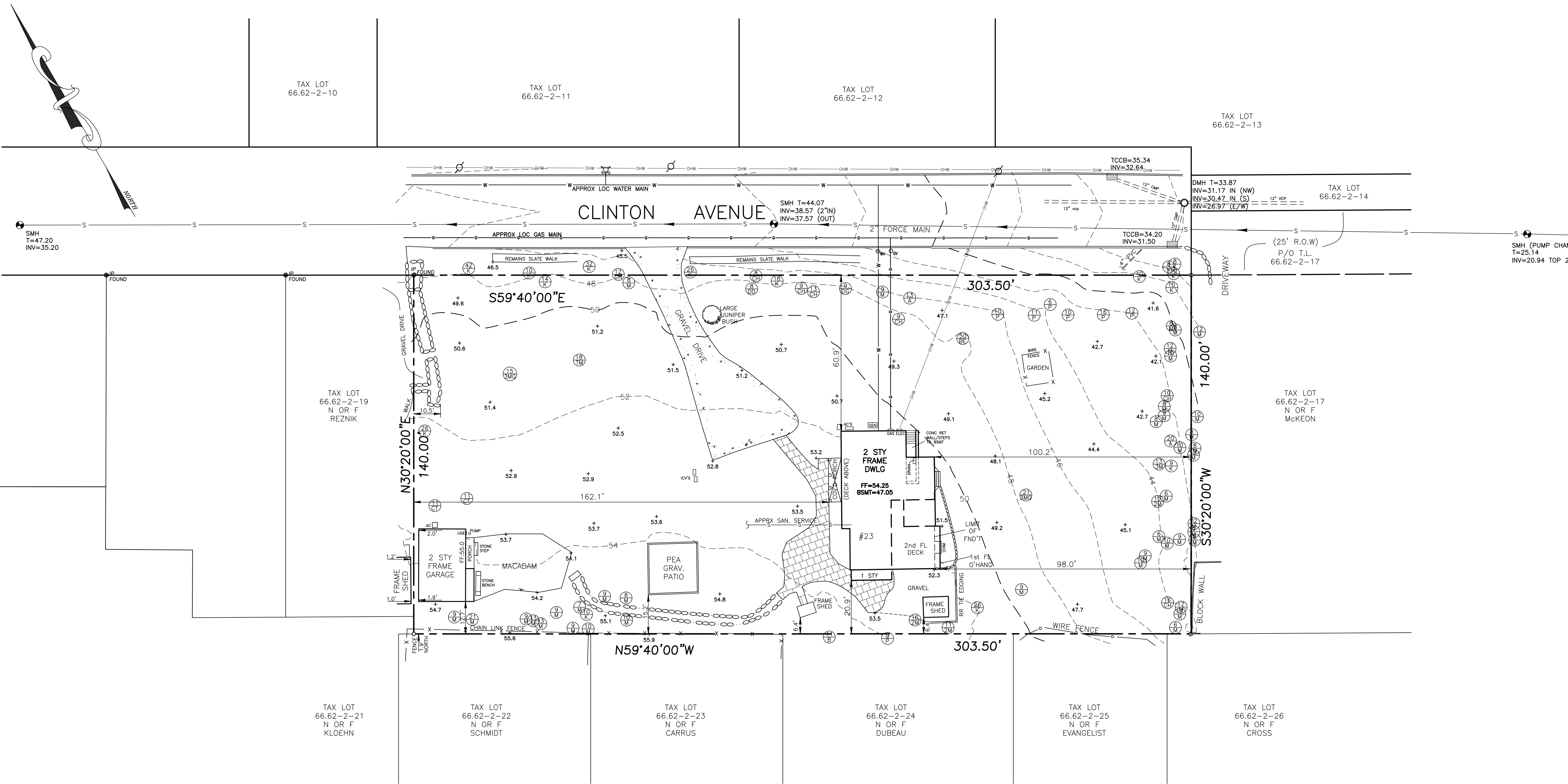
REASONS SUPPORTING THIS DETERMINATION:
The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:
The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:
Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
26 Orangeburg Road, Orangeburg, NY 10962
Telephone Number: 845-359-5100

