

June 13, 2024

VIA EMAIL: rsfraga@orangetown.com

Rosanna Sfraga
Town Clerk
Town of Orangetown
26 W. Orangeburg Road
Orangeburg, New York 10962

Re: Rockland Cider Works, LLC: Withdrawal of Verified Petition

Dear Ms. Sfraga:

My firm represents applicant Rockland Cider Works (“RCW”) with respect to its pending Verified Petition for Zoning Text Amendment (the “Petition”) which is presently scheduled for a continued public hearing before the Town Board on June 25, 2024.

At this time, RCW is no longer seeking the relief sought in the Petition and, as such, respectfully requests to withdraw same for consideration by the Town and a discontinuance of the continued public hearing.

If you have any questions, please feel free to contact me at (845) 323-4940. Thank you for your consideration.

Respectfully submitted,
McGOWAN LAW, PLLC

/s/ John W. McGowan

JOHN W. MCGOWAN

cc: Town Board
Town of Orangetown
(via email)

**TOWN OF ORANGETOWN, ROCKLAND COUNTY
ZONING TEXT AMENDMENT**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: June 25, 2024

LEAD AGENCY: The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION:

Adoption of Local Law No. __ of 2024 of the Town of Orangetown, amending the Town Zoning Law, and Zoning Map, to change the zoning classification of the parcel known as 283 North Middletown Road in the hamlet of Pearl River, tax lot 68.12-3-24 from Multi Family Residential "MFR" to General Residence "RG".

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The proposed action consists of a change to the zoning classification of the parcel known as 283 North Middletown Road in the hamlet of Pearl River, tax lot 68.12-3-34 from "MFR" to "RG".

DETERMINATION:

There will be no significant adverse environmental impact(s) as a result of the proposed action.

REASONS SUPPORTING THIS DETERMINATION:

The proposed action changes the zoning district of an existing tax parcel which was previously developed as a one family residence. The applicant will seek to subdivide the property at a later time under the RG zoning district, which is a neighboring zoning district. The addition of two houses in this area does not impact negatively upon any environmental concerns.

The change is consistent with the most recent and proposed use of the existing lot; is consistent with the Town's Master Plan which notes residential uses on certain sections of Middletown Road; and is otherwise in the best planning and zoning interests of the Town and the owner of the parcel, who has requested the change of zoning classification. The existing lot is bordered to the south and west by the RG zone.

In addition, both the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 L & M, have reviewed the proposed law, and neither has concluded that the proposed action will have any significant adverse impact.

POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:

Based on the Short Environmental Assessment Form, prepared by the Town's Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board's familiarity with the parcels and the area in which they are situated, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Traffic;
- Agricultural Land Resources
- Historic and Archaeological Resources
- Surface or Groundwater Quantity or Quality
- Critical Environmental Areas
- Energy
- Public Health
- Air Quality and Noise Levels
- Human Health, or
- Future Development of Adjacent and Nearby Lands

In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that such action will not result in a significant adverse environmental impact.

For Further Information, Contact:

Town Supervisor Teresa M. Kenny
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

TIME RECEIVED
June 4, 2024 at 9:32:20 AM EDT

REMOTE CSID
5343463548

DURATION
38

PAGES
1

STATUS
Received

06-04-'24 09:26 FROM-

T-467 P0001/0001 F-134

Town of Orangetown Town Board

Date: May 22, 2024

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

**RE: Referral / Proposed Local Law
Amending Chapter 43, § 2.2 to to Adjust the Zoning District of parcel know as
283 N Middletown Rd, Pearl River (68.12-3-24)**

The Rockland County Planning Dept agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

6/4/24
Date

Jake Palant
(Signature)

Jake Palant Associate Planner
(Print Name and Title)

Rockland County Planning Dept
(Name of Agency)

Encl.

