

TOWN OF ORANGETOWN PLANNING BOARD
Meeting of Wednesday, May 14, 2025

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel, Vice Chairman
Andrew Andrews
Lisa DeFeciani
Denise Lenihan
Matthew Miller
Bruce Bond (alternate member)

MEMBER ABSENT: Michael McCrory

ALSO, PRESENT: Rick Oliver, Acting Director, Office of Building, Zoning, Planning Administration and Enforcement, Rick Pakola, Deputy Town Attorney; Katlyn Bettmann, and Ann Marie Ambrose, Stenographer.

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

Continued Item from November 13, 2024 Planning Board Meeting:

Tarnowski Major Subdivision	PB #24-46
Pre-preliminary/Preliminary/ Final Subdivision Plan Review and SEQRA Review 283 North Middletown Road, Pearl River Section 68.12, Block 3, Lot 24 MFR & RG Zoning Districts	Final Subdivision Plan Approval Subject to Conditions Neg. Dec.

New Items:

Rojas, Bradley Parkway/Lewy Subdivision	PB #25-28
Amendment to Subdivision Pre-preliminary/Preliminary/ Final and SEQRA Review 854 Bradley Parkway, Blauvelt Section 65.19, Block 1, Lot 36.2 R-40 Zoning District	Final Approval of Subdivision Amendment Subject to Conditions Neg. Dec.

Lily and Our Town, LLC.	PB #25-29
Subdivision Plan /Parking Plan Pre-preliminary/Preliminary/ Final Site Plan Review and SEQRA Review 522 Route 303, Orangeburg Section 74.07, Block 1, Lot 1 CC Zoning District	Final Site Plan Approval Subject to Conditions/ Neg. Dec.

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Other Business:

1. Referral from the Town Board: RE: Referral / Proposed Local Law Amending Orangetown Code Chapter 43, Article XV, Section 1 entitled "Landlord Registry Act & Short-Term Use of Property for Rental or Rental-Like Purposes"

The Board had made a motion to consent that the Town Board would act as lead agency in this item. The motion 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, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

The decisions of the April 23, 2025 Planning Board Meeting were reviewed and approved. The motion for adoption was made and moved by Michael Mandel, Vice Chair and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting 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, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

The meeting was adjourned at 8:52 p.m. The next Planning Board meeting is scheduled for May 28, 2025.

Dated: May 14, 2025
Town of Orangetown Planning Board

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**TO: Donald Brenner, 4 Independence Ave., Tappan, New York
FROM: Orangetown Planning Board**

RE: Tarnowski Subdivision: The application of Agnieszka Tarnowski, applicant, for 283 NMR LLC, owner, for Pre-preliminary/ Preliminary/Final Subdivision Plan Review, at a site to be known as “**Tarnowski 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 21 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 subdivision is located at 283 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 24; MFR & RG zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, November 13, 2024 and May 14, 2025** the Board made the following determinations:

November 13, 2024

Donald Brenner and Agnieszka Tarnowski 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, AIA, dated November 8, 2024.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 12, 2024.
3. Interdepartmental memorandum from the Office of Parks and Recreation, Town of Orangetown, signed by Aric Gordon, Superintendent, dated October 7, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated October 22, 2024.
5. Letter from Brooker Engineering, signed by Dennis Rocks, PE, CFM, dated November 12, 2024.
6. Letter and Notice from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated October 24, 2024 and Jake Palant, dated October 8, 2024.
7. Letter and Notice from the Rockland County Highway Department, signed by Dan Rajasingham, Engineer III, dated October 8, 2024.
8. Letter and Notice from the Rockland County Health Department, signed by Elizabeth Mello, Senior Public Health Engineer, dated October 8, 2024.
9. Letter from the Rockland County Sewer District No.1, signed by Nicholas King, Engineer II, dated November 13, 2024.

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10. Short Environmental Assessment Form signed by Agnieszka Tarnowski dated December 18, 2023.
11. Project Narrative prepared by applicant.
12. Subdivision Plan prepared by Paul Gdanski, PE, dated November 20, 2023:
 - Sheet 1 of 7: Major Subdivision
 - Sheet 2 of 7: Grading & Utility Plan (Full)
 - Sheet 3 of 7: Grading & Utility Plan (Partial)
 - Sheet 4 of 7: Soil Erosion Plan
 - Sheet 5 of 7: Existing Condition
 - Sheet 6 of 7: Detail Sheet 1
 - Sheet 7 of 7: Detail Sheet 2

The Board reviewed the submitted plan and information. 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 by Denise Lenihan and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

There being no one to be heard from the Public, a motion was made to close the public portion of the meeting 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, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

The applicant requested a **CONTINUATION**.

