

NOTICE OF POSTING: NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM
ACCEPTS, RECEIVES AND FILES RELOCATION OF SANITARY SEWER LINE
ABANDONS THE EXISTING SANITARY SEWER EASEMENT - ORANGEBURG COMMONS

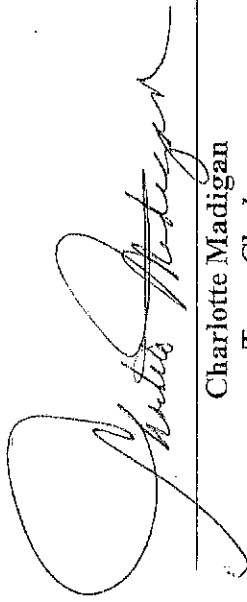
STATE OF NEW YORK }
COUNTY OF ROCKLAND } SS.
TOWN OF ORANGETOWN }

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 19th day of October
2011, 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 19th day of October, 2011

ROBERT R. SIMON
Notary Public, State of New York
No. 01515003357
Residing in Rockland County
Commission Expires ~~December 21, 2014~~



**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN that, at a Town Board Meeting held on the 11th day of October, 2011, the Town Board of the Town of Orangetown duly adopted a resolution, an abstract of which follows, which resolution is subject to permissive referendum pursuant to Article 7 of the Town Law of the State of New York.

“WHEREAS, FB Orangetown, LLC, as the owner of certain property located at 170 Route 303, Orangeburg, New York, (Tax Lot 74.15 Block 1 Lot 21) applied for and received a Special Permit from the Town Board pursuant to Resolution 2006-658 permitting mixed use development at the site, subject to several conditions, one of which was that the owner FB Orangetown, LLC would share in the cost of the relocation of a Sanitary Sewer Line on the property and grant to the Town an Easement for the relocated Sanitary Sewer Line, and

WHEREAS, the Town of Orangetown Planning Board thereafter granted Site Plan Approval for construction of a mixed use facility at that location, pursuant to Planning Board decisions #2007-19 and 2008-30 for a map entitled “Orangeburg Commons Site Plan” made by Leonard Jackson Associates dated April 8, 2006, revised July 21, 2008, which approval also required the owner FB Orangetown, LLC to share in the cost of the relocation of a Sanitary Sewer Line and to grant an Easement to the Town for the relocated Sanitary Sewer Line, and

WHEREAS, the Sanitary Sewer Line has been relocated according to the Orangeburg Commons Site Plan map and the applicant FB Orangetown, LLC has paid to the Town the sum of \$540,000.00 as its share in the cost of the relocation of the Sanitary Sewer Line and has presented to the Town an Easement to the Town for the now relocated Sanitary Sewer Line,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, upon the recommendation of DEME and the Town Attorney’s Office, the Town hereby formally accepts, receives and files a Sanitary Sewer Easement from FB Orangetown, LLC, and authorizes the Supervisor or his designee to execute any and all transfer documents and which Easement is to be recorded in the Rockland County Clerk’s Office at the expense of FB Orangetown, LLC and

