

**LOCAL LAW NO. \_\_\_ OF 2021 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
TOWN BOARD TO ADD CHAPTER 10D CANNABIS OPT-OUT**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

**A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under New York Cannabis Law Article 4 and Article 6**

**Section 1. Legislative Intent**

**10D-1 Legislative Intent**

It is the intent of this local law to request the cannabis control board as established pursuant to the New York Cannabis Law, Chapter 7-a of the Consolidated Laws of the State of New York, to permit the Town of Orangetown to opt out of permitting cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Orangetown, that would otherwise be allowed under Cannabis Law Article 4.

The newly established Cannabis Law, Chapter 7-a, referenced above, provides in Article 6, §131 that the licensure and establishment of a retail dispensary license and/or on-site consumption license under the provisions of article four of Chapter 7-a shall not be applicable to a town, which, after the effective date of the chapter, which is March 31, 2021, and before December 31, 2021, adopts a local law, subject to permissive referendum governed by section twenty four of the municipal home rule law, requesting the cannabis control board to prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses contained in article four of Chapter 7-a, within the jurisdiction of the town.

The Town Board finds that, at the current time, it is in the best interests of the residents of the Town of Orangetown to adopt a local law requesting the cannabis control board to prohibit the establishment of retail dispensary licenses and on-site consumption licenses in accordance with Chapter 7-a. The Town finds that permitting such establishments without reviewing the unique impact that the establishment of such premises would have on the health, safety and welfare of the residents of the Town of Orangetown given the location of schools throughout the Town, and issues related to enforcement of new laws and guidelines related to cannabis use, would not be in the interests of Town residents. The Town adopts this local law in accordance with the timeframe and guidelines as set forth in Chapter 7-a, subsequent to March 31, 2021 and prior to December 31, 2021.

**Section 2. Authority**

**10D-2 Authority**

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town

and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

### **Section 3. Local Opt-Out**

#### **Chapter 10D-3. Cannabis Opt Out Request**

10D The Town Board of the Town of Orangetown hereby requests via this local law that the cannabis control board prohibit the establishment of retail dispensary licenses and on-site consumption licenses as contained in and authorized by Article 4, Chapter 7-a, Cannabis Law, of the Consolidated Laws of the State of New York, within the Town of Orangetown.

### **Section 4. Severability.**

#### **Chapter 10D-4 Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 5. Permissive Referendum**

#### **Chapter 10D-5 Permissive Referendum**

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

### **Section 6. Effective date.**

#### **Chapter 10D-6 Effective date**

This local law shall take effect in accordance with Municipal Home Rule Law §24 forty-five days after its adoption and upon filing with the Secretary of State within twenty days after the time period for filing a petition in accordance with Municipal Home Rule §24 has expired. In the event a valid petition protesting against such local law is filed within forty-five days of its adoption, then this local law shall not be effective until approved by the affirmative vote of a majority of the qualified electors of the Town of Orangetown voting on a proposition for its approval in accordance with the requirements of Municipal Home Rule Law §24.

LOCAL LAW NO. \_\_\_\_ OF 2021

TOWN BOARD  
TOWN OF ORANGETOWN

LOCAL LAW TO AMEND  
CHAPTERS 6, 14, 24 AND 43 THE CODE OF THE TOWN OF  
ORANGETOWN

A LOCAL LAW to amend  
Chapters 6, 14, 24 and 43 of the  
Code of the Town of  
Orangetown concerning fees  
and performance standards.

BE IT ENACTED by the Town Board of the Town of Orangetown as follows:

Section 1. Chapter 43, Section 10.222, Subsection E of the Code of the Town of Orangetown entitled “Permits granted only in conformance with regulations” is hereby repealed.

Section 2. Chapter 43, Section 10.223, Subsection (g) of the Code of the Town of Orangetown is hereby amended as follows:

...

[d] Whether the topography of the area in which the trees are located is such that the removal of such trees will result in damage to the environment through erosion.

[7] Applications shall be made by the owner or lessee, or by agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner ~~or applicant~~ that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Each application for a permit shall be accompanied by the required permit fees and ~~copies of plan documents, three copies of plans and specifications, and four copies of the plot plan,~~ drawn to scale on durable paper, showing the location and size of all proposed new construction and all existing structures on the site, the nature and

character of the work to be performed and the materials to be incorporated, distance from lot lines and, if required by the Inspector, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data, including approval of drainage by the Town Engineer or consulting engineers. Plans and specifications shall bear the signature of the person responsible for the design and drawings. Applications for uses requiring special permits from the Zoning Board of Appeals (or the Town Board) shall contain such additional information required for such Boards to make any special findings or additional requirements and conditions specified for any such use in Use Table, Column 3, or in § 4.3.

Applications for uses subject to performance standards procedure shall contain such additional information set forth in § ~~10.3344.12(c)~~.

Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work subject to the approval of the Inspector.

Section 3. Chapter 43, Section 10.224 of the Code of the Town of Orangetown entitled "Issuance of permits" is hereby amended as follows:

Issuance of permits. The Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. ~~The Inspector~~He shall approve or disapprove the application within a reasonable time but not longer than ~~15~~thirty days. Upon approval of the application and upon receipt of the fees therefor, ~~he~~ the Inspector shall issue a permit to the applicant upon the form prescribed by ~~him~~ the Inspector and shall affix his/her signature or cause his signature to be affixed thereto. Upon approval of the application, ~~submitted~~both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Inspector, and the other set shall be returned to the applicant, together with the permit and shall be kept at the building site open to inspection by the Inspector at all reasonable times. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all the requirements of the applicable regulations, the Inspector shall disapprove the same and shall return the plans and specifications to the applicant, with notice in writing of the reasons therefor.

However, a permit for any use requiring a special permit as listed in the Zoning Code's Use Table, Column 3, and any use subject to performance standards procedure under § ~~10.3344.12~~, and any other particular use requiring the approval of the Zoning Board of Appeals (or the Town Board), shall be issued only with the authorization of ~~such boards~~the applicable Board or Committee.



Section 4. Chapter 43, Section 10.233 of the Code of the Town of Orangetown entitled “Issuance of certificate” is hereby amended as follows:

Issuance of certificate. Before issuing a certificate of occupancy, the Inspector shall examine, or cause to be examined, all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and ~~the Inspector~~ may conduct such inspections as he/she deems appropriate, from time to time, during and upon completion of the work for which a building permit has been issued. There shall be maintained by the Inspector a record of all such examinations and inspections, together with a record of findings of violation of ~~the law~~. A certificate of occupancy shall be either issued, or denied, for cause within ~~10~~thirty days of application therefor. However, any certificate of occupancy for the establishment of any use of a building or land requiring a special permit as listed in the Zoning Code’s Use Table, Column 3, and subject to performance standards procedure under § ~~10.3344.12~~, and any other particular use requiring the approval of the Zoning Board of Appeals (or the Town Board), shall be issued only with the authorization of ~~such Board~~the applicable Board or Committee. Every certificate of occupancy for a use for which a special permit, ~~or variance or other approval~~ has been granted by the Zoning Board of Appeals (or the Town Board), shall contain a detailed statement of such special permit, ~~or variance or other approval~~ and of the conditions to which the same is subject.

Section 5. Chapter 43, Section 10.32 of the Code of the Town of Orangetown entitled “Procedure” is hereby amended as follows:

Procedure. Meetings shall be held at the call of the Chairperson~~man~~ and at such other times as the Board may determine. A quorum of the Board shall consist of three members, but, in order to reverse a decision of the Inspector, authorize a variance, render any decision within its jurisdictional powers and authority or grant a special permit, ~~or permit a use subject to performance standards procedure~~ an affirmative vote of at least three members shall be required. The Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Town Clerk and shall be a public record.