**Planning Board
Town of Orangetown**

TO: Town of Orangetown Town Board

FROM: Planning Board 

DATE: June 12, 2024

RE: **Referral- Proposed Local Law Amending Chapter 43, Section 2.2 to Adjust the Zoning District of parcel known as 283 North Middletown Road, Pearl River (66.12-3-24)**

At the June 12, 2024 Planning Board Meeting, the Board reviewed the submitted Referral and had no comment. The Board made a motion to consent to the Town of Orangetown Town Board to be Lead Agency.

The motion was made by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows:
Thomas Warren – Chairman, aye; Denise Lenihan, aye;
Michael Mandel, Vice Chairman, aye; Kevin Farry, aye;
Michael McCrory, aye; Lisa DeFeciani, aye, Bruce Bond, (alternate member), not voting; and Andrew Andrews, aye.

Town of Orangetown Town Board

Date: May 22, 2024

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

**RE: Referral / Proposed Local Law
Amending Chapter 43, § 2.2 to to Adjust the Zoning District of parcel know as
283 N Middletown Rd, Pearl River (68.12-3-24)**

The Planning Board, Town of Orangetown agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

June 12, 2024
Date


(Signature)

Thomas C. Warren
(Print Name and Title)

Orangetown Planning Board
(Name of Agency)

Encl.

June 12, 2024 - other Business

Town of Orangetown
Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962
Telephone: (845) 359-5100 ext. 5004 · Fax: (845) 359-5126
e-mail: tclerk@orangetown.com
website: www.orangetown.com



May 22, 2024

Rockland Cty Highway Dept. (USPS)
Rockland Cty Dept of Planning (USPS)
Orangetown Planning Board

RE: Referral / Proposed Local Law
Amending Chapter 43, § 2.2 to Adjust the Zoning District of parcel know as
283 N. Middletown Rd, Pearl River (68.12-3-24)

Pursuant to General Municipal Law § § 239-1 & m, the Town Board of the Town of Orangetown, Rockland County, New York is hereby notifying you that, at its meeting held on May 21, 2024 the Town Board adopted resolutions in connection with the proposed action, to wit: amending Chapter 43, § 2.2 ; to Adjust the Zoning District of parcel know as 283 N Middletown Rd, Pearl River (68.12-3-24)' (i) declaring its intention to act as Lead Agency under SEQRA; (ii) making the preliminary determination that the proposed action is an "unlisted" action under SEQRA; (iii) directing that a SEQRA letter be circulated to the above named agencies for GML review, and to the Orangetown Planning Board for its review and recommendation under the Town Code.

The Town Board has determined that the action proposed is subject to review under the State Environmental Quality Review Act ("SEQRA"), and that such action constitutes an "unlisted" action. The Town Board, by Board Resolution, has expressed its intention to serve as Lead Agency for the action and, pursuant to Sections 617.6 (b) and (c) of the N.Y.C.R.R., and requests your agreement that it is designated.

The Town Board further wishes to expedite the designation of the Lead Agency and requests prompt reply. If you agree to the Town Board being designated Lead Agency, please sign this letter where indicated below and email (tclerk@orangetown.com) and/or fax (845) 359-5126 as soon as possible. If your agency does not submit a written objection within 30 days of the mailing of this notification, the Town Board will assume the role of lead agency for this action.

Enclosed please find a copy of the Petition and other relevant documents and information relating to the proposed action.

Thank you for your cooperation and courtesy.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rosanna Sfraga', with a long horizontal flourish extending to the right.

Rosanna Sfraga
Town Clerk

Encl.

CC: Robert Magrino, Town Attorney (rmagrino@orangetown.com)

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

June 12, 2024

Orangetown Town Board
20 Greenbush Road
Orangeburg, NY 10962

Tax Data: 68.12-3-24

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 11/25/2023

Date Review Received: 06/03/2024

Item: *283 North Middletown Road (GML-24-0012)*

A zoning map amendment to change a 0.156-acre portion of a 1.83-acre lot from the Multifamily Residence (MFR) zoning district to the General Residence (RG) zoning district. The western 0.54 acres of the parcel is currently zoned RG while the remaining 1.29 acres is within the MFR district. West side of North Middletown Road, approximately 320 feet south of Crooked Hill Road, and the northern terminus of Charles Street