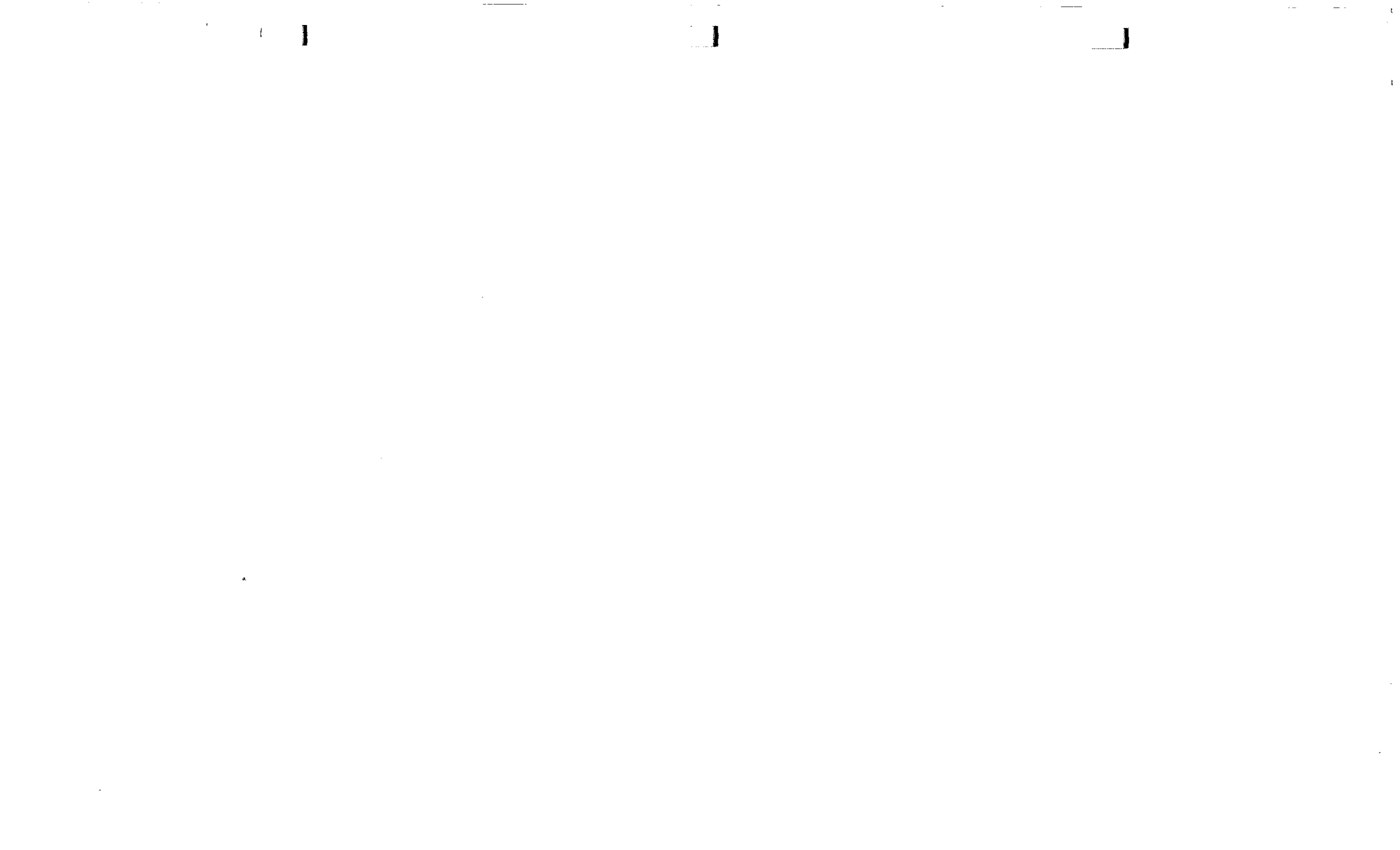
BE IT FURTHER RESOLVED THAT, the Town, in consideration of the granting of the aforesaid Sanitary Sewer Easement, hereby abandons the existing Sanitary Sewer Easement located on the property, previously recorded in the Rockland County Clerk’s Office at Liber 548, Page 343 and the Supervisor or his designee is hereby authorized to execute any and all documents necessary to effectuate said abandonment, and

BE IT FURTHER RESOLVED that, this abandonment of easement is subject to permissive referendum pursuant to Town Law §64(2) and Town Law §90, and within ten days after the adoption of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution stating the purpose and effect thereof, including that same is the subject of a Permissive Referendum.”