Section 6. Chapter 43, Section 10.323 of the Code of the Town of Orangetown entitled “Findings and conclusions” is hereby amended as follows:

Findings and conclusions. After such public hearings, the Orangetown Zoning Board of Appeals (~~hereinafter referred to as~~ "ZBA") shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the grant or denial of the relief sought. As to any proposed use, such findings of fact and conclusions shall be made concerning such use, as described and represented by the applicant. In addition, the ZBA shall, in appropriate cases, impose additional conditions and safeguards in granting a special permit, ~~or variance or other approval, or in approving an application requesting approval of conformance to the performance standards (Zoning Code § 4.1)~~, in harmony with the general purpose and intent of the Zoning Code, and to ensure that such use is established and

maintained in conformity with the special findings, and the additional requirements and conditions, upon which such permit, variance(s) or other approval of conformance to performance standards (Zoning Code § 4.1), is granted.

Section 7. Chapter 43, Section 10.334 of the Code of the Town of Orangetown entitled "Permit for a use subject to performance standards procedure" is hereby repealed.

Section 8. Chapter 43, Section 10.335 of the Code of the Town of Orangetown entitled "Continued enforcement" is hereby repealed.

Section 9. Chapter 43, Section 4.11 of the Code of the Town of Orangetown entitled "Applicable to all nonresidential uses" is hereby amended as follows:

Applicable to all nonresidential uses. No land or building shall be used or occupied for a nonresidential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, all referred to herein as "dangerous or objectionable elements," in a manner or amount as to adversely affect the surrounding area. ~~However, any nonresidential use, except those~~ With the exception of those non-residential uses expressly prohibited by § 4.4, any nonresidential use that complies with may be undertaken, and maintained, if it conforms to the district regulations, and the regulations of § 4.1; (Performance standards) shall not be in violation of this Section and may be maintained.

Section 10. Chapter 43, Section 4.12 of the Code of the Town of Orangetown entitled "Performance standards procedure" is hereby amended as follows:

Performance standards procedure. Only those uses specified in the Zoning Code's Use Table, Columns 2, 3 and 4, are subject to the performance standards procedure of ~~§4.121(c)-10.334~~, requiring the review of performance standards conformance, and a determination thereof, by the Orangetown Zoning Board of Appeals' Industrial Use Committee (hereinafter referred to as the "ZBAIUC") prior to approval in obtaining a building permit, or certificate of occupancy, or both ~~(An operator of any use subject to §4.121(c) shall hereinafter be referred to as "industrial user").~~; If unless the Building Inspector has reasonable grounds to believe that any other proposed use, operation or occupancy, including any building, or use or occupancy accessory to a use subject to performance standards procedure, is likely to may violate performance standards, then the Building Inspector may present such finding to the IUC, and the IUC, after providing the industrial user fifteen days' advance notice, by any reasonable manner, and an opportunity to be heard, may (i) direct such industrial user to in which event the industrial user shall comply with the procedure in § 4.121(c)-10.334 in obtaining a building permit; or certificate of occupancy, unless the ZBA finds (ii) determine that compliance therewith is unnecessary.

When the Building Inspector has reasonable grounds to believe a building or use may be in violation of performance standards previously established by the IUC or the ZBA (as the IUC's predecessor), the Building Inspector may present such a finding to the IUC. After providing the industrial user an opportunity to be heard upon at least fifteen days' advance notice, provided by any reasonable manner, the IUC may then (i) direct such industrial user to comply with the procedure in § 4.121(c) or (ii) determine that compliance therewith is not necessary. Any alteration or change to an existing building, use, operation or occupancy, otherwise subject to § 4.1, shall not require IUC review and approval where the proposed alteration or change does not detrimentally impact or affect operations, uses or occupancies already subject to performance standard(s) established by the IUC or the ZBA (as the IUC's predecessor). The determination as to whether such an alteration or change poses a detrimental impact or effect shall be made by the Building Inspector (who may consult with members of the IUC, in accordance with the Public Officer's Law).

Section 11. Chapter 43, Section 4.121 of the Code of the Town of Orangetown entitled "Industrial Use Committee" is hereby established as follows:

§4.121. Industrial Use Committee.

(a). Establishment and membership. There shall be an Industrial Use Committee of five members, hereinafter referred to as the "IUC." The members shall consist of (i) the Commissioner of Orangetown's Department of Environmental Management and Engineering ("DEME"), who shall serve at its Chairperson, (ii) Orangetown's Chief Fire Safety Inspector, (iii) the Director of Orangetown's Office of Building, Zoning and Planning Administration and Enforcement ("OBZPAE"), (iv) Orangetown's Public Health Engineer, and (v) the Deputy Commissioner of DEME or his or her designee who shall be a member of DEME staff. A majority of the full membership of the IUC, regardless of vacancies, absences or recusals, shall constitute a quorum. The Town Board may remove any member of the IUC for cause, and may then appoint a replacement member who has similar qualifications.

(b). Powers. The IUC is authorized and empowered to review applications requesting a determination for conformance to the performance standards for uses, operations and occupancies subject to performance standards (§4.1), pursuant to the procedures set forth herein. The IUC shall also be responsible for review of an alleged noncompliance with the performance standards by an industrial user to determine whether remedial action is necessary and to bring the industrial user into compliance with the applicable performance standard(s), which review shall include the approval of remedial action, as necessary. Meetings of the IUC shall be open to the public pursuant to Article 7 of the New York State Public Officers Law. The IUC's meetings shall not be conducted by a public hearing and the public shall not have a right to be heard; however, the industrial user/applicant shall be offered an opportunity to be heard, and the IUC may invite members of the public to submit reports or correspondence, or to be heard at a meeting, subject to any restrictions, limitations or guidelines that the IUC Chairperson deems appropriate.

(c). Procedures for review of an application requesting an IUC determination that a proposed use conforms to the performance standards.

(i). Application.

- a. An application for a review requesting an IUC determination that a proposed use conforms to the performance standards shall be submitted to the Building Inspector in septuplicate on a form prescribed by the IUC, which shall include, but not be limited to, a description of the industrial user's operations, which shall be prepared, and signed, by a person who is qualified to answer the questions and submit documentation on behalf of the applicant. Upon receipt, this application shall be referred by the Building Inspector to the IUC. The applicant shall also submit in septuplicate a plan of the proposed construction, installations or development, including a description of the proposed machinery, operations, products and specifications for the mechanism and techniques to be used or operated to comply with the applicable performance standards set forth in §4.1, in accordance with rules prescribed by the IUC specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his or her understanding of the applicable performance standards and agreement to conform with same at all times.
- b. Unless deemed necessary, by the IUC, for the IUC to undergo a proper review, no applicant will be required to reveal any secret or proprietary processes, and, if any such information is submitted to the IUC, it shall be treated as confidential if requested by the applicant, but only if the information constitutes a trade secret, or, if disclosed, would cause substantial injury to the competitive position of the applicant, within the meaning of NYS Public Officers Law § 87(2)(d). The applicant has the burden to substantiate, to the IUC, the applicant's assertion that the information constitutes a trade secret, or, if disclosed would cause substantial injury to the competitive position of the applicant.
- c. The fee for an application requesting the IUC's review to determine conformance with the performance standards shall include the establishment of an escrow account, pursuant to § 14-9 of the Code of the Town of Orangetown ("Orangetown Code"), which escrowed funds shall be for the purpose of reimbursing the Town for the anticipated estimated costs of the IUC's expert consultants' investigations and reports required to process the application, described in the succeeding Subsection (ii) below; and which escrowed funds may be drawn

on/disbursed by the Town without obtaining permission or authorization from the applicant.

- d. The Chairperson of the IUC shall determine whether an application, requesting the IUC's review to determine conformance with the performance standards, is complete; and the Chairperson may confer, informally, with the IUC, so long as a quorum of the IUC do not participate in any such conference, or may engage or retain expert consultant(s) to advise and assist the Chairperson with respect to determining completeness of an application, the fees of which consultant(s) shall be paid by the industrial user (as per Orangetown Code § 14-9).

(ii). Report by expert consultants. The IUC, in its discretion, may refer the application, for investigation and report, to one or more expert consultants selected by the IUC as qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in §4.1, in accordance with §4.13, the fees of which consultants shall be paid by the applicant, as per Orangetown Code §14-9.

(iii). The IUC's review of an application requesting a determination that a proposed use conforms to the performance standards entails the IUC engaging in a review of an application to determine compliance with technical requirements, and is, therefore, a Type II Action, exempt from environmental review, pursuant to SEQRA Regulation § 617.5 of 6 NYCRR Part 617.