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

TOWN OF ORANGETOWN
2025 APR - 3 P 1:19
TOWN CLERK'S OFFICE



LEGEND

- CB FI CATCH BASIN/FIELD INLET
— — — — — DRAIN LINE
— S — SMH — SANITARY MANHOLE / PIPE
— — — — — EDGE OF PAVEMENT
— — — — — CONCRETE CURB
G — G — G GAS LINE
— W — W — W WATER LINE
— O — O — O UTILITY POLE
— OHW — UE — OVERHEAD/UNDERGROUND ELECTRIC

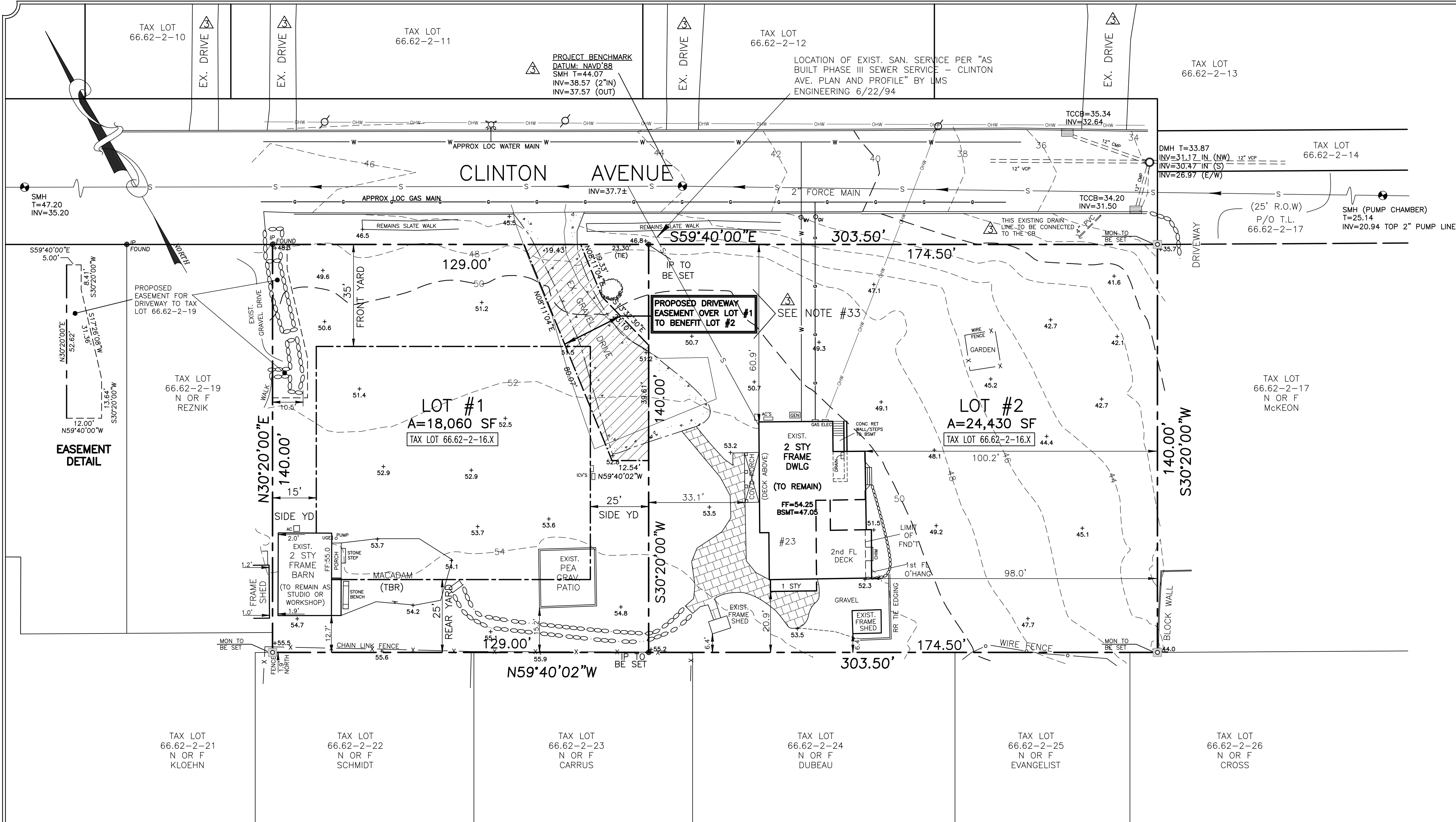
TREE LEGEND

- 11- CALIPER IN INCHES
8K- TREE TYPE (SEE BELOW)
2=TWIN, 3=TRIPLE, ETC.
K = OAK BI = BIRCH
A = ASH C = CHERRY
BE = BEECH MG = MAGNOLIA
M = MAPLE T = TAMARACK
P = PINE DD = DEAD

UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE N.Y. STATE EDUCATION LAW.
THE CERTIFICATION HEREON IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE. IT IS A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE.
EASEMENTS OR RIGHTS OF WAY, EITHER ON OR BELOW THE SURFACE OF THE GROUND, EVIDENCE OF WHICH IS NOT VISIBLE IN THE FIELD OR FOR WHICH DOCUMENTATION IS NOT PROVIDED, ARE NOT SHOWN. UNDERGROUND UTILITIES NOT SHOWN UNLESS MARKED IN THE FIELD.
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. COPIES OF THIS SURVEY NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYORS ARE NOT VALID. CERTIFICATIONS ARE SUBJECT TO A CURRENT AND COMPLETE TITLE REPORT.
CERTIFIED TO:
• MARA LINDEN

DATE	REVISIONS
DESIGNED JAG	
DRAWN LDW	
CHECKED JAS	
APPROVED JAG	

SURVEY OF PROPERTY FOR	TAX LOT #
LINDEN	66.62-2-18
SOUTH NYACK, TOWN OF ORANGETOWN ROCKLAND COUNTY, NEW YORK	AREA 42,490 SF
JAY A. GREENWELL, PLS, LLC	FILE 22340SURV
LAND SURVEYING - LAND PLANNING 34 WAYNE AVENUE, SUFFERN, NEW YORK, 10901 PHONE 845-357-0830 GREENWELLPLS@AOL.COM © 2023 JAY A. GREENWELL, PLS, LLC	SCALE 1"=20' DATE 12/04/23 JOB NO. 22340