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Paul Gdanski, Donald Brenner and Agnieszka Tarnowski 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 Rick Oliver, Acting Director, dated May 1, 2025.
2. Letter from Property Owner, Agnieszka Tarnowski, dated May 13, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 12, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 21, 2025.
5. Letters from Brooker Engineering, signed by Dennis Rocks, PE, CFM, dated November 12, 2024 and Joseph Nyitray, Jr. PE, dated May 1 and May 14, 2025.

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6. Letter and notice from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 7, 2025.
7. Letter and Notice from the Rockland County Health Department, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated May 12, 2025.
8. Email from Orange and Rockland Utilities, from Alfred Gaddi, PE, dated May 10, 2025.
9. Short Environmental Assessment Form signed by Agnieszka Tarnowski dated December 18, 2023.
10. Subdivision Plan prepared by Paul Gdanski, PE, last revised April 21, 2025:
 - Sheet 1 of 7: Major Subdivision
 - Sheet 2 of 7: Grading & Utility Plan (Full)
 - Sheet 3 of 7: Grading & Utility Plan (Partial)
 - Sheet 4 of 7: Soil Erosion Plan
 - Sheet 5 of 7: Existing Condition
 - Sheet 6 of 7: Detail Sheet 1
 - Sheet 7 of 7: Detail Sheet 2
11. Letter from Paul Gdanski, PE, dated December 24, 2025.
12. Sanitary Sewer Analysis, prepared by Paul Gdanski, PE, dated January 19, 2025.
13. Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, PE, dated December 2, 2023.

The Board reviewed the submitted plan and information. 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 by Denise Lenihan and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

There being no one to be heard from the Public, a motion was made to close the public portion of the meeting by Bruce Bond and second by Denise Lenihan and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; 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 (al) 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. A motion was made to Bruce Bond and second by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; 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, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the involved and interested agencies, and having reviewed a proposed a Subdivision Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- 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 subdivisions or features;

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- 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 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 Bruce Bond and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; 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:**

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. 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.

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3. There appears to be proposed trees along the east property line, please confirm. If yes, provide specifications.
4. Based on a letter dated May 13, 2025 from Agnieszka Tarnowski, property owner and conversations with the Town of Orangetown Town Attorney, the applicant, Donald Brenner and Brooker Engineering, the Planning Board Drainage Consultant, a Hold Harmless letter signed by Agnieszka Tarnowski, was submitted to the Planning Board and noted that the Town of Orangetown Planning Board and the applicant will hold Brooker Engineering "Hold Harmless" if the percolation tests do not agree with Brooker Engineering Design and the applicant will re-design the system to meet the new requirements, if necessary.
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Subdivision Plan is stamped and the construction plans are reviewed and approved by the inspector.
6. Show the distance from the closest hydrant to furthest portion of the building measuring along the Fire Apparatus Access Route. Greater than 600' may require a fire hydrant. IFC 507.5.1
7. The Town of Orangetown Department of Environmental Management and Engineering offered the following comments:
 1. The proposed t-turnaround and surrounding R.O.W. are not aligned with the centerline of the Charles Street roadway. This shall be corrected and the road/ R.O.W. shifted west.
 2. The proposed grading for the t-turnaround shows sheet flow across the entire turnaround. This is not acceptable. The is not acceptable. The t-turnaround, as well as the Charles Street roadway extension, shall be crowned at the center, with 6-inch reveal at the curbing along the road edge.
 3. In connection with comment #2 above, the proposed drainage within the t-turnaround shall be revised based on the revised grading of the road.
 4. The dimensions for all of the of the proposed Charles Street Road improvements, curbing, paving, curb radii, etc. shall be added to the drawings.

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Continuation of Condition #7...