(iv). Determination of the IUC. In no event more than 60 days after the IUC Chairperson determines that an application is complete, or within such further period as agreed to by the applicant and the IUC, the IUC shall determine whether the proposed use will conform to the applicable performance standards. Such determination of the IUC shall be in written form and signed by the Chairperson, and shall be filed in the offices of the Orangetown Town Clerk, OBZPAE and DEME, and shall constitute a public record. Any permit or certificate of occupancy issued by the Building Inspector shall be conditioned on, among other things, the applicant's completed use, operation, occupancy, buildings, structures, installations, machinery, equipment and appurtenances, while being used and in operation, conforming to the IUC's determination of conformance and applicable performance standards, and the applicant's paying the fees for services of the IUC's expert consultant, or consultants, deemed reasonable and necessary by the IUC for advice as to whether or not the applicant's completed use, operation, occupancy, buildings, structures, installations, machinery, equipment and appurtenances will, while being used and in operation, conform to the applicable performance standards.

(d). Annual monitoring and reporting.

(i). Each and every year, on or before June 1, every industrial user shall submit an affidavit to the Building Inspector, sworn to and signed, under oath, by a qualified professional, attesting that the use, occupancy, operations, processes and methods, and the completed buildings, structures, installations, machinery, equipment and appurtenances, that were determined by the IUC to be in conformance with the applicable performance standards, as part of an application to the IUC for review of performance standards conformance, have not been altered, modified or changed, in any material manner whatsoever, other than routine maintenance and repair. If the Building Inspector determines that the said affidavit has not been executed by a qualified professional, the Building Inspector may reject the affidavit.

(ii). If the use, occupancy, operations, processes or methods or the completed buildings, structures, installations, machinery, equipment or appurtenances, that were determined to conform to the performance standards by the IUC, as part of an application to the IUC for review of performance standards conformance, have been altered, modified or changed, in any material manner whatsoever, other than routine maintenance and repair, then the industrial user shall submit, to the Building Inspector, a new description of the industrial user's use, occupancy and operations, in form and substance as described in §4.121(c)(i); and, in addition, the industrial user shall apply for performance standards review by the IUC, in accordance with §4.1, if determined to be necessary by the Building Inspector. In making such determination, the Building Inspector may confer, informally, with the IUC, so long as a quorum of the IUC do not participate in any such conference, or may engage or retain expert consultant(s) to advise and assist with respect to such alterations, modifications or changes, the fees of which consultants shall be paid by the industrial user (as per Orangetown Code §14-9).

Section 12. Chapter 43, Section 4.13 of the Code of the Town of Orangetown entitled "Initial and continued enforcement provisions" is hereby repealed.

Section 13. Chapter 43, Section 4.13 of the Code of the Town of Orangetown entitled "Initial and continued enforcement provisions" is hereby established as follows:

§4.13. Initial and continued enforcement provisions.

(a). Initial, and continued, compliance with performance standards is required of every nonresidential use, or change in such use, operations or occupancy, including, but not limited to, those specified in § 10.231(c) in all zoning districts where such-nonresidential uses are subject to § 4.1. All building permits and certificates of occupancy issued for a use subject to §4.1 is conditioned, and contingent, upon the industrial user conforming to the performance standards, and the industrial user's paying of the fees, to the Town of Orangetown, for services of Orangetown's own expert consultants deemed reasonable and necessary by the Industrial Use Committee, for said consultants' inspections, investigations,

research, studies, tests, advice and/or reports to determine compliance by the industrial user with the performance standards (§ 4.1).

(b). The industrial user's initial, and continued, compliance with the performance standards (§4.1) shall include the following:

(i). Upon reasonable notice, the industrial user's consent to inspections, investigations, and/or testing on the industrial user's site by OBZPAE, DEME, and/or the Orangetown-retained expert consultants. Such inspections, investigations, and/or testing shall be conducted, while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards (§4.1), are in full operation to the extent, type and/or degree that OBZPAE, DEME, and/or the Orangetown-retained expert consultants, reasonably deem necessary to verify compliance with the applicable performance standards. In the event of an imminent threat to the health and welfare of the surrounding community, access to the industrial user's site for purposes of such an inspection shall be permitted upon the request of OBZPAE and/or DEME.

(ii). The industrial user's full, and complete, compliance with the performance standards (§4.1) shall not supersede requirements for compliance with any and all laws, statutes, rules and regulations of the New York State Department of Environmental Conservation and federal Environmental Protection Agency, or any other state or federal law, rule or regulation that also may regulate the use, occupation and/or occupancy that is subject to the performance standards (§4.1).

(c). OBZPAE and/or DEME shall investigate any alleged violation of, or noncompliance with, the performance standards (§4.1) by the industrial user. Such investigation shall be conducted in accordance with §4.13(b)(i).

(d). Except as provided in §4.13(g), OBZPAE and/or DEME shall refer the industrial user to the IUC for review of the alleged violation or noncompliance with the performance standards (§4.1). Upon receiving such referral, the IUC may further investigate the alleged violation or noncompliance if the IUC deems it necessary in its discretion; and, for such further investigation, the IUC may utilize, or retain, the services of OBZPAE, DEME, and/or the Orangetown-retained expert consultants.

(e). If, after providing the industrial user reasonable advance notice and an opportunity to be heard, the IUC determines that a condition of noncompliance exists, then the IUC may direct the industrial user to develop a remedial action plan to address the condition of noncompliance. Such a plan shall be developed for presentation to the IUC within thirty (30) days of its request unless the IUC extends this period. The IUC shall not conduct a public hearing, but shall provide the industrial user with reasonable advance notice and an opportunity to be heard. If the industrial user (i) fails to appear before the IUC, (ii) fails to develop a remedial action plan, or (iii) presents a the remedial action plan that inadequately

addresses the condition of noncompliance, then the IUC may, after providing the industrial user reasonable advance notice and an opportunity to be heard, revoke and rescind its determination of conformance with the performance standards (issued under §4.1). Upon such revocation and rescission of the IUC's performance standards conformance determination, any building permit and/or certificate of occupancy that was issued pursuant to the IUC's performance standards conformance determination (§4.1) shall also be deemed revoked and rescinded.

(f). If a remedial action is determined to be satisfactory, or determined to be satisfactory with conditions, by the IUC, then, upon such determination, implementation of the remedial action by the industrial user shall be a condition of any active and open building permit(s) and the eventual certificate(s) of occupancy relating to same; or, if there are no active and open building permit(s), then implementation of the plan shall be incorporated, automatically and by operation of law, into the most recent subsisting certificate(s) of occupancy.

(g). If OBZPAE and/or DEME reasonably determines, based on an investigation conducted pursuant to §4.13(c), that a violation of, or noncompliance with the performance standards exists that constitutes an imminent threat to the health and welfare of the surrounding community, then OBZPAE and/or DEME may forego referring a condition of noncompliance to the IUC under §4.13(d) and proceed to undertake enforcement against an industrial user through the prosecution of an alleged violation(s) in the Orangetown Justice Court pursuant to §§ 10.2, 10.6 and/or 24C(c), and/or commencement of a civil action or proceeding in the New York State Supreme Court, pursuant to New York State Town Law §135(1) and/or §268(2). However, OBZPAE's and/or DEME's election to forego referring a condition of noncompliance to the IUC shall not be deemed a waiver or relinquishment of OBZPAE's and DEME's rights to proceed with such referral if either (or both) should elect to do so, whether contemporaneously while the Justice Court prosecutions and/or NYS Supreme Court civil action or proceeding are pending, or after any such prosecutions, and/or civil action or proceeding, have concluded.

Section 14. Chapter 43, Section 4.182 of the Code of the Town of Orangetown entitled "Odors" is hereby repealed.

Section 15. Chapter 43, Section 4.182 of the Code of the Town of Orangetown entitled "Odors" is hereby established as follows:

#### §4.182 Odors.

(a). No person or business entity shall emit, or cause, generate or produce the emission of, or allow to be emitted, objectionable odors beyond the property borders of the emitting source.

