

NOTICE OF POSTING: NOTICE OF A PUBLIC HEARING TO CONSIDER AMENDING THE TOWN CODE ENTITLED "BUILDING CONSTRUCTION ADMINISTRATION" (ENERGY STAR CONSTRUCTION), CHAPTER 6, SECTION 6.8 "APPLICATION FOR BUILDING PERMIT".

EXHIBIT

04-A-09, 4/13/09

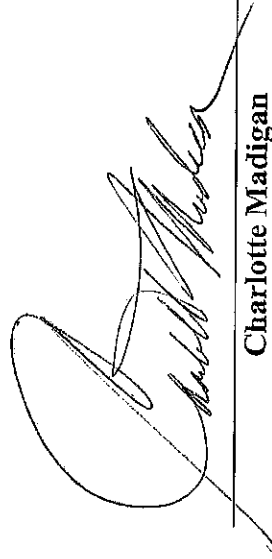
STATE OF NEW YORK }
COUNTY OF ROCKLAND } SS.
TOWN OF ORANGETOWN }

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *Town Of Orangetown*, in the County of Rockland, State of New York.

That, on the 30th day of March 2009, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the *Town of Orangetown*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Charlotte Madigan
Town Clerk

Subscribed and sworn to before me

This 30th day of March, 2009



DONNA A. MORRISON
Notary Public, State of New York
No. 01MC081099
Qualified in Rockland County
Commission Expires June 30, 2011

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Orangetown, adopted March 23, 2009, a public hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, on the 13th day of April, 2009 at 8:00 P.M., to consider a proposed Local Law amending the Town Code of the Town of Orangetown entitled "Building Construction Administration", Chapter 6, Section 6.8. "Application for Building Permit."

A copy of the proposed Local Law may be examined by any interested party at the Office of the Town Clerk.

All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: March 30, 2009
Orangeburg, New York