Dated : Orangeburg, New York
October 11, 2011

John S. Edwards
Town Attorney
Town of Orangetown

CHARLOTTE MADIGAN
Town Clerk



HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

ONE NORTH BROADWAY, SUITE 701
WHITE PLAINS, NEW YORK 10601-2319

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

TEL: (914) 421-1800
FAX: (914) 421-1856

HENRY M. HOCHERMAN
OF COUNSEL

NOELLE CRISALLI WOLFSON

WEB: WWW.HITWLEGAL.COM

October 18, 2011

Via Federal Express – A.M. Delivery

Stuart Turner, FAICP, PP
Turner Miller Group New York
2 Executive Boulevard
Suite 108
Suffern, New York 10901


Re: *Application of FB Orangetown, LLC to Amend Retail Component of
Special Permit for Orangeburg Commons Property Located at
the Intersection of Route 303 and Stevens Way
Tax Identification Number: Section 74.15, Block 1, Lot 21*

Dear Stu:

Enclosed are the original and 10 copies of a transmittal letter to the Town Board to accompany the revised Submission Binder and Affidavits of Circulation thereof. Please let me know if you have any questions. Thank you.

Sincerely,

Hocherman Tortorella & Wekstein, LLP

By: 
Geraldine N. Tortorella

GNT:mcv
Enclosures

S:\MATTERS\B\indoff 0163\FB Orangetown LLC 002\Letters\Turner 10-18-11.wpd

10/20/11 -
DISTR: SW, TB, J. Edwards, John G, Orangetown Planning Bd

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

ONE NORTH BROADWAY, SUITE 701
WHITE PLAINS, NEW YORK 10601-2319

GERALDINE N. TORTORELLA
ADAM L. WEKSTEIN

TEL: (914) 421-1800
FAX: (914) 421-1856

NOELIE CRISALLI WOLFSON

WEB: WWW.HTWLEGAL.COM

HENRY M. HOCHERMAN
OF COUNSEL

October 19, 2011

Via Hand Delivery

Hon. Paul Whalen, Supervisor
Mr. Denis Troy, Councilman
Ms. Nancy Low-Hogan, Councilwoman
Mr. Michael Maturo, Councilman
Mr. Thomas Diviny, Councilman
Town of Orangetown
Town Hall
26 Orangeburg Road
Orangeburg, New York 10962

Re: *Application of FB Orangetown, LLC to Amend Retail
Component of Special Permit for Orangeburg Commons
Property Located at the Intersection of Route 303 and Stevens Way
Tax Identification Number: Section 74.15, Block 1, Lot 21*

Dear Supervisor Whalen and Council Members Troy, Low-Hogan, Maturo, and Diviny:

We are submitting herewith 10 copies of the revised Submission Binder for Orangeburg Commons, entitled "Amended Special Use Permit – Mixed Use Concept Plan with Foodmarket," dated June 28, 2011 and revised as of October 13, 2011. This revised Submission Binder includes the updated Conceptual Site Layout Plan showing the relocation of the bank building and shift of the internal roadway (last revised September 26, 2011) that we submitted to your Board on September 27, 2011 and discussed at the Board's October 4, 2011 meeting. The Aerial Perspective (Appendix E, last revised September 27, 2011), Elevations (Appendix E, last revised September 27, 2011), Overall Landscape Plan (Appendix F, last revised September 27, 2011), and Site Cross Section Location Plan (Appendix F, last revised September 27, 2011) have been updated to conform to the revised Conceptual Site Layout Plan and are included in Appendices E and F of this revised Submission Binder. In addition, information/data in Parts 1 and 3 of the Environmental Assessment Form ("EAF") have been updated to correspond with the revised Conceptual Site Layout Plan (e.g. description of changes to the location of retail and bank buildings on the Conceptual Site Layout Plan, number of

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. Paul Whalen, Supervisor
Mr. Denis Troy, Councilman
Ms. Nancy Low-Hogan, Councilwoman
Mr. Michael Maturo, Councilman
Mr. Thomas Diviny, Councilman
October 19, 2011
Page 2

parking spaces) and Section III.D of Part II of the EAF, Part 3 has been updated to reflect acceptance of the site into the Brownfield Cleanup Program. (The enclosed Submission Binders supersede those submitted to the Board on June 28, 2011; the June 28, 2011 Binders can be discarded or recycled if you so desire.)