Reason for Referral:

County Route 33 - N Middletown Rd, State Route 304

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

Remand for Local Decision

This department recognizes the need for additional housing. Based on the 2023 aerial imagery made available by the Rockland County GIS division, the western portion of the parcel is not actively being utilized for a residential use. The proposed rezoning will allow for the creation of two additional residential lots that are contiguous with the existing RG zoning district and a residential neighborhood. Since the proposed rezoning will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

- 1 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The Board may have already addressed these points or may disregard them without any formal vote under the GML process:
 - 1.1 The site plan by Paul Gdanski P.E. PLLC is undersized and difficult to read. For the purposes of our GML

283 North Middletown Road (GML-24-0012)

reviews, a full-sized map that is proportionate to the scale indicated should be provided.

- 1.2 The petition provided indicates that the owner of the property wishes to develop the western portion of the parcel into two residential structures. We request the opportunity to review any subdivision applications necessary to do so, as required by General Municipal Law,



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
NYS Department of Transportation
Rockland County Highway Department
Rockland County Planning Board
Donald Brenner, P.E., LL.B.

*The review undertaken by the County of Rockland Department of Planning is pursuant to and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B, the County of Rockland does not render opinions nor determine whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of final action it has taken with the County of Rockland Department of Planning within thirty (30) days after final action.



- The red line represents the 6 foot fence.
- The yellow line represents the split rail fence around the garden.



**COVENANT, HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT**

THIS COVENANT, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT (“Agreement”) made as of this ____ day of _____, 2024 between **FRANK LIFRIERI and PATRICIA LIFRIERI** residing at 2 Henry Street, Orangeburg, New York 10962 hereinafter “Owner”, to the **TOWN OF ORANGETOWN**, a Municipal Corporation, having an address at Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, hereinafter “Town”.

RECITALS:

WHEREAS, the Owner represents and warrants that it is the owner in fee simple of premises known as and by street address number: 2 Henry Street, in the Hamlet of Orangeburg, Town of Orangetown, County of Rockland, and being designated on the Orangetown Tax Map as Section 74.09, Block 2, Lot 49 (the “premises”), and the Town has a right-of-way/easement on which the Owner has constructed two (2) stone pillars (hereinafter referred to as the “construction”) in said right-of-way/easement; and

WHEREAS, the Owner had erected the construction on Town property without seeking approval, a permit, or consent from any Town Department, agency or Board; and

WHEREAS, the Owner wishes said construction to continue to remain within the Town’s right-of-way/easement as it presently does so as to continue the present beneficial nature of same, from both an economic and aesthetic standpoint to the Owner; and

WHEREAS, the Town is agreeable to granting the Owner a revocable license in order to maintain, and continue to maintain, said construction within the right-of-way/easement, on the express condition that an agreement, running with the land, is made, in recordable form, which provides, *inter alia*, that: (1) the Owner will, upon receipt of written notice (“Notice”) from the Town, remove or cause to be removed, the said construction within a reasonable period of time

thereafter, but, in no event later than thirty (30) days following the date of the Notice; (2) the Town will not, as a result of, or in connection with, or related to, incur any liability in or any responsibility for the removal, upkeep, repair, replacement, restoration and/or maintenance of the said construction; (3) the Owner will not assert against the Town any relinquishment or abandonment, or claims thereof, or other estate, interest and/or rights held by the Town in or to the right-of-way/easement, or any part thereof; (4) the Owner agrees, at its sole cost and expense, to indemnify and hold harmless and defend the Town from and against any and all liability or responsibility, resulting from, or in connection with, or related to, the removal, upkeep, repair, replacement, restoration and/or maintenance of the said construction, or claims thereof; and (5) the Owner agrees, at its sole cost and expense, to indemnify and hold harmless and defend the Town from and against any and all liability or responsibility for any personal injury and/or property damage claims involving said construction.