5. Centerline stations shall be added to the drawings for the Charles Street roadway extension & t-turnaround. In connection with this, stationing shall be added to all of the proposed catch basins, manholes etc.
6. The location and method for the proposed Charles Street roadway extension shall be clearly shown and labeled on the drawings. A detail for the "connection" shall be added to the plans.
7. Additional proposed grading and spot elevations shall be added to the Charles Street roadway extension at the beginning of the extension and on the west side of the proposed roadway, outside of the curb line.
8. The pavement detail provided on drawing 7 does not comply with the town of Orangetown Street Specifications standards. This detail shall be revised to meet Town Code.
9. The drainage calculations provided are under review.
10. Soil analysis, perc tests and determination of groundwater elevations shall be performed at all of the 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 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.
11. Roadway centerlines profiles shall be added to the drawings.
12. The location of the proposed post construction stormwater system (drywell gallery) for Lot #3 is \pm 18-feet from the existing sanitary sewer easement. This system must be at least 20 feet from the easement. The gallery shall be moved west a few feet.
13. Separate cross-sections for each of the proposed drywell galleries shall be added to the plans. Profiles for each of the required overflows shall also be added to the plans. Also, the overflow piping for each drywell gallery shall be clearly labeled on the plans.

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14. The drywell cross section provided on drawing 7 depicts an overflow pipe that is a 4-inch diameter pipe. However, the plan views call out this pipe to be 6-inch diameter. This discrepancy shall be revised. See note 13 above.

15. It appears that a drainage manhole in Charles Street - in front Lot #68.12-3-28 (Creighton) has been mislabeled as a sanitary manhole. This shall be corrected.

16. The total area of disturbance shall be listed on the 2 through 4.

17. The proposed curbing along the Charles Street roadway extension and the t-turnaround shall be labeled on the plans as concrete curb. A detail for same shall be added to the plans.

18. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

19. The proposed sanitary sewer main extension shall be extended further north into the t-turnaround. In connection with this, the proposed sanitary house connection shall be moved further north so that they are farther away from the proposed water and gas service lines.

20. Profiles for the proposed sanitary main, sanitary house connections and all stormwater improvements (public and private) shall be added to the plans.

21. As-Builts shall be submitted to DEME for review and approval for the proposed sanitary and drainage improvements to Charles Street as well as the proposed private stormwater management systems.

22. Post construction stormwater maintenance agreements for the proposed stormwater systems shall be submitted to DEME and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, individual inspection checklists for all existing and proposed stormwater facilities, contact person with cell phone number, yearly report to be submitted to DEME, etc.

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Continuation of Condition #7...

23. The Soil erosion and sediment control symbols shall conform to NYSDEC standards.
24. The property/ R.O.W. lines for Lot #68.12-3-20 (Bednarski) shall clearly be shown along East Carroll and Charles Streets on all the drawings
25. Legends shall be added to all of the drawings.
26. A Performance Bond for the proposed public improvements will be required for this Subdivision. The value of the bond shall be established once the Subdivision has received Final Approval from the Planning Board **AND** all of the outstanding comments/ conditions has been addressed/ satisfied.
27. DEME and the Planning Board shall be copied in on all correspondence (including any and all approvals) with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan
28. The elevation of the source benchmark for the referenced datum does not seem to match any of the sanitary manholes on the drawing. This shall be corrected.

8. Brooker Engineering Review

A 3-lot subdivision. Lot 1 will include the existing mixed uses which consist of a storage yard with construction equipment and materials, a metal building and a tow-family dwelling. Lots 2A and 2B will each support a proposed single-family home. Lot 1 will continue to have access to North Middletown Road. Lots 2 & 3 will both access Charles Street.

Based off the Brooker Engineering review and the Hold Harmless letter submitted by the Property Owner, dated May 13, 2025, it is the opinion of Brooker Engineering that increase in stormwater runoff can be successfully mitigated for this project and therefore recommends that Tarnowski Subdivision be approved for drainage subject to the following conditions:

- Provide drainage by-pass around the house
- Overflow size conflict
- Location access to drywell closer to edge
- Add note about maintaining swale as discussed and spot elevations on west side
- For the next submission provide a narrative of revisions that have been made to the plans, soil testing results, and an updated drainage analysis. Note a full site plan and drainage analysis review cannot be completed until soil testing results have been provided. Additional comments to the site plan and drainage analysis may follow after review.

