

June 15, 2020 Board Items:

New Items:

PB #20-28: Bethany Mar Thoma Church Plan

Final Site Plan Review
90 Old Orangeburg Road, Orangeburg
74.09/1/64; R-80 zoning district

PB #20-29: Karayal Site Plan - Critical Environmental Area

Final Site Plan Review
1071 Route 9W, Nyack
71.09/1/10; R-22 zoning district

Continued Item from January 15, 2020

PB #20-03: Chefman Site Plan – continued item

Prepreliminary/Preliminary Site Plan and SEQRA Review
29 Corporate Drive, Orangeburg
73.19/1/8; LIO zoning district

Continued Items from June 1, 2020

PB#20-21: SQ Properties Site Plan

Prepreliminary/Preliminary Site Plan and SEQRA Review
8 Olympic Drive, Orangeburg
73.15/1/16; LIO zoning district

PB#20-22: 119 Tweed Boulevard Site Plan

Critical Environmental Area
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review
119 Tweed Boulevard, Upper Grandview
71.17/1/19; R-22 zoning district

Continued Item from May 27, 2020 Planning Board Meeting:

PB#20-19: Onyx Management/ Amazon Delivery Center Plans

Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review
200 & 400 Oritani Drive & 877 Western Highway, Blauvelt,
65.18/1/1 & 22 and 70.06/1/1.12; LO zoning district

Updated: June 10, 2020

Dated: June 3, 2020



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

**Jane Slavin, RA
Director**

(845) 359-8410

Fax: (845) 359-8526

Date: June 12, 2020

**To: Cheryl Coopersmith, Chief Clerk
Planning Board**

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

**Subject: Bethany Mar Thoma Church Plan
Final Site Plan
90 Old Orangeburg Road, Orangeburg
74.09/1/64; R-80 zoning district**



PB #20-28

Submission Reviewed

A) Site development plan last revised. 1-14-2020 as prepared by Atzl, Nasher & Zigler, P.C.

- 1) Application to the ZBA is required for the renewal of the expired ZBA approval from November 2018 and May 2019.
- 2) 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 and the Final Site Plan is stamped by the Chief Clerk to the Board.

JS
6-12-2020

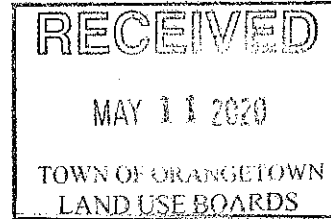


**Department of Environmental Management and Engineering
Town of Orangetown**

127 Route 303 Orangeburg New York 10962
Tel: (845) 359-6502 • Fax: (845) 359-6951

April 28, 2020

Planning Board
Town of Orangetown
1 Greenbush Road
Orangeburg, New York 10962
Attn: Cheryl Coopersmith, Chief Clerk



PB# 20-26

Re: Bethany Mar Thoma Church Site Plan

Gentlemen:

This Department has the following comments/ recommendations.

1. The proposed drainage exhaust shall be realigned to enter the existing watercourse more in-line with the flow direction
2. While the current drawings show the portion of driveway access from this site into the neighboring property to the west (Joseph's Home, Inc. Lot #74.09-1-65.2) removed where said access driveway is not in the easement, there is a portion of that driveway the comes from "Joseph's Home" into the easement and straight into a proposed new fence. This is unacceptable. The applicant must consult with the neighboring property owner to come up with a safe solution.
3. A profile for the P-F1 to CB #3 shall be added to the drawings.
4. The SESC plans shall include the proposed SESC measures in the Legend.
5. A Note shall be added to the plan stating that the Town of Orangetown Sewer Inspector shall be notified at least 48 hours prior to any and all sewer work being performed in connection with this subdivision.

Very truly yours,



cc: Highway file
Sewer file



Rockland County

Ed Day, Rockland County Executive

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

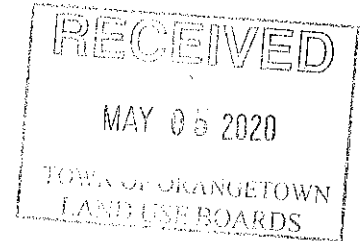
Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner

April 22, 2020

Orangetown Planning Board
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 74.09-1-64



Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/14/2020

Date Review Received: 4/1/2020

Item: **BETHANY MAR THOMA CHURCH (O-207H)**

Site plan for the construction of an approximately 2,800 SF addition to an existing church located on 1.05 acres in the R-80 zoning district. The existing parking, which encroaches onto the property to the east, will be removed and relocated completely on the property. The multi-purpose court will also be removed and replaced by a lawn area.

North side of Old Orangeburg Road, approximately 300 feet east of First Avenue, opposite the connecting road to Orangeburg Road

Reason for Referral:

Orangeburg Road (CR 20), Rockland Psychiatric Center, NYS Armory

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:

****Recommend the following modifications***

- 1 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.
- 2 A review must be completed by the Rockland Psychiatric Center, and any comments or concerns addressed.
- 3 A review must be completed by the New York State Division of Military and Naval Affairs, and any comments or concerns addressed.
- 4 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 (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

BETHANY MAR THOMA CHURCH (O-207H)

- 6 The Board must determine if the provided snow storage areas are sufficient for the 43 proposed parking spaces, or if more areas are necessary.
- 7 The lighting plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.



 Douglas J. Schuetz
 Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
 Rockland County Department of Health
 Rockland County Department of Highways
 Rockland Psychiatric Center

 Atzl, Nasher & Zigler P.C.
 New York State
 Division of Military and Naval Affairs

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings. The review undertaken by the Rockland County Planning Department 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 does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if 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.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.



Rockland County

Ed Day, Rockland County Executive

ROCKLAND COUNTY SEWER DISTRICT NO. 1

4 Route 340

Orangeburg, New York 10962

Phone: (845) 365-6111 Fax: (845) 365-6686

RCSD@co.rockland.ny.us

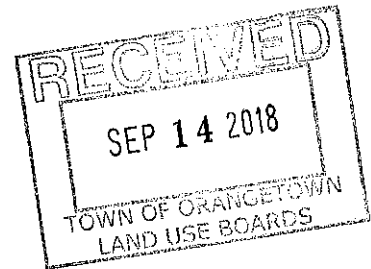
George Hoehmann
Chairman

Dianne T. Philipps, P.E.
Executive Director

September 7, 2018

VIA FACSIMILE

Ms. Cheryl Coopersmith
Town of Orangetown Planning Board
20 South Greenbush Road
Orangeburg, NY 10962



Re: Bethany Mar Thoma Church Site Plan
90 Old Orangeburg Road, Orangeburg
Tax Lot 89/74.09-1-64 (formerly 20-35-344.9)

Dear Ms. Coopersmith:

Our office has received and reviewed a site development plan that was last revised on July 18, 2018, which Atzl, Nasher & Zigler prepared for the above referenced project. We thank you for the opportunity to comment on this application. Our comments are as follows:

1. Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.
2. Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District. We request no future correspondence for this site.