Copies of the enclosed Submission Binder and a letter from the Town Attorney regarding your Board's Resolution declaring its intent to be Lead Agency were distributed to the Involved and Interested Agencies pursuant to your Resolution adopted on October 11, 2011. We also included in the package sent to the Rockland County Planning Board the General Municipal Law ("GML") Referral Form for the amended project and the Town Attorney's letter relating thereto. Distribution of the materials was completed on October 14, 2011. Enclosed for filing are original Affidavits from Stuart Turner, FAICP, PP, Kristen O'Donnell and Alfred Rossi, attesting to the manner and timing of delivery of the Submission Binder and Lead Agency Letter to the Involved and Interested Agencies, and the GML referral documents to the Rockland County Planning Board.

Kindly schedule this matter for your Board's first meeting after November 13, 2011 to review whether any objections to the Town Board's lead agency role were received and, if not, to confirm its status as lead agency.

If you have any questions, please contact me.

Respectfully yours,

Hocherman Tortorella & Wekstein, LLP

GNT:mcv
Enclosures

cc: *Via Hand Delivery:*
Hon. Charlotte Madigan, Town Clerk (*with enclosures*)
John Giardello, P.E., C.P.E.S.C., C.P.S.W.Q., C.P.C.A.
Director of Planning and Building (*with enclosures*)
John S. Edwards, Esq., Town Attorney (*with enclosures*)
Teresa Kenny, Esq., Office of the Town Attorney

By: 
Geraldine N. Tortorella

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. Paul Whalen, Supervisor
Mr. Denis Troy, Councilman
Ms. Nancy Low-Hogan, Councilwoman
Mr. Michael Maturo, Councilman
Mr. Thomas Diviny, Councilman
October 19, 2011
Page 3

Via Electronic Mail:
Mr. Rick Birdoff
Mr. Alfred Rossi
Kevin T. Mulhearn, Esq.
Stuart Turner, AICP
Fred Doneit, AICP
Leonard Jackson, P.E.
Justin Lim, P.E., CPESC
John Collins, Ph.D., P.E.
Peter Russillo, P.E.

COUNTY OF ROCKLAND
TOWN OF ORANGETOWN -----X

Application of FB Orangetown, LLC to Amend Special
Permit for Orangeburg Commons Property located
at the Intersection of Route 303 and Stevens Way
Tax Identification Number: Section 74.15, Block 1, Lot 21

Affidavit of Circulation
of Notice of Intent
to be Lead Agency
and SEQRA Documentation

-----X

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

Kristen O'Donnell, being duly sworn, deposes and states as follows:

1. I am over 18 years old and am employed by the Turner Miller Group New York, with offices at 2 Executive Boulevard, Suite 108, Suffern, New York.
2. On October 14, 2011, pursuant to a Resolution adopted by the Town Board of the Town of Orangetown, I sent copies of the Submission Binder entitled "Orangeburg Commons Expanded Part 3 Environmental Assessment Form (EAF) – Amended Special Use Permit – Mixed Use Concept Plan with Foodmarket," revised October 13, 2011, and the Lead Agency Coordination Letter from the Town of Orangetown to each of the following agencies by personally delivering true copies of the same to the offices of such agencies at the addresses listed below:

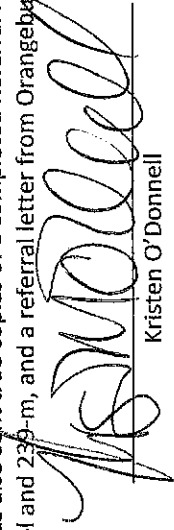
Rockland County Department of Planning
Building T
50 Sanatorium Road
Pomona, New York 10970
Attn: Thomas B. Vanderbeek, P.E.