- (i) Odors shall be deemed objectionable when an exceedance of the standard in §4.182(b) is documented by the Town in accordance with the procedures in



this section, thereby evidencing that the odor is offensive, foul, unpleasant, or repulsive, and likely could, or does, cause injury, detriment, nuisance or annoyance to persons or to the public.

(b). A documented assessment shall be performed by the Building Inspector or Code Enforcement Officer utilizing an olfactory field instrument calibrated in accordance with the instrument's operational standards and manufacturer's specifications. In utilizing this olfactory field instrument, one volume of odorous air shall be diluted with seven volumes of odor-free air. A detection shall have occurred if, after such dilution, an odor remains perceptible to the user. Measurement of objectionable odors shall follow the measurement methodology set forth at §4.18.

(c). Repeated complaints. If the Town receives five (5) or more complaints from individuals representing separate households or businesses over the course of a seven (7) day period, or fifteen (15) or more complaints over the course of a thirty (30) day period, a Building Inspector or Code Enforcement Officer, after investigation, which to the extent reasonably possible includes a meeting with the industrial user, may issue a Notice of Repeated Reported Occurrence ("Notice") to the industrial user alleged to be emitting the odors. The Notice shall require the industrial user to meet with the IUC for evaluation of the reported complaints and formulation of a remedial action if an objectionable odor is documented in accordance with §4.182(b), as determined to be necessary by the IUC, and in accordance with § 4.121(b), § 4.13(e) and § 4.13(f). The Town's odor complaint records shall include:

- (a) name, address, email and phone number of complainant;
- (b) time and date of submission of complaint to the Town;
- (c) description of nuisance odor;
- (d) estimated location or source of nuisance odor; and
- (e) if possible, prevailing wind or weather conditions observed.

Section 16. Chapter 24C, Section 24C-3 of the Code of the Town of Orangetown entitled "Disposal of debris and litter" is hereby amended as follows:

A. It shall be an offense for any person to abandon, leave, dump, store or keep any nuisance, hazard, debris and litter, or matter attractive to vermin upon any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof or any other public lands or upon any privately owned property within the unincorporated portion of the Town of Orangetown except as permitted by Subsections B and CD hereof.

B. The owner, tenant or occupant of property being used for residential or commercial purposes located within the unincorporated portion of the Town of Orangetown is

hereby required to maintain at all times one or more covered dumpsters, containers or enclosures of adequate size to temporarily store all nuisance, hazard, debris and litter until removed. The failure to comply with this subsection shall be deemed an offense.

C. Privately owned property shall be maintained so that it does not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, in a manner or amount as to create a nuisance and adversely affect the surrounding area. Properties that are subject to, and comply with, performance standards under Chapter 43, Section 4.13 of the Code of the Town of Orangetown shall be deemed in compliance with this subsection.

~~€D.~~ Except where physically impossible, a dumpster shall not be located within the front yard of any premises and shall be surrounded on all sides by an opaque fence or wall enclosure of durable construction no lower than one foot above the height of the dumpster. All nonconforming, preexisting dumpsters shall be conformed to this requirement within six months of the adoption of this chapter. The failure to comply with this subsection shall be deemed an offense.

~~ƆE.~~ In regard to the curbside pickup of trash containers (trash cans) and items for bulk pickup by private carter, these items shall not be set out prior to 8:00 a.m. on the day before each pickup and shall be retrieved before 8:00 a.m. on the day after each pickup.

~~€F.~~ In all multiple dwellings and commercial sites, the owner, managing agent or person in charge of the building must provide a totally enclosed bin or shed-type structure for housing the necessary amount of garbage containers and receptacles to meet the needs of the occupants therein. The site of the bin must be in an inconspicuous location. In addition, all required garbage containers and receptacles must be landscaped or screened in accordance with the provisions of the Zoning Code of the Town of Orangetown.

~~ƆG.~~ The Town Board is hereby authorized to establish one or more temporary or permanent locations wherein residents of the unincorporated portion of the Town of Orangetown may bring green waste, such as yard waste, brush, leaves, and grass clippings or items constituting a nuisance, hazard, debris or litter (except garbage, toxic materials and chemicals, rubbish, tobacco products and packaging, large quantities of construction materials, bags of fertilizer, pet excrement, and bottles, cans and plastic containers) for disposal in containers provided for such purpose. The use of such containers by residents for personal noncommercial disposal of waste as enumerated above is deemed to be consistent with the purposes of this chapter and shall not constitute an offense. Any failure to abide by rules and regulations concerning the

above, or concerning Subsection GH below, or any use for commercial purposes or disposal by nonresidents shall be deemed an offense hereunder.

GH. In order to use locations established pursuant to Subsection EG above, residents of the unincorporated portion of the Town of Orangetown must first obtain a permit from the Superintendent of Highways. No one is permitted to use these locations without possessing a duly issued and valid permit. The only persons eligible to obtain a permit are noncommercial residents of the unincorporated portion of the Town of Orangetown. Even if eligible for a permit, a person may not use a facility for commercial purposes in any respect, and permissible use is limited to the depositing of permissible materials derivative of the residential use of the permit holder's residence. Rules and regulations concerning the issuance and use of these permits shall be promulgated by the Superintendent of Highways, in a manner and substance not inconsistent with Subsection EG above, the remainder of the Code of the Town of Orangetown, and state and federal law. The Town Clerk, in addition to the Superintendent of Highways, may, at the discretion of the Town Clerk, also issue said permits. Permits issued by the Town Clerk are subject to all rules and regulations promulgated by the Superintendent of Highways.

Section 17. Chapter 14, Section 9 of the Code of the Town of Orangetown entitled "Fees for consultant review" is hereby amended as follows:

- A. In addition to the application fees required to be paid by an applicant, the applicant shall also ~~deliver to~~deposit with the Town funds to be placed in escrow in the Town's trust and agency account, without interest, which escrowed funds shall be deposited for the purpose of to reimburse the Town for any and all of the Town's fees and expenses incurred in connection with the Town's review of the application, including, but not limited to, engineering and planning consultants' fees, such as, but not limited to, those incurred regarding application reviews before the Planning Board, Zoning Board of Appeals, Industrial Use Committee ("IUC") and ~~or~~ Town Board. The amount of the deposit ~~is to~~shall be set by the Orangetown's Office of Building, Zoning, and Planning Administration and Enforcement ("OBZPAE"), in consultation with the applicant, the Town's and consultants (if any) and/or any other Town Department or Office, such as the Department of Environmental Management and Engineering ("DEME"), based upon the anticipated fees and expenses estimated to be incurred by the Town regarding ~~on~~ (i) OBZPAE's processing of permit application(s) regarding the project, both prior to and after issuance of a permit, and/or (ii) reviews by the said Boards and the IUC; and the escrowed funds may be drawn on/disbursed by the Town without obtaining permission or authorization from the applicant.
- B. If the amount deposited falls below 50% of the original deposit, the applicant shall deposit additional funds to the Town to replenish the escrow account to pay for fees and expenses rendered to the Town, or anticipated to be rendered, for such services. Such additional funds shall be delivered to the Town before the application is placed

on the agenda and any further consideration of the applicant's application takes place. If, for any reason, an escrow deposit account has not been established by the applicant, or if the applicant's escrow deposit account is no longer active, then the applicant shall promptly reimburse the Town, upon demand by the Town, for the fees and expenses of the Town's consultant(s); and the applicant shall be liable to the Town for any such fees and expenses that are not reimbursed to the Town by the applicant.

- C. The Planning Board, Zoning Board of Appeals, Industrial Use Committee and Town Board shall neither place the application on the agenda, nor give further consideration to the applicant's application until all application, review fees imposed on the applicant have been paid to the Town.
  
- D. Escrow funds shall be refunded to the applicant after~~when~~ the applicant formally withdraws the permit application, or formally withdraws the application from consideration by the applicable~~appropriate~~ Board(s) and the IUC (as applicable), or when the applicant receives a certificate of occupancy or certificate of compliance (as applicable) from OBZPAE~~final determination from the appropriate board;~~ in either case, all reimbursable fees and expenses incurred by the Town shall first be deducted from the escrow account, leaving an unencumbered balance that is not required by the permitting authority to pay consulting costs or fees attributable to the application pursuant to this section. In no event shall the fees and expenses reimbursed by the applicant, pursuant to this section, exceed the fees and expenses incurred by the Town for review of the project.
  