Please inform us if any developments in this project change to affect the District. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,

Joseph LaFiandra
Engineer II

cc: D. Philipps M. Saber
Helen Kenny-Burrows – Rockland County Department of Planning
Shajan Thottakara, P.E. – Rockland County Drainage Agency

File: TOO 74.09-1-64 – 90 Old Orangeburg Road
Reader

Rocklandgov.com



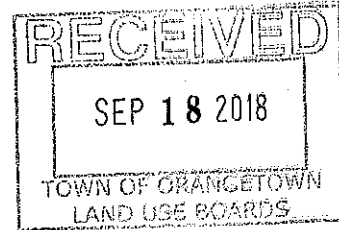
Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

September 17, 2018

Mr. JOHN ATZL
ATZL, NASHER & ZIGLER, PC
234 NORTH MAIN ST.
NEW CITY, NY 10956



Re: DEC
BETHANY MAR THOMA CHURCH: EXPANSION OF AN EXISTING CHURCH
FACILITY AND RECONFIGURATION OF PARKING FACILITIES
90 OLD ORANGEBURG ROAD, ORANGEBURG, NY 10962
18PR05798
DA94L4H991S9

Dear Mr. ATZL:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA
Director, Division for Historic Preservation

Town of Orangetown
20 South Greenbush Road
Orangeburg, New York 10962

Date: March 26, 2020

Planning Board Meeting of May 13, 2020, Town of Orangetown

Project Name:

- Bethany Mar Thoma Church Site Plan

Location of Parcel:

Located at 90 Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County, New York. Orangetown Tax Map as Section 74.09, Block 1, Lot 64 in the R-80 district.

Please review the information enclosed and provide comments. These comments may be mailed, e-mailed or faxed to the Planning Board Office.

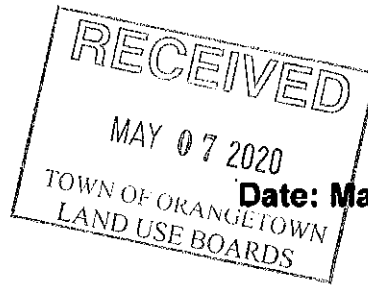
If your agency does not have any comments at this time, please respond to this office by sending back this sheet.

- U.S. Postal: 20 South Greenbush Road, Orangeburg, New York 10962
- Email to Planning Board at ccoopersmith@orangetown.com, or
- Fax to the Town of Orangetown Planning Board @845 359-8526

- () Comments Attached (or to be provided prior to Meeting date noted above)
- () No Comments at this time. Please send future correspondence for review.
- (X) No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

Dated: 4/20/20

SUEZ
Agency Name
By: Bill Prehoda
Please Print Name



**Town of Orangetown
20 South Greenbush Road
Orangeburg, New York 10962**

Date: March 26, 2020

Planning Board Meeting of May 13, 2020, Town of Orangetown

Project Name:

- Bethany Mar Thoma Church Site Plan

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- Email to Planning Board at ccoopersmith@orangetown.com, or
- Fax to the Town of Orangetown Planning Board @845 359-8526

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() No Comments at this time. Please send future correspondence for review.

() No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.

() This project is out of the jurisdiction of this agency and has no further comments.

Dated: 05.07.20

Rockland County Hwy Dept
 Agency Name
 By: Dan Rajasingham
 Please Print Name

Town of Orangetown
20 South Greenbush Road
Orangeburg, New York 10962

Date: March 26, 2020

Planning Board Meeting of May 13, 2020, Town of Orangetown

Project Name:

- Bethany Mar Thoma Church Site Plan

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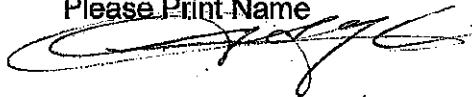
Dated: 5/19/2020

Division of Military & Naval Affairs

Agency Name

By: GARY S. YAPLE

Please Print Name



PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE. TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.

APPLICATION FOR BUILDING/DEMOLITION PERMIT

Phone: (845) 359-8410 Office Hours: 8 to 4
Fax: (845) 359-8526

Name of Municipality: Town of Orangetown

Date Application Received: 6/27/18

Inspector: <u>G</u>	OFFICIAL USE ONLY		<u>U2</u>
Zoning District: <u>R-80</u>	<u>GML</u>	Acreage: <u>14</u>	
Permit Information: <u>47839</u>			
Permit No.: _____	Date: _____		
C.O. No.: _____	Date: _____		
Check Amount: <u>\$12732</u>	Check Date: <u>6/24/18</u>	Receipt #: _____	
Check #: <u>1085</u>	From: <u>Bethany marthoma</u>		
S.M.F. Ck. No.: <u>1087 \$30</u>	Receipt #: _____		
1st 6Mo Extension/Date: _____	Ck. # _____	Amt. _____	Receipt #: _____
2nd 6Mo Extension/Date: _____	Ck. # _____	Amt. _____	Receipt #: _____
GIS Fee: From <u>Bethany marthoma</u>	# <u>1086</u>	Amt. <u>\$190</u>	Receipt #: _____ Date: _____

Rockland County Home Improvement - please submit a copy of license
Workmen's Compensation and Disability Carrier - please submit a copy of the policy
Note: See inside for instructions for completing this application

Property Location: 90 OLD ORANGETOWN RD, ORANGETOWN

Section: 74.09 Block 1 Lot 64

Property Owner: BETHANY MARTHOMA CHURCH Phone # Home: _____

Address: 90 OLD ORANGETOWN RD, ORANGETOWN Work: _____

Lessee: _____ Phone # _____

Address: _____

Contact Person: JOHN AZUL (INFO@ANZNY.COM) Phone # 624-4684

Architect/Engineer: RYAN NASH NYS Lic # 89006 Phone # 624-4684

Address: 234 W. MAIN ST, NEW CITY, NY 10950

Builder/General Contractor: _____ RC Lic # _____

Address: _____ Phone # _____

Plumber: _____ RC Lic # _____

Address: _____ Phone # _____

Heat/Cooling: _____ RC Lic # _____

Address: _____ Phone # _____

Electrician: _____ RC Lic # _____

Address: _____ Phone # _____

Existing use of structure or land: HOUSE OF WORSHIP & PASTOR'S RESIDENCE

Proposed Project Description: EXPANSION OF THE CHURCH

BUILDING FROM 3950 SF TO 6785 SF WITH PARKING

Proposed Square Footage: 2835 SF Estimated Construction Value (\$): 700,000

Board Decisions: NONE

PLANS REVIEWED: OK 6/16/18

PERMIT REFERRED/DENIED FOR: _____

→ Chapter 24-A(2) requires Planning Board approval.
→ Chapter 43, Subch. Table 3-12, Col 1, R-80 setback, Col 2, Group B, Col 4 Max max 10% w/ 2-2%
prop. Col 5 Minimum lot area 5 acres w/ 1,000 sq. ft. Col 8 Required front yard 50' w/ 10' prop. Col 9
Required side yard 70' w/ 4' prop; Col 10 Min Total developed 100' w/ 10' prop. 5 Variance required.