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

- The applicant must comply with the conditions made by the County of Rockland Highway Department in its letter dated April 15, 2025, and all required permits obtained.
- All major subdivision, those with 3 or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by NYS law to ensure that such subdivisions will have both an adequate and satisfactory water supply and sewage facilities.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by RCDOH prior to construction.
- As required by the Rockland County Stream Control Act, the subdivision must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- Once a subdivision has been approved, a file map cannot be used to convey property, nor can tax maps be updated with the lot changes, until the deed is filed with the County Clerk conveying the portions of the lots that are required to achieve the lot configuration indicated on the subdivision map. The applicant and Town must make sure that the deeds are properly filed with the county clerk to ensure that the tax maps are properly updated.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (Nov. 2016) of the NYS Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The project narrative must be updated to reflect the current proposal. The plat indicates that the total property is 1.84 acres and that 1.14 acres are in the MFR zoning district and 0.70 acres are in the RG zone. The titles and sizes of the proposed lots have also been revised. Additionally, all proposed road dedications should be identified in the project narrative.
- The proposed road dedication must be clearly labeled on the plat, including the area of the land to be dedicated and the entity to which the will be dedicated. Based on the submitted materials, a dedication to extend Charles Street is required by the Town and a dedication for North Middletown Road is required by the RCDOH.
- The front yard for lot #1 must be measured to the designated street line (DSL).

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Continuation of Condition #9...

- Floor area ratio calculations for the new structures should be provided so their accuracy can be verified.
- Pursuant to New York state general municipal law, sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Planning Board, then the local land use board must file a report with the County Commissioner of Planning of the final action.
- Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, licensed, or approval until the report is filed with the County Commissioner of Planning.
- A review must be completed by the County of Rockland of Health Department, any comments or concerns addressed, and any required permits obtained.

10. 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 subdivision.

11. The Rockland County Health Department reviewed the submitted information and offered the following:

- Realty Subdivision application is to be made to this office.
- Application is to be made to the Rockland County Health Department for sanitary sewer extension approval.
- Application is to be made to the Rockland County Health Department for was main extension approval.
- Application is to be made to the Rockland County Health Department for review of the storm water management system for compliance with the County Mosquito Code.

12. The Rockland County Highway Department and offered the following comments:

- The application shall consider dedicating portions of a private land along North Middletown Road to the Rockland County for inclusion in the Highway System for the purpose of road widening and drainage improvement as per the Rockland County Official Map. It shall be indicated in the subdivision map. The dedication shall be done in the form of an official deed recorded in the Rockland County Clerk's Office.
- The applicant shall prepare a drainage report to demonstrate that the proposed/existing stormwater drainage system in Lot #1 would not increase the peak rate of discharge as it enters the public highway drainage system.

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13. Orange and Rockland Utilities reviewed the submitted information and held that there should not be any conflicts with the existing gas facilities. Please note all gas facilities must be located prior to work and all code 753 rules must be followed.

14. 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.

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

16. 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.

17. 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
- Rockland County Department of Planning
- Rockland County Highway Department

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

19. Prior to the commencement of any subdivision 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 subdivision 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.

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

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

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

23. 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

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

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

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

Dated: May 14, 2025
Town of Orangetown Planning Board
attachment



TOWN CLERK'S OFFICE
2025 MAY 35 P 1:29
TOWN OF ORANGETOWN

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

**Tarnowski Subdivision
Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
May 14, 2025**

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: Tarnowski Subdivision Plan

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

DESCRIPTION OF ACTION: Final Subdivision Plan Approval Subject to Conditions

LOCATION: The subdivision is located at 283 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 3, Lot 24 in the MFR & RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962

TOWN CLERK'S OFFICE
2025 MAY 30 P 1:30
TOWN OF ORANGETOWN

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 1 of 6**

**TO: Luis Rojas, 854 Bradly Parkway, Blauvelt, New York
FROM: Town of Orangetown Planning Board**

RE: Rojas, Bradley Parkway Site Plan/Lewy Subdivision Amendment: The application of Luis Rojas, Owner, for Pre-preliminary/ Preliminary/Final Subdivision Amendment Review at a site to be known as “**Rojas, Bradley Parkway/Lewy Lewy Subdivision Amendment**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown 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 854 Bradley Parkway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.19, Block 1, Lot 36.2; R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 14, 2025** at which time the Board made the following determinations:

Luis Rojas and Richard Glickel appeared and testified. The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Rick Oliver, Acting Director, May 2, 2025.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., dated May 12, 2025.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 21, 2025.
4. Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 1, 2025.
5. Letter and Notice from the Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated February 25, 2025.
6. Letter from the Rockland County Health Department, signed by Elizabeth Mello, Senior Public Health Engineer, dated May 12, 2025.
7. Short Environmental Assessment Form, dated May 6, 2025, signed by Luis Rojas.
8. Copy of Certificate of Approval from the Rockland County Department of Health for individual sewage disposal system, dated January 2, 2025, signed by Elizabeth Mello and Tann Morales, with attachments of a letter from Rockland County Department of Health, dated March 24, 2025, signed by Ryan Chambers, Public Health Technician I and a letter from Paul Gdanski, PE, dated February 3, 2025.