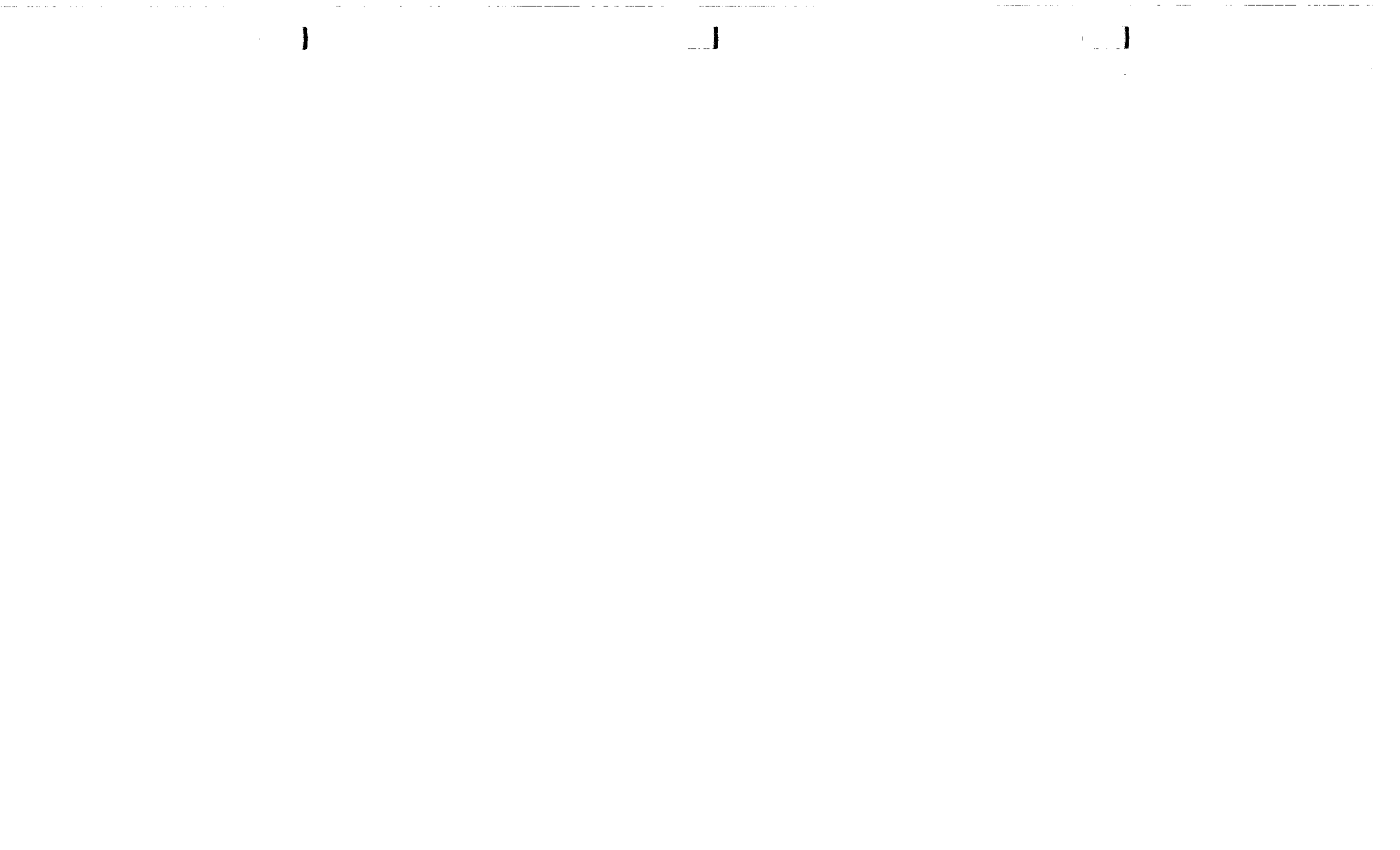
CHARLOTTE MADIGAN
Town Clerk

JOHN S. EDWARDS, ESQ.
Town Attorney
Town of Orangetown

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A copy of the proposed Local Law may be examined by any interested party at the Office of the Town Clerk.

All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: March 30, 2009
Orangetown, New York

CHARLOTTE MADIGAN
Town Clerk

JOHN S. EDWARDS, ESQ.
Town Attorney
Town of Orangetown

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EXHIBIT

04-B-09, 4/13/09

**COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING**

Building I

50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax. (845) 364-3435

C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

April 9, 2009

Orangetown Town Board
Orangetown Town Hall
26 Orangeburg Road
Orangeburg, NY 10962

Re: GENERAL MUNICIPAL LAW REVIEW: 239(l&m) x 239(n)___
Date Review Received: 03/25/2009

**Item: LOCAL LAW REGARDING ENERGY STAR PROGRAM BUILDING
REQUIREMENTS (O-2164)**

Local law to require that new homes constructed in the Town be built to increased energy efficiency standards, making them approximately 30% more efficient than current New York State building codes require.
Town of Orangetown.

Reasons for Referral: County streams; County and State roads, parks and facilities;
adjacent municipalities

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

*** Approve:**

Since the proposed local law is not expected to have any negative impacts on the County streams, County and State roads, parks and facilities, or adjacent municipalities, we remand this matter for local determination.



Salvatore Corallo
Commissioner of Planning

* The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.

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 substantive 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.

c: Supervisor Thom Kleiner, Town of Orangetown
Town of Clarkstown
Village of Chestnut Ridge
Village of Nyack
Village of South Nyack
Village of Grand View-on-Hudson
Village of Piermont
Borough of Montvale, New Jersey
Borough of Old Tappan, New Jersey
Borough of Northvale, New Jersey
Borough of Rockleigh, New Jersey
Borough of Alpine, New Jersey
Township of River Vale, New Jersey

SHORT ENVIRONMENTAL ASSESSMENT FORM 04-C-09 4/13/09
For UNLISTED ACTIONS Only

Part 1 - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR: Town of Orangetown	2. PROJECT NAME: Creation of an Energy Star Law
3. PROJECT LOCATION: Town Of Orangetown Municipality Orangetown	County Rockland
4. PRECISE LOCATION: (Street address and road intersections, prominent landmarks, etc., or provide map) Throughout Town.	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Implementation of a new code section pertaining to Energy Star requirements for new homes and townhouses. See attached Law.	
7. AMOUNT OF LAND AFFECTED: Initially: <u>NA</u> Ultimately: <u>NA</u>	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agricultural <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) name and permit/approvals Building Permit and Certificate of Occupancy and Energy Star Certificate	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: <u>Town of Orangetown</u>	
Date: <u>March 16, 2009</u>	
Signature: <u>[Signature]</u>	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> If the action is in a Coastal Area, and you are a state agency, complete a Coastal Assessment Form before proceeding with this assessment </div>	

PART II-ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible.)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly.

Part III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination.

Town of Orangetown/ Town Board
Name of Lead Agency

3/16/09
Date

Thom Kleiner

Print or Type Name of Responsible Officer in Lead Agency

Supervisor
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)