OK Deputy 7.13.18

FOR OFFICE USE ONLY SECTION: BLOCK: LOT: NAME:



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO

Governor

ROSE HARVEY

Commissioner

September 17, 2018

Mr. JOHN ATZL
ATZL, NASHER & ZIGLER, PC
234 NORTH MAIN ST.
NEW CITY, NY 10956

Re: DEC
BETHANY MAR THOMA CHURCH: EXPANSION OF AN EXISTING CHURCH
FACILITY AND RECONFIGURATION OF PARKING FACILITIES
90 OLD ORANGEBURG ROAD, ORANGEBURG, NY 10962
18PR05798
DA94L4H991S9

Dear Mr. ATZL:

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Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA

Director, Division for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

ACABOR #19-10: Bethany Mar Thoma Church Plans Permit #47839
Approved Subject to Conditions
Site, Structure and Sign Plans

Town of Orangetown – Architecture and Community Appearance Board of Review Decision

March 7, 2019
Page 1 of 3

**TO: John Atzl, 234 North Main Street, New City, New York
 10956**

**FROM: Architecture and Community Appearance Board of
 Review**

**RE: Bethany Mar Thoma Church Plans: The application of
Rev. Sajú John for Bethany Mar Thoma Church, owner, for the review of Site,
Structure and Sign Plans at a site known as “Bethany Mar Thoma Church
Plans”, in accordance with Article 16 of the Town Law of the State of New York
and Chapter 2 of the Code of the Town of Orangetown. The site is located at 90
Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County,
New York, and as shown on the Orangetown Tax Map as Section 74.09, Block 1,
Lot 64 in the R-80 zoning district.**

Heard by the Architecture and Community Appearance Board of Review of the
Town of Orangetown at a meeting held **Thursday, March 7, 2019** at which time
the Board made the following determinations:

Frank Phillips, John Perkins and John Atzl appeared and testified.

The Board received the following items:

**A. Architectural Plan prepared by John Perkins, R.A. dated July 18, 2017, last
revision date of January 23, 2019, and Color renderings of proposed structure:**

- 1 of 4: Main Floor Demolition Plan
- 2 of 4: Main Floor Plan
- 3 of 4: East & South Elevations
- 4 of 4: East Elevations

**B. Site Plans prepared by Atzl, Nasher & Zigler dated June 16, 2018, last revised
December 7, 2018:**

Drawing 1: Site Development Plan

Drawing 2: Existing Site

Drawing 3: Grading Plan

Drawing 4: Erosion & Sediment Control (E & SC) Plan

Drawing 5: Landscape & Lighting Plan

C. Landscape Plan dated January 15, 2019.

D. Sign plans prepared by Foley Sign Shop.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:34
TOWN OF ORANGETOWN

ACABOR #19-10: Bethany Mar Thoma Church Plans Permit #47839
Approved Subject to Conditions
Site, Structure and Sign Plans

Town of Orangetown – Architecture and Community Appearance Board of Review Decision

March 7, 2019
Page 2 of 3

D. A copy of the Building Permit Referral dated June 27, 2018, prepared by Building Inspector Rick Oliver.

E. Copies of PB #18-31 dated September 12, 2018, Preliminary Site Plan Approval Subject to Conditions and ZBA #18-79, Variances approved for Floor Area Ratio, Lot Area, Front Yard, Side Yard, Total Side Yard and Building Height, dated November 7, 2018.

F. Project Narrative and Material Specification Sheet, prepared by Atzl, Nasher & Zigler.

FINDINGS OF FACT:

1. The Board found that the applicant wanted to renovate and expand the existing structure. The structure would have four sides of stucco in sand color; the roof would be GAF Timberline Ultra HD in Hickory color, or equal. The trim and windows would be white and the walkway and steps would be flagstone. Stone material, manufactured by El Dorado, or equal, would be placed around the foundation and front façade, as noted in the submitted color renderings.
2. The Board found that the proposed lighting would be in accordance with Town Code, and consisted of wall sconce with LED bulbs on the structure, and on light poles in the parking area.
3. The Board found that the air conditioning units would be placed on the west side of the building on the grass area. The Board requested that the units be screened with deer resistant evergreen plantings.
4. The Board found that the proposed monument sign would be lit with spot lights from the ground, as noted on the submitted plan. The sign would match the stucco and stone colors of the building.
5. The Board found that landscaping would be planted near the sign, but not immediately in front of the sign. The Board recommended using low growing shrubs in the sign area, suggesting the planting of junipers.
6. The Board found that the sign may be more visible if it was reoriented toward the roadway.

The hearing was then opened to the Public.

There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

TOWN CLERK'S OFFICE
2019 MAR 14 P 1:34
TOWN OF ORANGETOWN

ACABOR #19-10: Bethany Mar Thoma Church Plans Permit #47839
Approved Subject to Conditions
Site and Structure plans

Town of Orangetown – Architecture and Community Appearance Board of Review Decision

March 7, 2019
Page 3 of 3

DECISION: In view of the foregoing and the testimony before the Board, the application was **Approved Subject to the Following Conditions:**

1. The proposed structure will have four sides of stucco in sand color; the roof would be GAF Timberline Ultra HD in Hickory color, or equal. The trim and windows will be white and the walkway and steps will be flagstone. Stone material, manufactured by El Dorado, or equal, will be placed around the foundation and front façade, as noted in the submitted color renderings.
2. The air conditioning units will be placed on the west side of the building on the grass area. The units will be screened with deer resistant evergreen plantings.
3. The proposed monument sign will be lit with spot lights from the ground, as noted on the submitted plan. The sign will match the stucco and stone colors of the building.
4. Landscaping will be planted near the sign, but not immediately in front of the sign. The applicant shall plant low growing shrubs in the sign area, suggesting the planting of junipers.
5. The Board Recommended reorienting the sign toward the roadway, making it more visible.
6. Trees to be saved shall be protected with snow fencing to the drip line during construction.
7. No grading is to take place within five feet of any property line, except as specified on the approved site plan.

The foregoing resolution was presented and moved by Andrew Andrews and seconded by John McCullough and carried as follows: Andrew Andrews, Chairman, aye; Shirley Goebel Christie, absent; Deborah Stuhlweissenburg, aye; Christopher Dunnigan, aye; John McCullough; aye; Katie Beckmann, aye and Brian Aitcheson, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: March 7, 2019
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN CLERK'S OFFICE
2019 MAR 14 P 1:34
TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO, LOT AREA, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: John Atzl (Bethany Mar Thoma Church)
Atzl, Nasher & Zigler PC
234 North Main Street
New City, New York 10956

ZBA #18-79
Date: November 7, 2018
Permit # 47839

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-79: Application of Bethany Mar Thoma Church for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, Section 3.12, R-80 District, Group B, Columns 4 (Floor Area Ratio: 10 permitted, .22 proposed), 5 (Lot Area: None required, 1.036 acres provided), 8 (Front Yard: 50' required, 12' proposed), 9 (Side Yard: 30' required, 4' proposed for church and 3.8' for pastors residence), 10 (Total Side Yard: 100' required, 7.8' proposed) and 12 (Building Height: 12' permitted, 23' proposed) for an addition to an existing church. The Church is located at 90 Old Orangeburg Road, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 74.09, Block 1, Lot 64; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2018 at which time the Board made the determination hereinafter set forth.