- E. The imposition of Town consultants' review fees and expenses are in addition to, and not in place of, other Town application fee schedules~~currently in force.~~

Section 18. Chapter 6, Section 5, Subsection E of the Code of the Town of Orangetown entitled "Duties and powers of Building Inspector" is hereby amended as follows:

...

E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to the use, maintenance or occupancy of land or buildings, including, but not limited to, assuring compliance with the performance standards set forth in § 4.1 of Chapter 43 (Zoning Code) of the Orangetown Code, and/or to assure compliance with the conditions of any applicable Orangetown land use board approval decisions, the Building Inspector may inspect, investigate and/or conduct tests, on site of private property that is the subject of an open Building Permit application or a nonresidential use that is subject to the performance standards (hereinafter referred to as "industrial user"), which may include, with regard to the

performance standards, inspecting, investigating and/or conducting tests while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards, are in full operation. For purposes of said inspections, investigations and/or tests, the Building Inspector may engage, employ or retain the services of the Orangetown Department of Environmental Management and Engineering (hereinafter referred to as "DEME"), and/or expert consultants, to the extent, type and/or degree that the Building Inspector, DEME, ~~and/or the expert consultants~~, deem necessary. The said inspections, investigations and/or testing, on site of private property, shall only be conducted with the consent of the property owner, or a person in dominion, control or possession of, or with management or supervisory authority over, the property; or at any reasonable hour if the Building Inspector has a reasonable suspicion, based on specific and articulable facts, taken together with rational inferences from those facts, associated with the particular property, that a violation of, or noncompliance with, the performance standards set forth in Zoning Code § 4.1, is being committed or is occurring, or has been committed or has occurred; or by execution of a judicially issued search warrant. In addition to the powers and duties set forth in this section, the Building Inspector shall also have all inspection and enforcement powers and duties set forth in the performance standards (Zoning Code § 4.1).

~~(1) If, as a result of the Building Inspector's said inspection, investigation and/or testing, relating to an alleged violation of, or noncompliance with, the performance standards (Zoning Code § 4.1) on the part of any industrial user, the Building Inspector has reasonable grounds to believe that a violation, or noncompliance, exists, subject to the provisions of Orangetown Zoning Code § 4.182 (as may be applicable), the Building Inspector shall notify the Zoning Board of Appeals of the occurrence or existence of such possible violation, or noncompliance, in accordance with Zoning Code § 10.335.~~

~~(2) If, after public hearing on due notice, in accordance with Zoning Code § 4.13, the Zoning Board of Appeals finds that a violation, or noncompliance, occurred or exists, and revokes and rescinds its performance standards (Zoning Code § 4.1) approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision.~~

## Section 19. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 6, Chapter 14 and Chapter 43 of the Code of the Town of Orangetown are otherwise to remain in full force and effect, and are otherwise ratified, readopted and confirmed.

## Section 20. Numbering for Codification

It is the intention of the Town of Orangetown and it is hereby enacted, that the provisions of this Local Law shall be included in the Code of the Town of Orangetown; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for Codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 21. Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

#### Section 22. Effective Date

This local law shall take effect immediately filing with the Office of the Secretary of State of the State of New York.

TOWN BOARD: TOWN OF ORANGETOWN  
COUNTY OF ROCKLAND  
STATE OF NEW YORK

-----X

IN THE MATTER OF THE  PETITION OF  THE RESERVE at PEARL RIVER, LLC  AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF ORANGETOWN FROM AN "OP DISTRICT TO A "PAC" DISTRICT	PETITION
--	----------

-----X

TO THE TOWN BOARD OF  
THE TOWN OF ORANGETOWN

The undersigned petitioner respectfully petitions your Honorable Board as follows:

FIRST:

THE RESERVE at PEARL RIVER, LLC is a contract purchaser of property located in the hamlet of Pearl River, more particularly bounded and described in Addendum A annexed hereto.

SECOND:

The property described in Addendum A is known and designated on the Tax Map of the Town of Orangetown as:

<u>Section</u>	<u>Block</u>	<u>Lots</u>
73.10	1	6

THIRD:

The property is to be allocated for senior citizen housing under the PAC (Planned Adult Community) zoning and is described in Addendum B.

FOURTH:

Annexed hereto and marked Exhibit A is a Site Plan, Exhibit B is a Vicinity and Zoning Map, Exhibit C is a copy of the Area Use Map, and Exhibit D is a copy of the Tax Lot which is the subject of the Petition and of the surrounding parcels.

FIFTH:

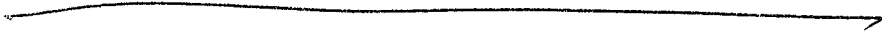
Annexed hereto and marked Addendum C (P) is a list of names and addresses of all owners owning property within 500 feet of the property which is the subject of this application as the same appears on the tax roll of the Town of Orangetown.

SIXTH:

That the property which is the subject of this Petition comprises approximately 22.58 acres.

SEVENTH:

Said property is presently zoned "OP" and eligible for PAC (under Chapter 43, Article IV, Section 4.6 of the Orangetown Zoning Code).



EIGHTH:

The property is presently vacant.



NINTH:

Pursuant to the Town Law of the State of New York, and the Zoning Ordinance of the Town of Orangetown, petitioners hereby request that the Zoning Ordinance be amended to place the aforesaid real property, as described in Addendum A and shown in Exhibit "D", in a PAC Zoning District which would allow the development of senior residential housing within said zone.

TENTH:

In accordance with the New York State Environmental Quality Review Act (SEQRA) attached and identified as Addendum D is the Full Environmental Assessment Form (EAF) as prepared by JMC.

ELEVENTH:

That said proposed change would be compatible with the present and proposed uses of the adjoining and neighboring properties. This would be the most practical economical and beneficial way the property could be utilized.

TWELFTH:

That said proposed would be in the public interest of the residents of the Town of Orangetown in that:

- (1) the development of the property under the PAC Zone would establish a substantial tax ratable for the Town of Orangetown;
- (2) the development of the property under the PAC Zone would fill a need for the senior residents of the Town of Orangetown;

(3) the development of the property under the PAC Zone would be consistent with the general character of the immediate area surrounding the subject premises, that being an Office Complex, a Senior Citizen Development (Club II), The Hilton Hotel and The Golf Course to the north, an Assisted Living Facility to the northwest, and the New York - New Jersey State Line to the south.

(4) The granting of such relief as is sought in this Petition will be the most appropriate use of the subject parcel, and will promote the general health and welfare of the community, will preserve property values and will be beneficial to the Petitioners.

THIRTEENTH:

The subject property is located within 500 feet of

- (1) a County road - Veterans Memorial Drive;
- (2) the New York - New Jersey State boundary

FOURTEENTH:

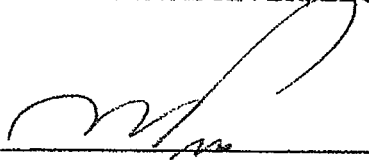
Other than the items designated in Paragraph Thirteenth, the subject premises are not within 500 feet of the following;

- (1) any city, town, or village boundary line;
- (2) any county or state park for recreation area;
- (3) any right-of-way of any county or state park or recreation area;
- (4) any county or state owned land on which a public building or institution is situated.

WHEREFORE, petitioner respectfully prays that your Honorable Board take such steps and such action as may be necessary to grant the relief sought in this Petition.