TOWN CLERK'S OFFICE
2025 MAY 35 P 1:30
TOWN OF ORANGETOWN

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 2 of 6**

9. Letter from the Palisades Interstate Park Commission, dated May 14, 2025, signed by Matthew Shook, Chief of Staff.
10. Copies of the prior Board Decisions: PB #04-109, Final Approval Subject to Conditions, dated October 27, 2004; PB #04-63, Preliminary Approval Subject to Conditions, dated July 14, 2004 and ACABOR #05-07, Lewy Subdivision Plan – Lot #2, Approved Subject to Conditions, dated May 3, 2005.
11. Survey Plan for 854 Bradley Parkway, prepared by Anthony Celentano, PLS, dated January 17, 2025.
12. Plot Plan for 854 Bradley Parkway – Castro, dated February 7, 2022, last revised November 30, 2022, prepared by Paul Gdanski, PE.
13. A cut from a plan noting the location of the driveway and photographs of the site.

The Board reviewed the submitted plan and information. 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 by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

There being no one to be heard from the Public, a motion was made to close the public portion of the meeting 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, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

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. A motion was made to 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, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye, the Board declared itself Lead Agency.

TOWN CLERK'S OFFICE
2025 MAY 30 P 1:30
TOWN OF ORANGETOWN

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 3 of 6**

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, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the involved and interested agencies and having reviewed a proposed Amendment to the Subdivision Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- 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 subdivisions 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;

TOWN OF ORANGETOWN
2025 MAY 35 P 1:30
TOWN CLERK'S OFFICE

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 4 of 6**

- 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 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 Michael Mandel- Vice Chair and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; 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 Site Plan Approval Subject to Following Conditions:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The single driveway/street is the result of the Lewy Subdivision, PB#04-109, Final Decision which includes the conditions of PB #04-63, Preliminary approval, Item #24... "the site plan shall be redesigned to shift the location of the house and driveway and incorporate both driveways into one driveway and therefore decrease the amount of site disturbance". This condition resulted in the redesign of the site plan, a Declaration Easement being established with the County, and a Wall and Driveway Maintenance Agreement being created.

TOWN CLERK'S OFFICE
2025 MAY 30 P 1:30
TOWN OF ORANGETOWN

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 5 of 6**

Site Plan CC 6/4/25

4. If approved, a revised subdivision plan must be filed with the County Clerk.
5. The Driveway/Wall Maintenance Agreement to remain in effect.
6. The Driveway Easement to remain in effect.
7. The Town of Orangetown Department of Environmental Management and Engineering has no comment on this project at this time.
8. The Town of Orangetown Bureau of Fire Prevention has no comment on this project at this time.
9. The Rockland County Department of Planning offered the following comments:
 - A review must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and all required permits obtained.
 - The Palisades Interstate Park Commission shall be given the opportunity to review the proposal, and any concerns addressed.
 - A review must be completed by the County of Rockland Department of Health, all comments or concerns addressed, and all required permits obtained.
 - At least two questions on the SEAF are answered incorrectly. The EAF Mapper Application indicates that questions 13a and 20 on the SEAF should be answered affirmatively. To ensure accurate SEQRA determinations, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using NYS Database information.
 - Pursuant to New York state general municipal law, sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Planning Board, then the local land use board must file a report with the County Commissioner of Planning of the final action.
 - Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, license, or approval until the report is filed with the County Commissioner of Planning.

TOWN OF ORANGETOWN
2025 MAY 35 P 1:30
TOWN CLERK'S OFFICE

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 6 of 6**

10. The Rockland County Department of Health reviewed the submitted documents and found that its office has signed off on the new well and septic system and no other approvals are required from this office.

11. The Palisades Interstate Park Commission reviewed the submitted documents and found that they have no concerns about this project being approved.