John Atzl, Land Surveyor, and Frank Phillips, Attorney, appeared and testified.

The following documents were presented:

1. Site Development Plan for "Bethany Mar Thoma Church dated June 16, 2018 with the latest revision date of 9/14/2018 signed and sealed by John R. Atzl, PLS, and Ryan A. Nasher, P.E. (4 pages).
2. Architectural plans dated July 18, 2017 with the latest revision dated of August 10, 2017 labeled "Proposed Addition/ Alteration for Bethany Mar Thoma Church" Issue for Review Only- Not for Construction by John Perkins, Architect, not signed or sealed.
3. A cover letter dated June 25, 2018 from Atzl, Nasher & Zigler, P.C.
4. A letter dated August 21, 2018 from the New York State Department of Environmental Conservation signed by Victoria Lawrence, Division of Environmental Permits Region 3.
5. A letter dated September 17, 2018 from New York State Parks, Recreation and Historic Preservation signed by Michael F. Lynch, P.E., AIA, Director, Division for Historic Preservation.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted

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SEQRA reviews and, on September 12, 2018 rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Frank Phillips, Attorney, testified that the project received preliminary approval and a neg dec on September 12, 2018; that they are proposing to renovate and expand the church, which used to be a Mexican restaurant; that they are not changing the existing Pastor's residence; that the property is surrounded by the State Armory on the east, Rockland State Hospital property on the north, and St. Joseph's home on the west; that the proposed addition to the church will not cause an undesirable change in the character of the neighborhood; that it will not have adverse physical or environmental effect; that the benefit cannot be achieved any other way because of the location of the building.

John Atzi testified that most of the requested variances are for pre-existing conditions; that the existing side yard on the west side of the building is 4.8' and the addition will improve the condition to 4'; that the 3.8' on the east side of the pastor's residence will remain; that no work is being done on the residence; that the total side yard will be 7.8' for both structures and the church height will increase because the congregation would like the building to look like a church; that they are decreasing the amount of impervious surface from 32,400 sq. ft. to 25,400 sq. ft. because they are removing some of the parking lot and adding planted areas; and that the site will be improved aesthetically when the work is complete.

Public Comment:

No public comment

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

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1. The requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The majority of the requested variances are for existing conditions; the floor area ratio request is not substantial for a church and the requested height of 23' for a church is reasonable for the religious use. The property is surrounded by the State Armory, Rockland State Hospital and St. Josephs.
2. The requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The majority of the requested variances are for existing conditions; the floor area ratio request is not substantial for a church and the requested height of 23' for a church is reasonable for the religious use. The property is surrounded by the State Armory, Rockland State Hospital and St. Josephs.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The majority of the requested variances are for existing conditions; the floor area ratio request is not substantial for a church and the requested height of 23' for a church is reasonable for the religious use. The property is surrounded by the State Armory, Rockland State Hospital and St. Josephs.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

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(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

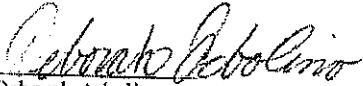
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application for the requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances are APPROVED; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feraldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli and Mr. Bosco were absent for this hearing.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 7, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-G.M.

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE ZBA, PB
CHAIRMAN. ZBA, PB, ACABOR.

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TO: John Atzl, Atzl, Nasher & Zigler, PC, 234 North Main Street,
New City, New York 10956
FROM: Orangetown Planning Board

RE: Bethany Mar Thoma Church Site Plan: The application of Rev. Saju John for Bethany Mar Thoma Church, owner, for Prepreliminary/ Preliminary Site Plan Review at a site known as "**Bethany Mar Thoma Church Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 90 Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.09, Block 1, Lot 64 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 12, 2018**, the Board made the following determinations:

John Atzl and Frank Phillips appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 5, 2018.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, AIA, Director, dated September 7, 2018.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 5, 2018.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 11, 2018.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated August 20, 2018.
6. Letters from Rockland County Department of Highway, signed by Dyan Rajasingham, Engineer II dated, July 25, 2018 and Joseph Arena, dated July 30, 2018.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 7, 2018.
8. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated August 24, 2018.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated September 5, 2018.

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10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Victoria Lawrence, dated August 21, 2018.
11. An email from John Atzl forwarding an email from the New York State Parks CRIS Application, Subject SHPO Initial Consultation Submission Received, dated September 6, 2018.
12. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chair, dated September 5, 2018.
13. A Short Environmental Assessment Form signed by John Atzl, dated June 21, 2018.
14. A Project Narrative prepared by Atzl, Nasher & Zigler, dated June 25, 2018.
15. A copy of the Building Permit Referral provided by Building Inspector Rick Oliver, dated June 27, 2017.
16. Plans entitled Bethany Mar Thoma Church Site Plans, prepared by Atzl, Nasher & Zigler P.C., dated June 16, 2018, revised as noted:
 - Drawing No. 1: Site Development Plan, revised July 18, 2018
 - Drawing No. 2: Existing Site
 - Drawing No. 3: Grading Plan
 - Drawing No. 4: Erosion & Sediment Control (E & SC) Plan

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

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by Thomas Warren, Chairman and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, absent.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, absent, 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.

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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, namely Atzl, Nasher and Zigler and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Health, Rockland County Department of Highways, Town of Orangetown Zoning Board of Appeals, and having reviewed proposed Site Plans by prepared by Atzl, Nasher & Zigler PC 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 sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources

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On motion by Kevin Garvey and seconded by Stephen Sweeney and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, aye; Robert Dell, aye; Stephen Sweeney, aye and Blythe Yost, aye, and Bruce Bond, absent, 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 **Preliminary 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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. Application shall be made to the Town of Orangetown Zoning Board of Appeals for the proposed Floor Area Ratio (FAR), Front Yard Setback, Side Yard Setback, Total Side Yard Setback and Maximum building height per the Bulk Table.
5. The proposed parking in the front yard shall be carefully considered in relationship to the close proximity to the designated street line and the existing and proposed curb cut.
6. The applicant's engineer shall provide calculations demonstrating the total area of disturbance for the site. Those calculations shall include existing and proposed pervious and impervious area break down.

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7. The applicant's engineer shall provide drainage calculations for the proposed drainage piping systems and outlet protection system (rip rap slope blanket.)

8. A blowup of the slope blanket at the exhaust of the proposed piping system, into the existing stream bed shall be provided showing existing elevations of stream (bed and banks) outlet pipe elevation from exhaust piping entering from lands of New York State, dimensions of blanket, etc.

9. The location of the existing sanitary building connections for the church and the pastor's residence shall be given on the plans.

10. Soil erosion protection measures shall be added along the entire eastern property line as well as the area around the proposed flared end section/ slope blanket.

11. The Soil erosion and sediment control symbols shall conform to NYSDEC standards. Also, the SESC plans shall include the proposed SESC measures in the Legend.