Dated: March 9, 2021

THE RESERVE at PEARL RIVER, LLC

BY:  \_\_\_\_\_

**ADDENDUM A**

**PROJECT LEGAL DESCRIPTION**

Legal Description of Section 73.10 Block 1 Lot 6

A parcel of land in the Town of Orangetown, Rockland County, New York, being Lot A on a map titled "Pearl River Veterans, LLC 3 Lot Subdivision" prepared by Henningson, Durham & Richardson, Architecture and Engineering, P.C. in Association with HDR Engineering, Inc., Surveyed by Maser Consulting, dated August 23, 2006, and filed in the Rockland County Clerk's Office as Map No. 7884, and also being a portion of Lot 2 as shown on a map titled "Subdivision of Property for Blue Hill Plaza, Inc." prepared by Atzl & Scatassa, Associates P.C., dated September 6, 1984 and filed in the Rockland County Clerk's Office as Map No. 5700, more particularly bounded and described as follows:

BEGINNING at a point along the division line between said Lot A on the southeast and Lot 1 as shown on said Map No. 5700 on the northwest at its point of intersection with the division line between the State of New York on the northeast and the State of New Jersey, Bergen County, Township of River Vale on the southwest;

Thence along said division line between said Lot A on the southeast and Lot 1 on the northwest and in part along the southeasterly line of Blue Hill Plaza North 49 degrees 38 minutes 45 seconds East, 874.39 feet to its point of intersection with the division line between said Lot A on the southwest and Lot B as shown on said Map No 7884 on the northeast;

- 1) South 40 degrees 19 minutes 44 seconds East, 708.47 feet to a point;
- 2) South 05 degrees 06 minutes 18 seconds West, 529.24 feet to a point;
- 3) South 29 degrees 32 minutes 26 seconds East, 737.57 feet to the division line  
between the herein described parcel of land on the west and lands now or  
formerly of Corwick Realty Corporation of the east;

Thence along said division line, South 17 degrees 22 minutes 01 seconds West, 143.64 feet to the division line between the State of New York on the northeast and the State of New Jersey, Bergen County, Township of River Vale on the southwest;

Thence along said division line, North 47 degrees 32 minutes 14 seconds West, 1,895.75 feet to the POINT OF BEGINNING

**ADDENDUM B**  
**STATUTE**  
**PLANNED ADULT COMMUNITY**

**§ 4.6. Planned Adult Community (PAC) floating zone. [Added 1-12-2004 by L.L. No. 1-2004]**

4.61. Purpose and intent. The purpose and intent of the Planned Adult Community (PAC) floating zone is to address certain senior citizen housing needs in the Town of Orangetown by encouraging the development of a range of housing types and prices for active senior citizens consistent with the Town's Comprehensive Plan. The PAC shall be an unmapped zoning district that may be mapped at the discretion of the Town Board on an eligible site, subject to the provisions of this section and § 10.5 of the Zoning Ordinance with regard to the review of zoning text and map amendments.

4.62. Eligible sites. Rezoning to PAC may be considered for any property meeting requirements set forth herein, provided said property is located within a zoning district other than an R-80, R-40, R-22, or LI District. With the exception of conversions of existing buildings, PAC developments shall be prohibited in designated historic districts. Eligible sites shall be defined and regulated as "hamlet sites" or "other sites," as specified in § 4.69 herein. All potential PAC sites shall either have access to or frontage along a major or secondary roadway, defined herein as roads with state or county jurisdiction, or shall have other suitable access as determined by the Town Board during the rezoning process.

4.63. Permitted uses. No building, structure or premises shall be erected, used or occupied except for the following uses:

- A. Dwelling units equipped with full kitchen facilities and designed for senior citizens as defined in § 4.65 hereof.
- B. A dwelling unit for one resident caretaker or property manager. Any such unit shall be included in the overall base density of the development as set forth in § 4.69 below.
- C. In specifically allowed mixed-use buildings, ground-floor uses, including retail stores, personal service establishments, offices and restaurants, shall be permitted with dwelling units for senior citizens located on the floor or floors above such uses.
- D. Accessory uses, including indoor and outdoor recreation and leisure time facilities, congregate dining facilities, meeting rooms, off-street parking, maintenance buildings, and other customarily accessory structures and facilities incidental to the principal uses.

4.64. Housing types and minimum sizes. PAC housing may be apartment-style or attached, semi-attached or detached dwellings. Dwelling units may be for sale or rent. At least 75% of the units in the PAC development shall have two bedrooms. The balance may be a combination of one-bedroom and three-bedroom units. However not more than 10% of the total number of units shall be three-bedroom units.

4.65 Age restrictions.

- A. Occupancy of dwelling units within a Planned Adult Community shall be restricted to persons 55 years of age or older or couples, one of whose members is 55 years of age or older. Persons less than 18 years of age shall not be permanent residents under any circumstances. The foregoing restrictions shall not apply to one on-site caretaker/administrator, if so proposed as part of the PAC application, whose full-time job shall be the maintenance and/or management of the PAC development. Additionally, households containing one or more adult handicapped persons [over age 21 (as defined in § 8.12 of the Zoning Ordinance)] shall also be eligible.
- B. Restrictions relating to age and occupancy shall be set forth in a covenant, acceptable as to form, by the Town Attorney of the Town of Orangetown. Said covenant shall be recorded in the County Clerk's office and shall run with the land and shall bind all owners of the property.

4.66. Affordable units.

- A. As a condition of approval of the PAC, the Town Board may provide one additional bonus density unit per acre for the inclusion of affordable housing, provided that at least 50% of said bonus is set aside for affordable housing, and further provided that total bonus (affordable and market rate) does not exceed the maximum number of units per acre, as set forth in § 4.69 below.
- B. For owner-occupied units, the affordable units shall be sold at a price not to exceed 3.3 times 80% of the median family income for Rockland County, as established annually by the U.S. Department of Housing and Urban Development. A covenant shall be recorded in the County Clerk's office, which shall provide that resale of any affordable housing units may not sell for a price exceeding 3.3 times 80% of the median family income for Rockland County, as established annually by the U.S. Department of Housing and Urban Development.
- C. For rental units, the maximum monthly rent for the affordable units shall not exceed 25% times 80% of the median family income for Rockland County, as established annually by the U.S. Department of Housing and Urban Development, divided by 12 months. Said amount shall include utilities and common charges, if any.

4.67. Selection of occupants of affordable housing units. The Town of Orangetown shall develop procedures to guide in the solicitation of applications and the selection of potential occupants for the affordable units, with preference given to residents of the Town of Orangetown. The maximum household income for affordable units shall be 80% of the median income for Rockland County families, as established annually by the U.S. Department of Housing and Urban Development.

4.68. Location of affordable units. Affordable units shall be physically integrated and interspersed into the design of the development in a manner satisfactory to the Town Board.



avoiding designated affordable units being located adjacent to one another. The affordable units shall be distributed among various proposed bedroom-sized units in the same proportion as the overall development.

4.69. Lot and bulk controls for PAC developments.

A. Hamlet and other sites. Lot and bulk controls for PAC developments, as shown on Table I, shall differentiate between sites located within hamlet centers and other sites, as specified herein. In addition to meeting the requirements of § 4.62 above, hamlet center sites, as shown on the Potential PAC Zoning Map, shall be located within one-quarter-mile walking distance of the Pearl River, Orangeburg, Blauvelt, Sparkill or Tappan hamlet centers, as defined by the CS zoning in each hamlet center. Potential PAC sites outside the one-quarter-mile walking distance shall be considered to be "other sites" for purposes of the following lot and bulk controls.

**Table I  
Lot, Bulk and Parking Requirements**

	<b>Hamlet Center Sites Within Mile Distance of Specified CS and CC Districts</b>	<b>Redevelopment Sites Within Designated CS Districts</b>	<b>Other Sites</b>
Minimum lot area for a Planned Adult Community	1.25 acres	1 acre	10 acres
Base density	6 dwelling unit/acre	6 dwelling unit/acre	4 dwelling unit/acre
Potential bonus density*	1 dwelling unit/acre	1 dwelling unit/acre	1 dwelling unit/acre
Maximum floor area ratio	0.40	0.40	0.35
Maximum building coverage	65%	TBD	40%
Minimum open space	25%	TBD	40%
Maximum building height	2 stories or 35 feet, unless otherwise specified by Town Board as	2 stories or 35 feet, unless otherwise specified by Town Board as	2 stories or 35 feet

*Town of Orangetown  
PC/Codebook for Windows*

	part of PAC approval, in which 3 stories may be allowed	part of PAC approval, in which 3 stories may be allowed	
Minimum perimeter buffer	20 feet	TBD	50 feet
Minimum yards**	Unless otherwise specified by the Town Board as part of PAC approval, the following yards shall be provided;		
* Front	50 feet	TBD	100 feet
* Side (each)	50 feet	TBD	100 feet
* Rear 50 feet	50 feet	TBD	100 feet
Minimum street frontage	100 feet	100 feet	100 feet
Minimum building setback from internal roads	25 feet	TBD	25 feet
Minimum off-street parking	1.5 spaces/ dwelling unit	1.5 spaces/ dwelling unit	1.75 spaces/ dwelling unit
Minimum indoor and/or outdoor recreation	250 square feet/unit	TBD	250 square feet/unit
Minimum distance	25 feet, unless otherwise speci- fied by the Town Board as part of PAC approval, but not less than 15 feet	TBD	25 feet, between buildings other- wise specified by the Town Board as part of PAC approval, but not less than 15 feet
Maximum number of attached dwelling units without a building separation	8 dwelling units	TBD	6 dwelling units

\* 50% of any bonus allowed by the Town Board shall be affordable housing as specified in § 4.66 above

\*\* Yard requirements shall apply to the overall PAC site, not individual lots within the development, if

any.