WITNESSETH:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) paid by the Owner to the Town, the receipt of which is hereby acknowledged, the foregoing Recitals (the “Recitals”) and or other good and valuable consideration, the parties hereto, intending to be legally bound, hereby agree as follows:

FIRST: All of the Recitals are, by this reference thereto, incorporated herein with the same force and effect as if repeated herein in their entirety.

SECOND: Subject to the terms and conditions herein set forth, the Town hereby creates and grants to the Owner a revocable license over and across the right-of-way for the purposes of maintaining and continuing to maintain, in its present location, the Owner’s existing construction, to wit: two (2) stone pillars, and which the Owner acknowledges and agrees does encroach upon the Town’s right-of-way/easement.

THIRD: The Owner hereby understands and expressly agrees that the license created or granted it hereby by the Town is revocable and can be revoked at any time, with or

without cause, by the Town, upon giving Notice to the Owner, at the address first above written. In the event that the Town gives Notice to the Owner that it elects to revoke this license and requires that the said construction be removed, then the Owner will remove or cause to be removed said construction from the right-of-way/easement, at the sole cost and expense of the Owner (i) within the period of time given or prescribed in the Notice, or (ii) if no period of time is given or prescribed in the Notice, then within a reasonable period of time following the Owner's receipt of the Notice, but, in any event, within thirty (30) days as measured from the date of the Notice.

FOURTH: The Owner acknowledges, understands and agrees that the revocable license herein granted to it by the Town shall be deemed revoked as of the date of the Notice and that any period of time given or prescribed in the Notice or as provided herein, within which the said construction to be so removed from the right-of-way/easement is solely for the purpose of accommodating the Owner in so doing, but the Owner shall remain, nevertheless, liable hereunder until, and unless, released from liability hereunder by the Town of Orangetown. Upon the Owner's failure to remove the said construction from the right-of-way/easement within the applicable period given or prescribed herein, then the Town may, but shall not be obligated, to remove, or cause to be removed, the said construction from the right-of-way/easement at any time thereafter without further notice, at the sole cost and expense of the Owner, which cost and expense shall be payable, upon demand, by the Owner and creates a lien upon the premises in favor of the Town until paid in full by the Owner.

FIFTH: The Owner agrees to indemnify and hold harmless and defend the Town from any and all liability or responsibility in connection with, or related to, the said construction and/or this Agreement, including, without limitation, any claims, proceedings, legal fees, and any and all liability and responsibility in connection therewith or related thereto for any property damage and/or personal injury claim, and any damage or injury to the right of way area and/or the premises which may be the result of, or attributable to, any property damage or personal injury caused by the Town, its employees and/or agents due to the failure or timely failure of the Owner to act hereunder or comply herewith, or with any Notice given it, in accordance with, or pursuant to, or as contemplated by the provisions of this Agreement and which are the express

obligation hereunder on the part of the Owner to perform and/or which result, directly or indirectly, from the exercise by the Town of its rights under, or related or incidental to, the right-of-way/easement.

SIXTH: The Owner agrees not to assert against the Town any relinquishment or abandonment, or claims thereof, or other estate, interest and/or rights held by the Town in or to the right of way, or any part thereof, and further agrees that the revocable license hereby created or granted to it by the Town neither impairs nor diminishes any of the rights afforded to the Town by virtue of the right of way.

SEVENTH: The Owner acknowledges and agrees that this license pertains to the construction located at 2 Henry Street, Orangeburg, New York. If said construction is removed for any reason, this revocable license shall terminate immediately. This license does not allow for replacement construction to be erected in the place of the existing encroaching construction.

EIGHTH: This Agreement shall be binding upon the Owner, its successors and/or assigns and shall inure to the benefit of the Town, its successors and/or assigns.

IN WITNESS WHEREOF, the parties hereto have signed and sealed, or caused to be signed and sealed by their duly authorized representatives, this instrument as of the date first above written.