12. The applicant shall contact the neighboring property to the West (Joseph's Home, Inc., 74.09/1/65.2) to inquire as to whether the existing macadam driveway, that services Joseph's Home at the south west corner of the property, can be removed. DEME feels it is concerned about having an active driveway that close to the proposed building structure. It shall be noted that the driveway as constructed does not lie within the filed easement.

13. The New York State Department of Environmental Conservation's number for this stream, as well as its classification, shall be shown on the plans, if applicable.

14. A profile for the proposed drainage system shall be added to the drawings.

15. Note #6 references the contour datum as being a sewer manhole in grass area behind the firehouse, what firehouse; it appears this note is in error. This shall be corrected and the benchmark elevation shall be added to the note.

16. Drainage Review Recommendation

The applicant is proposing to reduce impervious areas and is maintaining existing drainage patterns. Sufficient detail have been provided to demonstrate that potential significant impacts with respect to drainage can be mitigated and therefore the Planning Board Drainage Consultant, Brooker Engineering, recommends that the Bethany Mar Thoma Church Site Plan be approved for drainage subject to the following Project Comments.

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Continuation of Condition #16....

Project Description

This is the first drainage review report for this project. The site contains a one story frame church along Old Orangeburg Road and a pastor's residence in the rear of the property. There is a parking lot encompassing the majority of the site and additional parking that encroaches onto the neighboring property to the east by about 45 feet. There are no drainage features in the parking lot and stormwater sheet flows in an easterly direction to an existing off-site stream. The project involves the removal of asphalt and will have a net reduction in impervious areas. Existing drainage patterns are being maintained.

Project Comments

1. Show grading along the gutterline of Old Orangeburg Road that eliminates the puddling along the gutterline.
2. Evaluate if stormwater runoff from Old Orangeburg Road will enter the new driveway.
3. Indicate if the building is a slab on grade or has a basement or crawlspace.
4. Quantify the on-site existing and proposed impervious area and verify that there is a reduction in impervious area on site.
5. The entire revised parking lot is proposed to be served by three catch basins; the parking lot is also curbed which does not allow any sheet flow runoff from the area. Two of the proposed catch basins are in a valley in the middle of the parking lot. The Drainage Consultant recommends adding additional catch basins and creating a crown in the middle of the parking lot as opposed to the valley.
6. Perform a hydrologic and hydraulic analysis of the stream adjacent to the site to determine if the new building will be subject to the 100-year floodplain.
7. It appears the stream is flowing to the north. The flared end section shall be realigned to discharge consistent with the direction of flow. The proposed invert of the flared end section is below the base flow elevation of the stream and shall be elevated. Show proposed grading for the excavation required for the construction of the flared end section.
8. Show grading improvements along the west side of the building to demonstrate stormwater runoff will be directed away from the building.
9. DEME shall determine if a SWPPP is required based on land disturbance.

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

- A review shall be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- A review must be completed by the Rockland Psychiatric Center, and any comments or concerns addressed.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in stormwater runoff from the site.
- A landscaping plan that meets all Town requirements shall be provided.
- A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- Areas designated for snow removal must be clearly delineated on the Site Plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow piles and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the congregants.
- The site plan map lists "Orangeburg Road County Highway Rte 22" as the road that this parcel fronts. This is incorrect, and must be renamed to "Old Orangeburg Road."
- Since this is not a County highway, the gratuitous dedication of the 4.375 feet strip of land shall instead be dedicated to the Town of Orangetown.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a) (v).

18. The Rockland County Highway Department reviewed the plan and offered the following comments:

- The Rockland County Highway Department has reviewed the information provided and determined that the proposed action would have a de-minimis impact upon the Rockland County Highway system. Therefore, the department poses no objection to the local determination unless major changes are proposed to the development in the future.

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19. The Rockland County Department of Health (RCDOH) reviewed the plan and found that application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

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

21. Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:

- Install an NFPA 13 compliant Fire Sprinkler, maintained according to NFPA 25. Using a 4" Storz connection on the FDC. Drawings shall be submitted to the Bureau of Fire Prevention prior to work beginning.
- Install an NFPA 72 compliant Fire Alarm, connected to Rockland County 44-control, with Red and Amber strobes, as per Town of Orangetown code. With Carbon Monoxide Detectors, as required. Drawings, cut sheets, electric calculations shall be submitted to the Bureau of Fire Prevention for approval prior to work beginning.
- Install Portable Fire Extinguishers as per NFPA 10.
- Install Emergency lighting as per NEC.

22. Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) offered the following information:

- **Protection of Waters:** There are no waterbodies that appear on its regulatory maps at the location identified. If a permit is not required, please note, however the applicant is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.
- **Freshwater Wetlands:** The project is not within a New York State protected Freshwater Wetland.
- **State – Listed Species:** No records of sensitive resources were identified by this review. The absence of data does not necessarily mean that rare or state listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site.

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Continuation of Condition #22...

- **SPDES Stormwater (Construction):** The submitted documents indicate that approximately 0.6 acre (of the 1.0 acre site) is to be disturbed in order to develop the parcel. Compliance with the current SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) is required for projects that disturb one or more acres of land. If the project is revised so that one or more acres of land are proposed to be disturbed, the applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SPDES General Permit noted above. As the Town of Orangetown is an MS4 area, the Town would have responsibility for review of the SWPPP. The MS4 Acceptance Form must be submitted to NYSDEC.
- **Cultural Resources:** DEC has reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. Visit NYS Office of Historic Preservation website at nysparks.com/shop/online-tools.
- **Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and therefore, the applicant should verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.**

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

- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Highway Department
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Environmental Conservation

24. 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.

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

TOWN CLERK'S OFFICE
2018 SEP 27 P 2:41
TOWN OF ORANGETOWN

**PB #18-31: Bethany Mar Thoma Church Plan Site Plan Permit #47839
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 12, 2018
Page 10 of 12**

26. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

27. **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 preserve 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.

TOWN CLERKS OFFICE
2018 SEP 27 P 2:41
TOWN OF ORANGETOWN

**PB #18-31: Bethany Mar Thoma Church Plan Site Plan Permit #47839
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #27...

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.

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

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

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

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

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

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**Town of Orangetown Planning Board Decision
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32. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Thomas Warren, Chairman, aye; William Young, Vice Chairman, aye; Kevin Garvey, aye; Michael Mandel, nay; Robert Dell, abstain; Stephen Sweeney, aye; Blythe Yost, aye, and Bruce Bond, absent.

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

**Dated: September 12, 2018
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment**



TOWN OF ORANGETOWN
2018 SEP 27 P 2 41
TOWN CLERK'S OFFICE

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

**PB #18-31: Bethany Mar Thoma Church Plan Site Plan Permit #47839
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 12, 2018**

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: Bethany Mar Thoma Church Plan Site Plan
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 90 Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.09, Block 1, Lot 64 in the R-80 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
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

2018 SEP 27 P 2 41
TOWN OF ORANGETOWN



ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

Web: www.anzny.com

March 12, 2020

Bethany Mar Thoma Church

Narrative Summary

Bethany Mar Thoma Church purchased this property in 2007. Presently is consists of a Church Building and Pastor's residence with parking. The existing parking encroaches on the lands of the New York State Armory.