TBD = To be determined as part of contextual zoning analysis.

B. Potential redevelopment sites within a CS District.

- (1) For eligible hamlet center sites physically located within a CS specified zoning district in Blauvelt, Tappan, Orangeburg, Sparkill and Pearl River, the Town Board may modify lot and bulk controls as part of its consideration of the rezoning to PAC, provided such modifications are designated to ensure compatibility with the building context of the CS District and areas adjacent to the subject site, including building setbacks to maintain the contextual streetscapes. Building context shall be determined by the Town Board through the review of actual dimensions (lot and bulk) for adjacent buildings and buildings across the street from the proposed redevelopment site.
- (2) In order to ensure contextual development in terms of use, the ground-floor area of redevelopment sites shall include retail, personal service, restaurant or office use.
- (3) Notwithstanding the contextual flexibility, the minimum lot area shall be 40,000 square feet, the maximum floor area ratio shall be 0.45 and the maximum density shall not exceed seven dwelling units per acre (six base density units plus up to one potential bonus unit per acre as otherwise specified herein).

C. Potential conversions of existing buildings in Pearl River, Tappan and Sparkill.

- (1) In the hamlet centers of Pearl River, Tappan and Sparkill, proposals for conversion of existing buildings in a CS Zoning District may be considered by the Town Board. Such buildings may contain senior apartment units above retail stores, professional offices, personal services establishments and restaurants, provided separate access to the senior units is provided, and further provided that all other applicable building code requirements are met. Conversion of space for ground-level apartments shall not be permitted. No square footage may be added to the building proposed for conversion other than the space necessary to provide suitable access.
- (2) Specific lot and bulk and controls and parking for these PAC building conversion sites shall be established by the Town Board as part of the rezoning process, recognizing that these regulations are applicable to the existing building only. Parking requirements shall consider the availability of on-site and off-site parking to serve the proposed housing.
- (3) In its consideration of potential conversions, the Town Board shall refer to criteria set forth in §§ 4.6.1 and 4.6.12D(3), as applicable, and other factors relating to the subject building itself.

4.610. Additional requirements.

A. The design and location of all buildings, recreational facilities and other site improvements

shall be consistent with the ultimate purpose of achieving pleasant living arrangements for persons 55 years of age or older and shall contemplate the desires and needs of such persons for privacy, participation in social and community activities and accessibility to all community facilities. As part of the approval of site plans, the Planning Board shall consider the potential need for additional visitor parking, possibly including on-site stabilized overflow parking areas.

- B. Consideration shall be given in planning walks, ramps and driveways so that all outdoor areas available to the residents shall be designed to permit residents to move about freely.
- C. All dwelling units shall incorporate design features which insure the safety and convenience of the senior residents. Amenities and architectural design features to serve the special needs of the population shall include emergency communication services connecting individual units with the clubhouse, gatehouse, on-site maintenance office and/or off-site premises monitoring service. Handicapped accessibility and adaptability shall also be part of the design for dwelling units and common facilities.
- D. Artificial lighting of walkways, parking areas and common buildings shall provide illumination sufficient for the convenience and safety of the residents.
- E. Buffer areas shall include existing vegetation and supplemental plantings. No structures, parking areas or roadways shall be located within a required buffer other than access drives to and from the site.
- F. The architectural design and landscape treatment of any proposed development shall be carefully devised to ensure compatibility of the proposed PAC development with surrounding buildings and open space areas. The design of developments shall require particular attention to the views of proposed buildings and parking lots from abutting sidewalks and roadways. The placement of parking areas and garages shall be sensitive to views from abutting roadways and sidewalks, with site plans and building designs established to emphasize building frontages rather than parking facilities for passing motorists and pedestrians. The Town Board shall request assistance from the Architecture and Community Appearance Board of Review (ACABOR) in its review of architecture and landscape design elements, including all provisions of this section.
- G. In determining the design and intensity of the PAC developments, existing environmental features shall be duly considered, particularly areas of steep slope that would affect the walkability of the site. Note 16 of the Notes to Use and Bulk Tables of the Zoning Ordinance<sup>EN(1)</sup> shall apply to all PAC sites, requiring adjustments to site area for environmental constraints.

4.611. Common property. The ownership, maintenance and preservation of common property shall be permanently assured to the satisfaction of the Town Attorney by the filing of appropriate easements, covenants and restrictions, as necessary. For ownership projects, the formation and

incorporation of a homeowner or condominium association shall be required to maintain common property. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance and to acquire liens, where necessary, against property owners for unpaid charges or assessments in accordance with the laws of the State of New York. In the event that the homeowner or condominium association fails to perform the necessary maintenance operations, the Town of Orangetown shall be authorized, but not obligated, to enter on such premises for the purpose of performing such operations and to assess the cost of so doing among all affected property owners.

4.612. Procedures.

A. Application for zone change to Planned Adult Community (PAC) shall be made to the Town Board in accordance with applicable provisions of § 10.5 of this chapter. A petition for a zone change shall be in a form sufficient to enable the Town of Orangetown to evaluate the applicant's proposal and its consistency with the intent, purposes and general design standards expressed herein. The petition for a zone change shall also be accompanied by the following:

- (1) A written description of the proposed development.
- (2) A concept plan including all the items listed below:
  - (a) The disposition of various land uses and the areas covered by each, in acres.
  - (b) A sketch of the interior road system with all existing and proposed rights-of-way and easements, whether public or private.
  - (c) Delineation of the various residential areas, indicating the number of dwelling units, square footage and bedrooms, by each housing type and square footage for accessory uses. The plans shall show the density, in dwelling units per acre, for the entire development. Sample floor plans shall be provided for each unit type.
  - (d) The open space system and proposed recreation facilities, and a statement as to how said system is to be preserved as such throughout the life of the development and how it is to be owned and maintained.
  - (e) An illustrative site plan, indicating the relationship between the proposed road system, parking lots, buildings, open spaces and other physical features.
  - (f) Schematic water, sanitary sewer and stormwater management systems and how they are proposed to be connected to the system in adjoining areas, or be built on the site.
  - (g) Physical characteristics of the site, including topography, areas of slope in excess of 15%, soils, rock outcrops, streams, wetlands, lakes, ponds and floodplains and all proposed alterations of said physical characteristics.
  - (h) Estimates of peak-hour traffic generation derived from recognized traffic engineering

source material or actual field counts, and its relation to surrounding development, including surrounding roads and intersections, including methods developed for mitigating any demonstrated adverse traffic impacts.