Frank Lifrieri

Patricia Lifrieri

TOWN OF ORANGETOWN

By:_____

Title:_____

STATE OF NEW YORK)
 ss.:
COUNTY OF ROCKLAND)

On the _____ day of _____ in the year 2024 before me, the undersigned, a notary public in and for said state, personally appeared FRANK LIFRIERI personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
 ss.:
COUNTY OF ROCKLAND)

On the _____ day of _____ in the year 2024 before me, the undersigned, a notary public in and for said state, personally appeared PATRICIA LIFRIERI personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
 ss.:
COUNTY OF ROCKLAND)

On the _____ day of _____ in the year 2024 before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

JAMES J. DEAN
Superintendent of Highways
Roadmaster IV

Orangetown Representative:
R.C. Soil and Water Conservation Dist.-Chairman
Stormwater Consortium of Rockland County
Rockland County Water Quality Committee




HIGHWAY DEPARTMENT
TOWN OF ORANGETOWN
119 Route 303 • Orangeburg, NY 10962
(845) 359-6500 • Fax (845) 359-6062
E-Mail – highwaydept@orangetown.com

Affiliations:
American Public Works Association NY Metro Chapter
NYS Association of Town Superintendents of Highways
Hwy. Superintendents' Association of Rockland County

MEMORANDUM

DATE: June 20, 2024

TO: Town Board

FROM: James J. Dean, Superintendent of Highways 

RE: **REVISED 2024 PAVEMENT PRESERVATION PROGRAM LIST OF ROADS**

Due to infrastructure projects to be undertaken by utility companies within the road right-of-way, as well as other unforeseen circumstances, I have revised the list of roads to be treated in the 2024 Pavement Preservation Program included in the agreement for expenditure of highway monies.

There will be no additional monies expended as a result of these revisions.

The streets **removed** from the list are as follows:

Pearl River: Apple Court, Azalea Drive, Birch Street, Harold Street, Pear Circle and Plum Court
Blauvelt: Parkway Drive North

The streets **added** to the list are as follows:

Pearl River: Hawk Street, Lark Street and Villa Drive
Tappan: Washington Avenue and Wayne Lane

JJD/kf



**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 06/20/24
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 06/25/2024 consists of 4 warrants for a total of \$2,238,948.69.

The first warrant had 24 vouchers for \$84,528 and was for utilities.

The second warrant had 27 vouchers for \$180,445 and was for utilities.

The third warrant had 20 vouchers for \$27,480 and was for utilities and project graduation.

The fourth warrant had 200 vouchers for \$1,946,494 and had the following items of interest.

1. Beckmann Appraisals (p12) - \$15,000 for certiorari defenses.
2. Capasso & Sons (p14) - \$90,817 for recycling.
3. Fred Devens Construction (p25) - \$223,225 for Tier IV pump station project (bonded).
4. Gentile, Steven (p28) - \$10,541 for 207c payment.
5. Global Montello (p28) - \$19,535 for fuel.
6. Goosetown Enterprises (p29) - \$26,350 for Police equipment leases.
7. Hauser Brothers (p30) - \$22,012 for sewer plant equipment repairs.
8. Heed Health (p31) - \$9,981 for RN services for daycamp.
9. Jim Ryan Golf Course Design (p33) - \$9,750 for master plan at Blue Hill.
10. Lube Squad of NY (p39) - \$6,155 for Highway oil.
11. Munis (p42) - \$61,253 for Building Dept. software.
12. NYPA (p44) - \$21,278 for streetlight project.
13. NYS Dept. of Civil Service (p45) - \$1,016,853 for healthcare benefits.

14. NYSID (p46) - \$10,844 for Building Dept. scanning project.
15. Pre-cast concrete (p49) – \$5,349 for Highway catch basin work.
16. RCSWMA (p51) - \$5,580 for solid waste removal.
17. Ron’s Quality Automotive (p52) - \$7,766 for Highway truck repairs.
18. Sealcoat USA (p54) - \$39,711 for Highway surface treatment (bonded).
19. Shi International (p56) - \$54,079 for anti virus software licenses.
20. Tilcon NY (p62) - \$15,047 for Highway supplies.
21. Virtuit Systems (p65) - \$99,984 for IT equipment (bonded).

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA
845-359-5100 x2204