The church wishes to renovate and expand the existing building. The addition will consist of approximately 2,800 square feet. The majority of the proposed addition will extend to the east and north sides of the building. The Pastor's residence will remain.

The site plan submitted shows the proposed addition along with a new parking plan that will locate the required parking within the property. This will eliminate the present parking encroachment on the New York State Armory property.

There is a multipurpose court on the north side of Pastor's residence that will be removed and utilized as lawn area. With the removal of the multipurpose court and additional pavement area along the east property line, impervious coverage is being reduced.

Bulk variances required from the Zoning Board of Appeals are noted on the plans. These variances were required due to the location of the current building and the configuration of the parcel. The variances were granted on November 7, 2018.

We received ACABOR approval on March 7, 2019.

On May 1, 2019, the Zoning Board of Appeals granted additional variances for the proposed sign. These variances are noted on the plans.

The plans have been revised per comments received at Preliminary Approval and ACABOR Approval. The only outstanding approval is Final Site Plan Approval.

The approval for the variances granted by the Zoning Board of Appeals in November 2018 have expired. The approval for the variances granted in May 2019 will soon expire.

We have requested an extension of time to implement the above noted variances and are on the April 15, 2020 Zoning Board of Appeals agenda.

We are respectfully requesting the Planning Board grant Final Approval.



ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

Web: www.anzny.com

January 14, 2020

Town of Orangetown
Planning Board
1 Greenbush Road
Orangeburg, NY 10962
Att: Cheryl Coopersmith, Chief Clerk

Re: Bethany Mar Thoma Church
Old Orangeburg Road
Orangeburg

Dear Members of the Board,

The following is our response to Jane Slavin, RA., Director of Office of Building, Zoning Planning Administration and Enforcement, of Town of Orangetown letter dated September 7, 2018:

1. Comment: Application to the ZBA is required for the proposed F.A.R., Front yard, Side Yard, Total Side Yard and Maximum building height per the Bulk Table.

Response: Required variances granted on November 7, 2018.

2. Comment: The proposed parking in the front yard should be carefully considered in relationship to the close proximity to the designated street line and the existing and proposed curb cut.

Response: Parking along the east side near the entrance revised.

The following is our response to Bruce Peters, PE of the Department of Environmental Management and Engineering Town of Orangetown letter dated December 5, 2018:

1. Comment: The applicant's engineer shall provide calculations demonstrating the total area of disturbance for the site. Those calculations shall include existing and proposed pervious and impervious area break downs.

Response: Provided on Site Plan.

2. **Comment:** The applicant's engineer shall provide drainage calculations for the proposed drainage piping systems and outlet protection system (rip rap slope blanket.)

Response: Provided in Drainage Analysis.

3. **Comment:** A blowup of the slope blanket at the exhaust of the proposed piping system, into the existing stream bed shall be provided showing existing elevations of stream (bed and banks) outlet pipe elevation from exhaust piping entering from lands of NYS, dimensions of blanket, etc.

Response: Provided on Erosion & Sediment Control Plan.

4. **Comment:** The location of the existing sanitary building connections for the church and the pastor's residence shall be given on the plans.

Response: Provided on Plans with a detail for proposed improvement.

5. **Comment:** Soil erosion protection measures shall be added along entire eastern property line as well as the area around the proposed flared end section slope blanket.

Response: Provided on Erosion & Sediment Control Plan.

6. **Comment:** The Soil erosion and sediment control symbols shall conform to NYSDEC standards. Also, the SESC plans shall include the proposed SESC measures in the Legend.

Response: Provided on Erosion & Sediment Control Plan.

7. **Comment:** The applicant shall contact the neighboring property to the west (Joseph's Home, Inc. Lot #74.09-1-65.2) to inquire as to whether the existing macadam driveway, that's services Joseph's Home at the south west corner of the property, can be removed. This Department feels it is concerned about having an active driveway that close to the proposed building

structure. It should be noted that the driveway as constructed does not lie within the filed easement.

Response: Portion of Macadam Drive that is not within the easement is noted to be removed.

8. Comment: The New York State Department of Environmental Conservation's number for this stream, as well as its classification, shall be shown on the plans, if applicable.

Response: Not applicable.

9. Comment: A profile for the proposed drainage system shall be added to the drawings.

Response: Provided on Grading Plan.

10. Comment: Note #6 references the contour datum as being a sewer manhole in grass area behind the firehouse, what firehouse? It appears this note is in error. This shall be correct and the benchmark elevation shall be added to the note.

Response: Note revised, sewer manhole in Old Orangeburg Road.

The following is our response to Douglas J. Schuetz, Acting Commissioner of Planning, of Rockland County Department of Planning letter dated August 20, 2018:

- 1 Comment: 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.

Response: Acknowledged.

- 2 Comment: A review must be completed by the Rockland Psychiatric Center, and any comments or concerns addressed.

Response: No comments received.

3 **Comment:** Prior to the start of construction or grading, all soil and erosion control measures must be in place for site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

Response: *Provided.*

4 **Comment:** There shall be no net Increase in the peak rate of discharge from the site at all design points.

Response: *Provided, coverage reduced by 7,000 ± sq. ft. or about 21%.*

5 **Comment:** A landscaping plan that meets all Town requirements shall be provided.

Response: *Provided and approved by ACABOR.*

6 **Comment:** A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property fine.

Response: *Provided and approved by ACABOR.*

7 **Comment:** Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow plies will reduce the use of parking spaces meant for the congregants.

Response: *Provided on Site Plan.*

8 **Comment:** The site plan map lists "Orangeburg Road County Highway Rte 22" as the road that this parcel fronts. This is incorrect, and must be renamed to "Old Orangeburg Road."

Response: *Revised.*

9 **Comment:** Since this is not a County highway the gratuitous dedication of the 4.375 feet strip of land should instead be dedicated to the Town of Orangetown.

Response: *Acknowledged and revised.*

10 **Comment:** We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal law, Section 239-m (3)(a)(v).

Response: *No response required.*

The following is our response to Elizabeth Mello, PE, Sr. Public Health Engineer of Rockland County Health Department letter dated August 24, 2018:

1. **Comment:** Application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito Code.

Response: *Application will be made prior to plans being stamped and filed.*

The following is our response to Dyan Rajasingham, Engineer III of the County of Rockland Department of Highways letter dated July 25, 2018:

1. **Comment:** The proposed action would have a de-minimis impact "Upon the County Highway System.

Response: *No response required.*

The following is our response to Michael B. Bettmann, Chief, Bureau of Fire Prevention memo dated September 5, 2018:

1. **Comment:** Install an NFPA 13 compliant Fire Sprinkler, Maintained according to NFPA 25. Using a 4" Storz connection on the FDC. With drawings submitted to this office prior to work beginning.