- NOTES:
- THIS IS A SUBDIVISION OF TAX LOT 66.62-2-16 AS SHOWN ON THE TOWN OF ORANGETOWN TAX MAPS.
 - RECORD OWNER: MARA LINDEN, 23 CLINTON AVE, SOUTH NYACK, NY 10960
 - APPLICANT: SAME
 - NUMBER OF LOTS: 1 EXISTING, 2 PROPOSED
 - AREA = 42,490 SF; 0.975 AC
 - ZONE: SN-R-12
 - ALL UTILITIES, INCLUDING ELECTRIC AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND.
 - THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND 8. THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239 L&N OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK.
 - THIS PLAT IS SUBJECT TO DETAILS OF GRADING, ROADS AND UTILITIES AS SHOWN ON CONSTRUCTION PLANS APPROVED BY THE PLANNING BOARD AND FILED WITH THE TOWN CLERK. LOT DRAINAGE SHOWN ON SUCH PLANS SHALL CONSTITUTE EASEMENTS RUNNING WITH THE LAND & SHALL NOT BE DISTURBED.
 - ANY EXISTING UTILITIES (POLES, HYDRANTS, ETC.) AFFECTED BY CONSTRUCTION OF THIS SITE PLAN SHALL BE RELOCATED AT THE DEVELOPERS EXPENSE PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
 - NO BUILDING PERMIT SHALL BE ISSUED UNTIL SITE PLANS HAVE BEEN APPROVED BY ACABOR.
 - NO BUILDING PERMIT SHALL BE ISSUED UNTIL RESULTS OF TEST PITS HAVE BEEN SUBMITTED TO THE BUILDING DEPT.
 - MONUMENTS ARE TO BE SET AT ALL CORNERS OF ORIGINAL PARCEL WHERE NOT OTHERWISE MARKED. (SHOWN THUS:)
 - WATER SUPPLY: VEOLIA NA
 - DATUM: NAVD 88
 - NEW TAX LOT NUMBERS SHOWN THUS: **TAX LOT 66.62-2-16.X**
 - THE NEW CORNERS OF ALL LOTS SHALL BE MARKED WITH METAL RODS 3/4" IN DIAMETER & AT LEAST 30" IN LENGTH, TO BE INSTALLED AFTER FINAL GRADING.
 - ALL AREAS DISTURBED BY ON-SITE GRADING SHOULD BE LIMED AND FERTILIZED PRIOR TO SEEDING.
 - SIDEWALKS AND CURBS, WHERE REQUIRED, SHALL BE INSTALLED IN ACCORDANCE WITH HIGHWAY DEPT. SPECIFICATIONS. (SEE APPROVED "GRADING, DRAINAGE, SOIL EROSION & UTILITY PLAN" ON FILE WITH THE TOWN OF ORANGETOWN)
 - ALL SEWER CONNECTIONS SHALL BE APPROVED BY THE ORANGETOWN DEPT. OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING.
 - THE APPLICANT'S ENGINEER SHALL PROVIDE A COPY OF THE FIELD PERC TEST TO THE TOWN OF ORANGETOWN DEPT. OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING (DEME), AND THE BUILDING DEPT. PRIOR TO THE SIGNING OF THE PLAT, TO ENSURE ADEQUACY OF DESIGNED DRAINAGE SYSTEM.
 - AT LEAST ONE WEEK PRIOR TO THE COMMENCEMENT OF ANY WORK, INCLUDING THE INSTALLATION OF EROSION CONTROL DEVICES OR THE REMOVAL OF TREES & VEGETATION, A PRE-CONSTRUCTION MEETING MUST BE HELD WITH THE TOWN OF ORANGETOWN DEME, SUPT. OF HIGHWAYS AND THE OFFICE OF BUILDING, ZONING & PLANNING ADMINISTRATION AND ENFORCEMENT. IT IS THE RESPONSIBILITY AND OBLIGATION OF THE PROPERTY OWNER TO ARRANGE SUCH A MEETING.
 - PLANS COMPLY WITH STORMWATER MANAGEMENT PHASE II REGULATIONS.
 - 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.
 - PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, INCLUDING THE REMOVAL OF TREES, THE APPLICANT SHALL INSTALL THE SOIL EROSION & SEDIMENTATION CONTROL AS REQUIRED BY THE PLANNING BOARD. PRIOR TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK, THE TOWN D.E.M.E. SHALL INSPECT THE INSTALLATION OF ALL REQUIRED SOIL EROSION & SEDIMENTATION CONTROL MEASURES. THE APPLICANT SHALL CONTACT DEME AT LEAST 48 HOURS IN ADVANCE FOR AN INSPECTION.
 - NO BUILDING PERMIT WILL BE ISSUED UNTIL SEWAGE DISPOSAL ARRANGEMENTS HAVE BEEN APPROVED BY THE ROCKLAND COUNTY DEPT. OF HEALTH AND/OR THE TOWN OF ORANGETOWN.
 - ALL HOUSES SHALL BE SERVED BY GRAVITY SEWER CONNECTIONS WITH A MIN. SLOPE OF 2%.

NOTES CONTINUED:

28. 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 AREAS WITH MANY TREES. STEPS THAT WILL BE TAKEN TO PRESERVE AND PROTECT EXISTING TREES ARE AS FOLLOWS:

A. NO CONSTRUCTION EQUIPMENT SHALL BE PARKED UNDER THE TREE CANOPY.

B. THERE WILL BE NO EXCAVATION OR STOCKPIILING OF EARTH UNDERNEATH 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:

1. ONE (1) FOOT RADIUS FROM TRUNK PER INCH DBH

2. 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 ONE TREE PROTECTION ZONE OF A SELECTED TREE MUST BE VIOLATED, ONE OF THE FOLLOWING METHODS MUST BE EMPLOYED TO MITIGATE THE IMPACT:

1. 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.

2. LIGHT IMPACTS ONLY- INSTALLATION OF 3/4 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 RADIUS OF THREE (3) FEET LARGER THAN THE TREE CANOPY.