Rockland County Department of Health
Robert L. Yeager Health Center
Building D
50 Sanatorium Road
Pomona, New York 10970

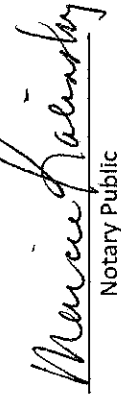
Rockland County Drainage Agency
23 New Hempstead Road
New City, New York 10956

Rockland County Highway Department
23 New Hempstead Road
New City, New York 10956

3. The Rockland County Department of Planning was also sent true copies of a completed Referral Form pursuant to General Municipal Law Sections 239-l and 239-m, and a referral letter from Orangeburg Town Attorney John Edwards, Esq.


Kristen O'Donnell

Sworn to before me this
19 day of October, 2011.


Notary Public

MARCIE KALINSKY
Notary Public, State of New York
No. 01KA4983771
Qualified in Rockland County
Commission Expires July 8, 2015

COUNTY OF ROCKLAND)
TOWN OF ORANGETOWN)-----X

Application of FB Orangetown, LLC to Amend Special Permit for Orangeburg Commons Property located at the Intersection of Route 303 and Stevens Way
Tax Identification Number: Section 74.15, Block 1, Lot 21

Affidavit of Circulation of Notice of Intent to be Lead Agency and SEQRA Determination

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

Stuart Turner, FAICP, PP, being duly sworn, deposes and states as follows:

1. I am over 18 years old and am a principal in the Turner Miller Group New York, with offices at 2 Executive Boulevard, Suite 108, Suffern, New York.
2. On October 13, 2011, pursuant to a Resolution adopted by the Town Board of the Town of Orangetown, I sent copies of the Submission Binder entitled "Orangeburg Commons Expanded Part 3 Environmental Assessment Form (EAF) – Amended Special Use Permit – Mixed Use Concept Plan with Foodmarket," revised October 13, 2011, and the Lead Agency Coordination Letter from the Town of Orangetown to each of the following agencies by depositing true copies of the same with Federal Express, an overnight delivery service, in a properly addressed wrapper with postage prepaid. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery:

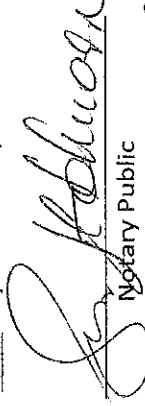
New York State
Department of Transportation
Region 8
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, New York 12603

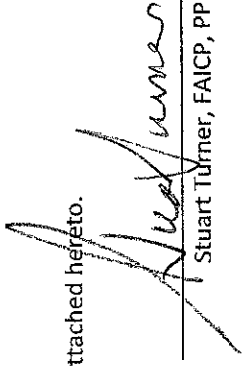
Palisades Interstate Park Commission
Bear Mountain, New York 10911-0427
Attention: James Hall, Executive Director

New York State
Department of Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, New York 12561

3. Copies of the Federal Express Delivery Receipts are attached hereto.

Sworn to before me this
19th day of October, 2011.


Notary Public
JENNIFER HOHMANN
Notary Public, State of New York
No. 01HG5045644
Qualified in Orange County
Commission Expires June 26, 2015


Stuart Turner, FAICP, PP

Stuart Turner

From: Fred Doneit
Sent: Tuesday, October 18, 2011 11:00 AM
To: Stuart Turner
Subject: FW: FedEx Shipment 797620652611 Delivered

-----Original Message-----
From: trackingupdates@fedex.com [mailto:trackingupdates@fedex.com]
Sent: Fri 10/14/2011 11:25 AM
To: Fred Doneit
Subject: FedEx Shipment 797620652611 Delivered

This tracking update has been requested by:

Company Name: TURNER MILLER GROUP, LLC
Name: Fred Doneit
E-mail: fdoneit@turnermillergroup.com

Our records indicate that the following shipment has been delivered:

Reference: D-05-2
Ship (P/U) date: Oct 13, 2011
Delivery date: Oct 14, 2011 11:21 AM
Sign for by: C.GIRAUD
Delivery location: BEAR MOUNTAIN, NY
Delivered to: Receptionist/Front Desk
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 797620652611 <https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=797620652611&opco=FX&language=en&clienttype=ivother>

Shipper Information
Fred Doneit
TURNER MILLER GROUP, LLC
2 Executive Blvd.
Suite 108
Suffern
NY
US
10901
Recipient Information
JAMES HALL, EXECUTIVE DIRECTOR
PALISADES INTERSTATE PARK COMMISSIO
ADMINISTRATION BUILDING
BEAR MOUNTAIN
NY
US
10911

Please do not respond to this message. This email was sent from an unattended mailbox.