Response: *Building will comply with required Fire Code.*

2. **Comment:** Install an NFPA 72 Compliant Fire Alarm, Connected to Rockland County 44- Control with Red and Amber strobes as per Orangetown code. With.

Carbon Monoxide Detectors as required. With drawings, cut sheets, electric calculations submitted to this office for approval prior to work beginning.

Response: Building will comply with required Fire Code.

3. Comment: Install Portable Fire Extinguishers as per NFPA 10

Response: Building will comply with required Fire Code.

4. Comment: Install Emergency lighting as per NEC.

Response: Building will comply with required Fire Code.

The following is our response to Joseph LaFiandra Engineer II, of the Rockland County Sewer District No.1 letter dated October 1, 2018.

1. Comment: Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.

Response: No response required.

2. Comment: Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District. We request no future correspondence for this site.

Response: No response required.

The following is our response to Victoria Lawrence Division of Environmental Permit of New York State Department of Environmental Conservation, Region 3 letter August 21, 2018:

Protection of Waters

1. Comment: There are no waterbodies that appear on our regulatory maps at the location you identified.

Response: No response required.

FRESHWATER WETLANDS

2. Comment: Your site is not within a New York State protected Freshwater Wetland.

Response: No response required.

STATE LISTED SPECIES

1. Comment: DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified.

Response: No response required.

SPDES STORMWATER (CONSTRUCTION)

1. Comment: The submitted documents indicate that approximately 0.6 acre (of the 1.0-acre site) is to be disturbed in order to develop the parcel. Compliance with the current SPDES, General Permit for Stormwater Discharges from Construction Activities (GP-O-15-002) is required for projects that disturb one or more acres of land. If the project is revised so that one or more acres of land are proposed to be disturbed, the applicant must prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the current SPDES General Permit noted above.

As the Town of Orangetown is an MS4 area (Municipal Separate Storm Sewer System), the Town would have responsibility for review of the SWPPP. The MS4 Acceptance Form must be submitted to the Department. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

Response: Disturbance is 0.85 acres.

CULTURAL RESOURCES

1. Comment: We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The project sponsor should submit project materials to the New York State Historic Preservation Office's online Cultural Resource Information System (CRIS) to initiate the review process. Information on submitting to the system and access to it are available at <http://www.nysparks.com/shpo/>.

Response: New York State Office of Parks, Recreation, and Historic Preservation found no impact. Correspondence part of this submission.

OTHER

1. Comment: Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species and Freshwater Wetlands. Other permits from this Department or other agencies may be required for. Projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Regulatory" then "Permits and Licenses."

Response: Submission to all involved agencies have been made.

The following is our response to Kenneth DeGennaro, P.E. of Brooker Engineering, PLLC letter dated September 11, 2018:

1. Comment: Show grading along the gutterline of Old Orangeburg Road that eliminates the puddling along the gutterline.

Response: Spot elevations provided.

2. Comment: Evaluate if stormwater runoff from Old Orangeburg Road will enter the new driveway.

Response: Proposed spot elevations provided. Runoff from Old Orangeburg Road will not enter the new driveway.

3. Comment: Indicate if the building is a slab on grade or has a basement or crawlspace.

Response: Building will be slab on grade.

4. Comment: Quantify the on-site existing and proposed impervious area and verify that there is a reduction in impervious area on site.

Response: Existing and proposed coverage calculations provided on Drawing 1.

5. Comment: The entire revised parking lot is proposed to be served by three catch basins; the parking lot is also curbed which does not allow any sheet flow runoff from the area. Two of the proposed catch basins are in a valley in the middle of the parking lot. We recommend adding additional catch basins and creating a crown in the middle of the parking lot as opposed to the valley.

Response: *Drainage provided is adequate for the area of the parking lot.*

6. Comment: Perform a hydrologic and hydraulic analysis of the stream adjacent to the site to determine if the new building will be subject to the 100-year floodplain.

Response: *Per FEMA, this site is within Zone "X, areas determined to be outside the 0.2% annual chance floodplain (500 year floodplain). The site has no history of any flooding."*

7. Comment: It appears the stream is flowing to the north. The flared end section should be realigned to discharge consistent with the direction of flow. The proposed invert of the flared end section is below the base flow elevation of the stream and should be elevated. Show proposed grading for the excavation required for the construction of the flared end section.

Response: *Flared end section realigned and proposed grading provided.*

8. Comment: Show grading improvements along the west side of the building to demonstrate stormwater runoff will be directed away from the building.

Response: *Additional elevations provided.*

9. Comment: DEME should determine if a SWPPP is required based on land disturbance area.

Response: *No response required.*

Law Offices of
DAVID HOWE PC

MAILING ADDRESS

PO Box 368

Orangeburg NY 10962-0368

VOICE 845 624 7474

Fax 845 367 5008

Skype dhoweny

e mail dh@davidhowelaw.com

OFFICE - by appointment only

328 North Broadway 2nd Fl.

Upper Nyack NY 10960

February 8, 2020

Frank J. Phillips, Esq.
148 South Liberty Drive
Stony Point NY 10980

Mr. Phillips:

Enclosed is one (1) original duly executed by Joseph's Home, Inc., a Mutual Easement and Joint Sewer Line Maintenance Agreement involving Joseph's Home, Inc., and Bethany Mar Thoma Church.

After it has been signed by a designated Church official with authority, and after it has been filed with the Rockland County Clerk, please send me a fully signed and recorded copy.

Sincerely yours,



David Howe

Cc: Joseph's Home, Inc.

Mutual Easement and Joint Sewer Line Maintenance Agreement

THIS AGREEMENT, made effective the 11th of ^{February} ~~January~~ 2020, between JOSEPHS'S HOME, INC. as owner of real property located at 96 Old Orangeburg Road, Orangeburg, NY (hereinafter referred to as the "96 Party"), and BETHANY MAR THOMA CHURCH as owners of real property located at 90 Old Orangeburg Road, Orangeburg, NY (hereinafter referred to as the "90 Party").

(D/t)

WITNESSETH:

WHEREAS, the Parties to this agreement are the owners of contiguous parcels of real property in Orangeburg, Town of Orangetown, County of Rockland and State of New York.

WHEREAS the "96 Party" has its real property also being known on the tax map as Section 74.09 Block 1 Lot 65.01 and 65.02; and

WHEREAS the "90 Party" has its real property also being known on the tax map as Section 74.09 Block 1 Lot 64; and

WHEREAS, the parties desire to resolve any confusion, doubt and uncertainty concerning the common sewer line used by the two properties and the existence of an "Easement" that predates both current owners of the two respective Parcels.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto acknowledge and agree as follows:

1. That the "96 Party" acquired ownership by Deed from Maggie Conway by deed dated September 8, 1999 and recorded in the Rockland County Clerk's office on September 10, 1999 as 1999-48877. Grantor, Maggie Conway acquired ownership from Louis B. Conway and Maggie Conway by deed dated December 8, 1966 and recorded in the

Rockland County Clerk's office on December 8, 1966; and who previously acquired ownership from Le-Pete Realty Corp by deed dated June 20, 1955 and recorded on June 20, 1955 in Book 604 Liber 217, which deed contained a "right of way for purposes of ingress and egress over, upon and along a triangular parcel of other lands owned by the grantor".