29. HOUSE SEWER AND WATER SERVICE LINES SHALL BE LAID IN SEPARATE TRENCHES WITH A MIN. SEPARATION OF 10 FEET.
30. THE CONTRACTOR'S TRAILER, IF ANY IS PROPOSED, SHALL BE LOCATED AS APPROVED BY THE PLANNING BOARD.
31. IF THE APPLICANT, DURING THE COURSE OF CONSTRUCTION, ENCOUNTERS SUCH CONDITIONS AS FLOOD AREAS, UNDERGROUND WATER, SOFT OR SILTY AREAS, IMPROPER DRAINAGE OR ANY OTHER UNUSUAL CIRCUMSTANCES OR CONDITIONS THAT WERE NOT FORESEEN IN THE ORIGINAL PLANNING, SUCH CONDITIONS SHALL BE REPORTED IMMEDIATELY TO DEME. THE APPLICANT SHALL SUBMIT THEIR RECOMMENDATIONS AS TO 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 (IE WETLANDS-US ARMY CORP OF ENGINEERS)
32. PERMANENT VEGETATION COVER OF DISTURBED AREAS SHALL BE ESTABLISHED ON THE SITE WITHIN THIRTY (30) DAYS OF THE COMPLETION OF CONSTRUCTION. 38. THE PLANNING BOARD SHALL RETAIN CONTROL OVER LIGHTING, LANDSCAPING, SIGNS & REFUSE CONTROL.
33. VARIANCE REQUIRED FOR GRAVEL DRIVEWAY NAD FOR EXISTING DRIVEWAY > 10% GRADE. (12.5% REQUESTED)
34. THE TOWN OF ORANGETOWN SEWER INSPECTOR SHALL BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF ANY AND ALL CONSTRUCTION ON OR NEAR EXISTING AND PROPOSED SANITARY SEWER FACILITIES.

BULK REGULATIONS ZONE: SN R-12								
	LOT AREA	MIN LOT FRONTAGE	MAX LOT COVERAGE	MIN FRONT YARD	MIN SIDE YARD	MIN BOTH SIDE YARDS	MIN REAR YARD	MAX BLDG HEIGHT
REQUIRED	18,000 SF	100 FT	45%	35 FT	15 FT	35 FT	25 FT	36 FT
PROVIDED LOT 1	18,060 SF	129.00'	23.3% ±	>35'	>15'	>35'	>25'	<36'
PROVIDED LOT 2	24,430 SF	174.50'	20.4%	60.9'	33.1'	133.3'	20.9' ⊕	<36'(EXIST)

EXISTING NON-CONFORMING CONDITIONS FOR BARN TO REMAIN.

⊕ EXISTING NON-CONFORMITY

LEGEND		
		CATCH BASIN/FIELD INLET
		DRAIN LINE
		SANITARY MANHOLE / PIPE
		EDGE OF PAVEMENT
		CONCRETE CURB
		GAS LINE
		WATER LINE
		UTILITY POLE
		OVERHEAD/UNDERGROUND ELECTRIC

APPROVAL-ROCKLAND COUNTY DRAINAGE AGENCY

CHAIRMAN

DATE

APPROVED FOR FILING:

OWNER

DATE

CHAIRMAN, PLANNING BOARD

DATE

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS PREPARED BY ME AND WAS MADE FROM AN ACTUAL SURVEY COMPLETED BY ME ON 12/05/23.

JAY A. GREENWELL, PLS NYS LIC.# 49676

DATE	REVISIONS
1/17/25	DRAINAGE
2/27/25	SAN/REV
4/24/25	PB REVS.
DESIGNED JAG	CHECKED JAG
DRAWN LDW	APPROVED JAG

SUBDIVISION OF PROPERTY FOR

LINDEN

SOUTH NYACK, TOWN OF ORANGETOWN
ROCKLAND COUNTY, NEW YORK

JAY A. GREENWELL, PLS, LLC

LAND SURVEYING - LAND PLANNING
34 WAYNE AVENUE, SUFFERN, NEW YORK, 10901
PHONE 845-357-0830 GREENWELLPLS@AOL.COM
© 2025 JAY A. GREENWELL, PLS, LLC

TAX LOT #
66.62-2-18

AREA
42,490 SF

FILE
22340SUBD

SCALE
1"=20'

DATE
12/26/24

JOB NO.
22340