This report was generated at approximately 10:25 AM CDT on 10/14/2011.

To learn more about FedEx Express, please visit our website at [fedex.com](https://www.fedex.com) <<https://www.fedex.com>> .

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](https://www.fedex.com) <<https://www.fedex.com>> .

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](https://www.fedex.com)'s terms of use, go to [fedex.com](https://www.fedex.com) <<https://www.fedex.com>> .

Thank you for your business.

Stuart Turner

From: Fred Doneit
Sent: Tuesday, October 18, 2011 11:00 AM
To: Stuart Turner
Subject: FW: FedEx Shipment 797620600084 Delivered

-----Original Message-----

From: trackingupdates@fedex.com [mailto:trackingupdates@fedex.com]
Sent: Fri 10/14/2011 9:58 AM
To: Fred Doneit
Subject: FedEx Shipment 797620600084 Delivered

This tracking update has been requested by:

Company Name: TURNER MILLER GROUP, LLC
Name: Fred Doneit
E-mail: fdoneit@turnermillergroup.com

Our records indicate that the following shipment has been delivered:

Reference: D-05-2
Ship (P/U) date: Oct 13, 2011
Delivery date: Oct 14, 2011 9:52 AM
Sign for by: H.HILLSON
Delivery location: POUGHKEEPSIE, NY
Delivered to: Receptionist/Front Desk
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 797620600084 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=797620600084&opco=FX&language=en&clienttype=ivother>>

Shipper Information
Fred Doneit
TURNER MILLER GROUP, LLC
2 Exec. Blvd.
Suite 108
Suffern
NY
US
10901
Recipient Information
Region 8 Director
NYS DEPT. OF TRANSPORTATION
4 BURNETT BLVD.
POUGHKEEPSIE
NY
US
12603

Please do not respond to this message. This email was sent from an unattended mailbox.

This report was generated at approximately 8:58 AM CDT on 10/14/2011.

To learn more about FedEx Express, please visit our website at [fedex.com](https://www.fedex.com) <<https://www.fedex.com>> .

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](https://www.fedex.com) <<https://www.fedex.com>> .

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](https://www.fedex.com)'s terms of use, go to [fedex.com](https://www.fedex.com) <<https://www.fedex.com>> .

Thank you for your business.



Detailed Results

Tracking no.: 797620635023

Select time format: 12H

Delivered

Delivered
Signed for by: DIMSARCO

Shipment Dates	Destination
Ship date Oct 13, 2011	NEW PALTZ, NY
Delivery date Oct 14, 2011 1:15 PM	Signature Proof of Delivery

Shipment Options

Hold at FedEx Location

Hold at FedEx Location service is not available for this shipment.

Shipment Facts

Service type	Standard Envelope	Delivered to	Receptionist/Front Desk
Weight	0.5 lbs/ 2 kg	Reference	D-05-2

Shipment Travel History

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Oct 14, 2011 1:16 PM	Delivered	NEW PALTZ, NY	
Oct 14, 2011 6:30 AM	On FedEx vehicle for delivery	NEWBURGH, NY	
Oct 14, 2011 6:57 AM	At local FedEx facility	NEWBURGH, NY	
Oct 14, 2011 6:00 AM	Departed FedEx location	NEWARK, NJ	
Oct 13, 2011 9:25 PM	Left FedEx origin facility	MAHWAH, NJ	
Oct 13, 2011 6:32 PM	Picked up	MAHWAH, NJ	
Oct 13, 2011 9:59 AM	Shipment information sent to FedEx		