2. The "90 Party" acquired ownership by deed from Five Star Realty Corp., by deed dated May 15, 2007 and recorded in the Rockland County Clerk's Office on May 24, 2007 as 2007-26900. Five Star Realty Corp. acquired ownership from Regina Fera by deed dated September 20, 1994 and recorded in the Rockland County Clerk's Office on October 3, 1994 in Book 723 Liber 1840 and Regina Fera acquired ownership by deed from Josef Renggli and Janey Renggli dated August 25, 1993 and filed in the Rockland County Clerk's Office on March 9, 1994.

Joseph Renggli and Janey Renggli acquired title from Venece Properties, Inc. by deed dated January 14, 1992 and recorded in the Rockland County Clerk's Office on January 15, 1992 in Book 496 Liber 1829.

Venece Properties, Inc. acquired title from Regina Fera by deed dated September 25, 1969 and recorded in the Rockland County Clerk's Office on September 26, 1969 in Book 866 Page 1052.

Regina Fera acquired title from Stanley Davidson and Estelle Davidson by deed dated June 20, 1967 and recorded in the Rockland County Clerk's Office on June 21, 1967 in Liber 827, Page 413.

Stanley Davidson and Estelle Davidson acquired title from Le-Pete Realty Corp. by deed dated November 3, 1955 and recorded in the Rockland County Clerk's Office

on November 3, 1955 in Book 613, Page 110, which deed contained a "right of way for purposes of ingress and egress over, upon and along the triangular parcel of other lands owned by the grantor".

3. The "90 Party" and the "96 Party" both had ownership tracing to a common Grantor, Le-Pete Realty Corp.
4. Upon information and belief, the Parties herein, "90 Party" and "96 Party" both share a common sewer line.
5. That sewer line runs to the point of municipal entry onto Old Orangeburg Road.
6. The sewer line is used jointly by both parties herein and both parties agree to maintain same at a shared and equal expense and to request their respective "residents", "guests", "parishioners", "patrons", "staff" and "visitors" to not use the existing sewer line for flushing any diapers, hygienic materials, wipes, heavy paper, etc., and to not introduce fats, oils or other potentially sewer clogging materials into the existing jointly used sewer line. In addition, the Parties herein jointly agree to pay fifty percent (50%) each as a yearly expense of having a commercial drain cleaning service and to provide yearly preventative maintenance on the joint sewer line. If the "90 Party" as part of its renovations and construction obtain from the Town of Orangetown suitable and acceptable proof that the "90 Party" has been fully and completely disconnected from the aforesaid jointly used sewer line (proof that the "90 Party" is capped at the joint sewer by a Rockland County licensed and insured plumber) and further suitable and adequate proof that the "90 Party" has been lawfully connected to the Town of Orangetown by and through its own sewer piping, then upon receipt of said proof the "96 Party" will be the sole user of said previously

used sewer line and upon said occurrence the "90 Party" will memorialize same on notice in writing sent by certified mail return receipt and regular mail to "96 Party." Five days after the "90 Party" sends the notice via certified mail and regular mail, the joint sewer expenses will cease, and the "96 Party" will be solely liable for cleaning, servicing, and maintaining the sewer line and the related expenses.

7. Attached as Exhibit A is a Survey dated August 3, 1995 showing the "triangular" Easement as referenced in both of the aforesaid 1955 Deeds.
8. The 1974 Agreement acknowledges that easement "... shall inure and be binding upon the parties hereto, their respective ... assigns...". The 1974 Agreement specifically states that "The rights of way and easements granted hereby shall be held forever or until such time as the parties hereto mutually agree". The 1974 Reciprocal Easement Agreement is attached as Exhibit B.
9. The "90 Party" is seeking site plan approval for modifications to its existing Church and related facility. The "90 Party" has a site plan application pending with the Town of Orangetown.
10. The "96 Party" has no opposition to the Church's applications provided the permanent structure does not encroach upon or impede any access to the Parties joint sewer line; and the "96 Party" has agreed that it will no longer use a macadam driveway that was utilized by Staff at "96 Party's" Adult Home Residence. The "90 Party" is permitted at its expense to remove the macadam driveway that is located outside any easement area.
11. Regarding any fencing, the Parties have agreed that the current fence will remain, and upon mutual written agreement it may be extended, provided any fencing is

removable in case of need of access. Currently, the "90 Party" will place a similar to existing fence on the "Eastern" portion of the easement line (that section that could be defined as close to the existing macadam driveway similar to a 90 degree angle) and therein preserving the triangular portion of the existing easement, as referenced in the attached Survey. The parties have agreed that no further expansion or enlargement will occur.

12. The "96 Party" will continue to use the triangular portion, specifically the corner spot near the existing telephone pole which is at the nexus of the two properties, and is within the existing easement for its commercial trash disposal container and occasional parking of staff vehicles on a limited basis, and gravel will cover the western portion by several inches of gravel alongside the aforesaid container enclosure/parking spot.
13. The Easement area will remain accessible for both parties.
14. Each Party herein owns what their respective deed conveyed to each of them.
15. This Agreement shall run with the land and be binding upon the parties hereto and inure to the benefit of their respective heirs, representatives, successors and assigns; the Parties may by a mutually signed and notarized written document that is in proper recordation form, and mutually approved, be filed, further amending, and/or modifying and/or changing this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written on separate signature pages and separate notary pages so as to facilitate the signing of the Agreement.

"90 Party":

BETHANY MAR THOMA CHURCH

By: _____

Yohan
YOHANAN GEORGE

"96 Party":

JOSEPH'S HOME, INC.

By: _____

Thomas Zimmerman
Thomas Zimmerman, CEO

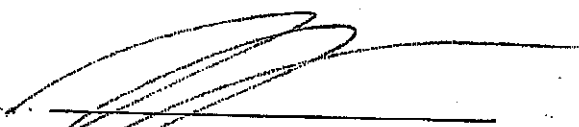
STATE OF NEW YORK)
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ss:

COUNTY OF ROCKLAND)

On the 21st day of February, 2020 before me, the undersigned, personally appeared Johanan George and 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

FRANK J. PHILLIPS
Notary Public, State of New York
No. 02PH4980464
Qualified in Rockland County
Commission Expires April 22, 2023


Notary Public

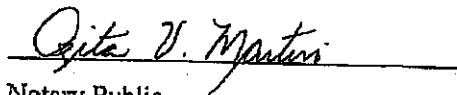
STATE OF NEW YORK)

ss:

COUNTY OF ROCKLAND)

On the 30 day of January, 2020 before me, the undersigned, personally appeared Thomas Zimmerman and 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

FRANK J. PHILLIPS
Notary Public, State of New York
No. 02PH4980464
Qualified in Rockland County
Commission Expires April 22, 2023


Notary Public

AWA V. MARTIN
Notary Public, State of New York
No. 4707923
Residing in Orange County
Commission Expires March 31, 2021
10/21/2021