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

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

**Dated: May 14, 2025
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2025 MAY 35 P 1:30
TOWN CLERK'S OFFICE

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

**PB #25-28: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
May 14, 2025**

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

**NAME OF ACTION: Rojas, Bradley Parkway Site Plan / Lewy Subdivision
Final Site Plan Approval Subject to Conditions**

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

DESCRIPTION OF ACTION:

LOCATION: The site is located at 854 Bradley Parkway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.19, Block 1, Lot 36.2; R-40 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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 CLERK'S OFFICE
2025 MAY 35 P 1:30
TOWN OF ORANGETOWN

**PB #25-29: Lily & Our Town Site Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

Permit #BLDR-5767-25

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 1 of 10**

**TO: Bart Rodi, 234 South Grant Avenue, Congers, New York
FROM: Orangetown Planning Board**

RE: Lily and Our Town, LLC. Site Plan / Parking Plan: The application of Bart Rodi, applicant for the owner, Lily and Our Town, LLC., owner, for Pre-preliminary/ Preliminary/Final Site Plan Review at a site to be known as “**Lily and Our Town, LLC. Site Plan / Parking Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 522 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 1; CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 14, 2025 meeting**, at which time the Board made the following determinations;

Bart Rodi and Baldamar Nolasco appeared and testified.

The Board received the following communications:

1. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Rick Oliver, Acting Director, dated May 5, 2025.
2. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 12, 2025.
3. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated April 21, 2025.
4. Letter and notice from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 6, 2025.
5. Letter from the Rockland County Sewer District No.1, signed by Nicholas King, Engineer II, dated May 14, 2025.
6. Email from Rockland and Orange Utilities from Alfred Gaddi, PE, dated May 10, 2025.
7. Short Environmental Assessment Form signed by Bart Rodi, PE, dated March 18, 2025.
8. Letter from Bart Rodi, PE, dated March 14, 2025.
9. Land Survey prepared by Earl Lovell – S.P. Belcher, Inc., dated December 20, 2024.

TOWN CLERK'S OFFICE
2025 MAY 35 P 1:30
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 2 of 10**

10. Site Plans prepared by Bart Rodi, PE: entitled "Renovation Tire Service & Sales Addition":

- Sheet 1: Proposed Site Plan including New Parking Layout, dated December 2, 2024, last revised March 17, 2025
- Sheet 2: 1st Floor Plan – Proposed Addition and 1st Floor Plan Proposed Equipment, dated November 15, 2024, last revised December 2, 2024
- Sheet 3: Details, dated December 7, 2024

The Board reviewed the submitted plan and information. 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 by Lisa DeFeciani and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

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

SEQRA

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) 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. A motion was made to Michael Mandel, Vice Chair and second by Denise Lenihan and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; 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.

TOWN CLERK'S OFFICE

2025 MAY 35 P 1: 30

TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
May 14, 2025
Page 3 of 10**

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, the applicant's professional representatives, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the involved and interested agencies and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- 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 subdivisions 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 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.

TOWN CLERK'S OFFICE
2025 MAY 35 P 1:30
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board Decision
May 14, 2025
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On motion Michael Mandel- Vice Chair and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chair, aye; Michael Mandel - Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; 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 Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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. A zoning variance is required from the Town of Orangetown Zoning Board of Appeals for Parking, CC Table refers to CS Use Table, Column 6, #4 1 space per 200 square feet, 24 spaces required and 15 are provided.
4. The Bulk Table needs to be revised to show actual conditions with reference to the following:
 - Front Yard dimensions are not shown
 - Side Yard existing and proposed dimensions are not shown
 - Total Side Yard does not reflect the dimensions shown
 - Rear Yard dimensions to portico are not shown
5. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

TOWN CLERK'S OFFICE
2025 MAY 30 P 1:30
TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
May 14, 2025
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6. The applicant shall make application to the Town of Orangetown Industrial Use Committee (IUC) for review and approval.

7. Landscaping shall be added to the Route 303 Overlay Zone area, some type of planting that does not obstruct the Sewer Easement and that the Deer do not eat. A landscape plan shall be submitted for review and approval, per Rockland County Department of Planning comment #8 of this decision.

8. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and has no comment on this project at this time.

9. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and offered the following comments:
No comment on the Site Plans

Construction Plans shall include the following:

1. Flame propagation performance treatment for membrane structure – 2020 NYS FC 3104.2
2. Label permanently affixed to membrane structure – 2020 NYS FC 3104.3

10. Rockland County Planning Department reviewed the submitted information and provided the following comments:

- The Town must be satisfied that the proposed site plan is compliant with all applicable provisions of Route 303 Overlay Zone, outlined in Article XIII, Sec. 13.10B of the Orangetown Zoning Code.
- Inadequate parking for a site that has access to a State highway can impede the safe and efficient flow of traffic and create unsafe access conditions, multiple movements to and from the roadway, and result in the need for parking within the State right of way. The parking area provides 8 fewer parking spaces than required to accommodate the proposed addition, indicating a 38% parking deficiency. A parking analysis should be provided to ensure that there is sufficient parking on site for the proposed use. In the absence of a study, the applicant shall ensure that there is adequate alternate offsite parking arrangement with an adjacent or nearby user to prevent insufficient parking resulting in customers or employees parking within the state right of way. **A parking agreement must be furnished by the applicant.**
- The 2024 aerial map made available by the RC GIS division shows eleven (11) vehicles either parked or stored on the adjoining lot to the south (518 Route 303). If the applicant is using this site for vehicle parking or storage, proof of an agreement or lease must be provided indicating that the applicant has permission to use this lot for ancillary parking or storage. Under no circumstances shall the Route 303 right of way be used for overflow parking or storage.

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
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Continuation of Condition #10...

- Per Section 13.10B(6) of the Route 303 Overlay District regulations, outside storage of five or more automobiles and other vehicles on any particular lot shall be prohibited for automobile repair shop. Any outside vehicle storage beyond the permitted maximum shall require a variance, especially as the principal use requiring vehicle storage is being expanded. Any application submitted before to the Orangetown Zoning Board of Appeals for review must be referred to this department for review, as required by General Municipal Law.
- Section 13.10B(2) requires a twenty-five-foot vegetated buffer along the property line abutting the Route 303 right of way. The location of the required buffer must be indicated on the site plan drawing. While this site contains an existing development, **a landscaping plan shall be provided, and it is recommended that additional shrubs and trees are planted with the buffer area to help visually mitigate the proposed construction and additional parking.**
- This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local water bodies. A pdf titled "Native Plants for Gardening and Landscaping Fact sheets" that lists native species and the environments in which can grow can be found on NYSDEC website.
- A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- The subject property is approximately 365 feet west of the Sparkill Creek, a count regulated stream. A review must be completed by the Rockland County Drainage Agency and all required permits obtained.
- A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (Nov. 2016) of the NYS Standards for Urban Erosion and Sediment Control.

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Continuation of Condition #10...

- There shall be no net increase in the peak rate of discharge from the site at all design points.
- There are proposed sandbags shown on the base site plan, and a separate construction, grading, and soil erosion control plan was not provided. The sandbags must be removed after construction and cannot be permitted as permanent feature of the site, as they will impact vehicle maneuverability and hinder emergency vehicles from accessing the building.
- Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the Board, then the local land use board must file a report with the County's Commission of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- Pursuant to Executive order 01-2017, County agencies are prohibited from issuing a County Permit, license, or approval until the report is filed with the County Commissioner of Planning.

11. The Rockland County Sewer District #1 owns and maintains a 30-inch interceptor sewer in an easement through Tax Lot 74.07-1-1 (522 Route 303) along Route 303. The District had the following comments:

- a. No permanent structures may be built within the District's easements.
- b. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
- c. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District must approve any construction to be done within its easement.
- d. Contractors must obtain the required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within the District's easement.

12. Orange and Rockland Utilities reviewed the submitted information and based on the plans provided, the proposed work may be in conflict with the existing gas service. Please contact O&R's new business department for any disconnects/reconnects. Please note all gas facilities must be located prior to work and all code 753 rules must be followed.

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13. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- 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.
 - 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.

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

18. 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 subdivision 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.

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

20. 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 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).

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

22. 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

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

ACABOR

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 Lisa DeFeciani and carried as follows: Thomas Warren – Chair, aye; Michael Mandel, Vice Chair, aye; Andrew Andrews, aye, Matthew Miller, aye; Denise Lenihan, aye; Michael McCrory, absent; Lisa DeFeciani, aye; Bruce Bond, (alternate member), aye.

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

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

Dated: May 14, 2025
Town of Orangetown Planning Board
attachment



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

**PB #25-29: Lily & Our Town Site Plan
Final Site Plan Approval Subject to
Conditions/ Neg. Dec.**

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

**NAME OF ACTION: Lily & Our Town Site Plan - Final Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

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

LOCATION: The site is located at 522 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 1; CC 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:
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

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