- (i) Analysis of market demand for the proposed senior development, based upon demographic factors and existing housing supply; such analysis shall include a review and conclusion concerning the anticipated number of occupants or purchasers of the specific proposed development who shall be existing residents of the Town of Orangetown. Such analysis shall be based upon a specific evaluation of individual market demand.
  - (j) Comparison of the proposed development under PAC to the likely development yield under existing zoning in terms of traffic, taxes and aesthetic issues.
  - (k) If the development is to be staged, a clear indication of how the staging is to proceed. The plan shall show each stage of development with the approximate time required for anticipated commencement and completion.
- B. The Town Board may retain professional consultants as deemed necessary in order to review any proposed PAC concept plans, with funding for said consultants provided by the applicant for the PAC development through the establishment of an escrow account. The amount of said escrow shall be determined by the Town Board in consultation with the applicant.
- C. Concurrent site plan and/or subdivision review. An applicant may submit a detailed site plan and/or subdivision concurrently with the petition for zone change to a Planned Adult Community development, subject to site plan and/or subdivision review procedures for the Town of Orangetown, including Planning Board review of said plans and related documentation. Approval of a site plan and/or subdivision may not however, occur until the rezoning to PAC occurs.
- D. Town Board action on the application for rezoning to a PAC district.
- (1) The Town Board shall refer the petition for rezoning and all accompanying maps, plans and reports to the Town Planning Board, the County Planning Department and other boards and agencies in accordance with applicable laws and regulations. Said boards, agencies and departments shall report back to the Town Board prior to a public hearing on the proposed rezoning.
  - (2) Following required public hearing(s) (which shall be held on notice which shall be furnished and accomplished by the applicant, at the sole cost and expense of the applicant, by mailing by first class mail at least seven days in advance to all property owners of properties located within 500 feet of any boundary of the property under consideration) and project review under the State Environmental Quality Review Act (SEQRA), the Town Board may approve or disapprove the rezoning petition in

- accordance with the provisions of applicable law.
- (3) As part of its decision to approve or disapprove a proposed PAC development, the Town Board shall make specific findings, based on its review of the submitted concept plan and other information garnered through the public hearing, SEQRA and planning reviews, with regard to:
    - (a) The likely marketability of the proposed units in relation to previously approved PAC developments throughout the Town.
    - (b) The potential saturation of PAC units in any given neighborhood.
    - (c) The suitability of the site for the senior population in terms of vehicular access, walkability for pedestrians and overall traffic concerns.
    - (d) The compatibility of the PAC site within its environment, including surrounding land uses and landscaped buffers, and in the case of redevelopment sites or conversions, with the contextual development of surrounding buildings and uses.
    - (e) Other relevant factors.
  - (4) The Town Board, at its discretion, may attach any reasonable conditions on an approval of a Planning Adult Community development as necessary to assure conformance with the intent and purposes of the Town Comprehensive Plan and the PAC regulations, as specified herein. The conditions of approval shall specify all relevant procedures for unit sale or rental, reoccupancy, income verification and related costs.
  - (5) If the rezoning is granted, the approved PAC district shall be duly noted on the Town's Zoning Map.

**ADDENDUM C (P)**  
**ABUTTING PROPERTIES**



<u>SWIS</u>	<u>PRINT KEY</u>	<u>NAME</u>	<u>ADDRESS</u>
392489	73.05-1-54	Glorious Sun Robert Martin LLC Management Office	1 Blue Hill Plz Ste 1553, Pearl River, NY 10965
392489	73.06-1-3	Town of Orangetown	28 Orangeburg Rd, Orangeburg, NY 10962
393489	73.10-1-1	Blue Hill Plaza Inn Inc Attn. Pearl River Hilton	Att. Mr William Maloney, 500 Veterans Memorial Dr, Pearl River, NY10965
392489	73.10-1-2	Town of Orangetown	26 Orangeburg Rd. Orangeburg, NY 10962
392489	73.10-1-3	Corwick Realty Corp Altus Group US Inc	P.O Box 71970, Phoenix, AZ 85050
392489	73.10-1-4	The Club at Pearl River LLC	16 Microlab Rd Ste A, Livingston, NJ 07039
392489	73.10-1-5	Millennium Management	16 Microlab Rd Ste A, Livingston, NJ 07039
392489	73.10-1-6	Hunter Douglas North America	1 Blue Hill Plaza, Pearl River, NY 10965
392489	73.14-1-1	Corwick Realty Corp Altus Group US Inc	P.O Box 71970, Phoenix, AZ 85050
392489	73.14-1-2	Corwick Realty Corp Altus Group US Inc	P.O Box 71970, Phoenix, AZ 85050

**ADDENDUM D**  
**ENVIRONMENTAL ASSESSMENT FORM**

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: The Reserve at Pearl River, LLC		
Project Location (describe, and attach a general location map): Section 73.10, Block 1, Lot 6-SE Corner of Blue Hill Plaza		
Brief Description of Proposed Action (include purpose or need): Under the "PAC" zone construct 55 years and older Active Adult Rental Apartments. 4 Buildings housing 110 apartments and the State-of-the-Art Clubhouse		
Name of Applicant/Sponsor: BNE Real Estate Group		Telephone: (973) 992-2443
		E-Mail: mpantirer@bnerealestate.com
Address: 16 Microlab Road		
City/PO: Livingston	State: NJ	Zip Code: 07039
Project Contact (if not same as sponsor; give name and title/role): Diego Villareale, PE		Telephone: 914 273-5225
		E-Mail: dvillareale@jmcpllc.com
Address: 120 Bedford Road		
City/PO: Armonk	State: NY	Zip Code: 10504
Property Owner (if not same as sponsor): Hunter Douglas North America Inc.		Telephone:
		E-Mail: Marko@hunterdouglas.com
Address: 1 Blue Hill Plaza		
City/PO: Pearl River	State: NY	Zip Code: 10965

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board (Site Plan Approval)	TBD
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board (Site Plan Approval)	TBD
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board	03/2021
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orangetown ACABOR (Site Plan Approval)	TBD
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Rockland County Planning, County Department of Health, County Highway (Site Plan Approval)	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC (Site Plan Approval)	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• <b>If Yes</b>, complete sections C, F and G.</li> <li>• <b>If No</b>, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
OP- Office Park District - PAC

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,  
i. What is the proposed new zoning for the site? PAC

**C.4. Existing community services.**

a. In what school district is the project site located? Pearl River

b. What police or other public protection forces serve the project site?  
Orangetown

c. Which fire protection and emergency medical services serve the project site?  
Pearl River

d. What parks serve the project site?  
Orangetown

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Multifamily Residential

b. a. Total acreage of the site of the proposed action? 22.58 acres  
b. Total acreage to be physically disturbed? 12.3 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 70.96 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: 18-24 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	110
At completion of all phases	_____	_____	_____	110

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: stormwater management basin  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: stormwater runoff  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ TBD million gallons; surface area: \_\_\_\_\_ TBD acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ TBD height; \_\_\_\_\_ TBD length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): Earth Fill. A stormwater detention basin will be constructed through excavation and embankment of existing soils

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ +32,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 the water main must be extended into the property to serve the proposed developemnt
- Source(s) of supply for the district: Reservoir

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ +32,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
 Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: Orangetown Sewage Treatment Plant
- Name of district: Orangetown
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 The existing sanitary main must be extended into the property to serve the proposed residential units. \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 4.85 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>in accordance with town code</u></li> <li>• Saturday: <u>in accordance with town code</u></li> <li>• Sunday: <u>in accordance with town code</u></li> <li>• Holidays: <u>in accordance with town code</u></li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>in accordance with town code</u></li> <li>• Saturday: <u>in accordance with town code</u></li> <li>• Sunday: <u>in accordance with town code</u></li> <li>• Holidays: <u>in accordance with town code</u></li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:

\_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
pole mounted lights for parking and driveway areas

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No

Describe: Some existing vegetation to be removed

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	4.85	+4.85
• Forested	22.58	16.48	-6.10
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	1.25	+1.25
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Wethersfield gravelly silt loam (WeB)	_____	50 %
Wethersfield-Urban land complex (W)	_____	38 %
Wethersfield gravelly silt loam (WeC)	_____	10 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 6 feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	98 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	_____	2 % of site
<input type="checkbox"/> Poorly Drained	_____	_____ % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	37 % of site
<input checked="" type="checkbox"/> 10-15%:	_____	37 % of site
<input checked="" type="checkbox"/> 15% or greater:	_____	26 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

---

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name unnamed Approximate Size 3.5
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

---

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
 If Yes:  
 i. Species and listing (endangered or threatened): \_\_\_\_\_  
 Bald Eagle  
 \_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
 If Yes:  
 i. Species and listing: \_\_\_\_\_  
 \_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

---

g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

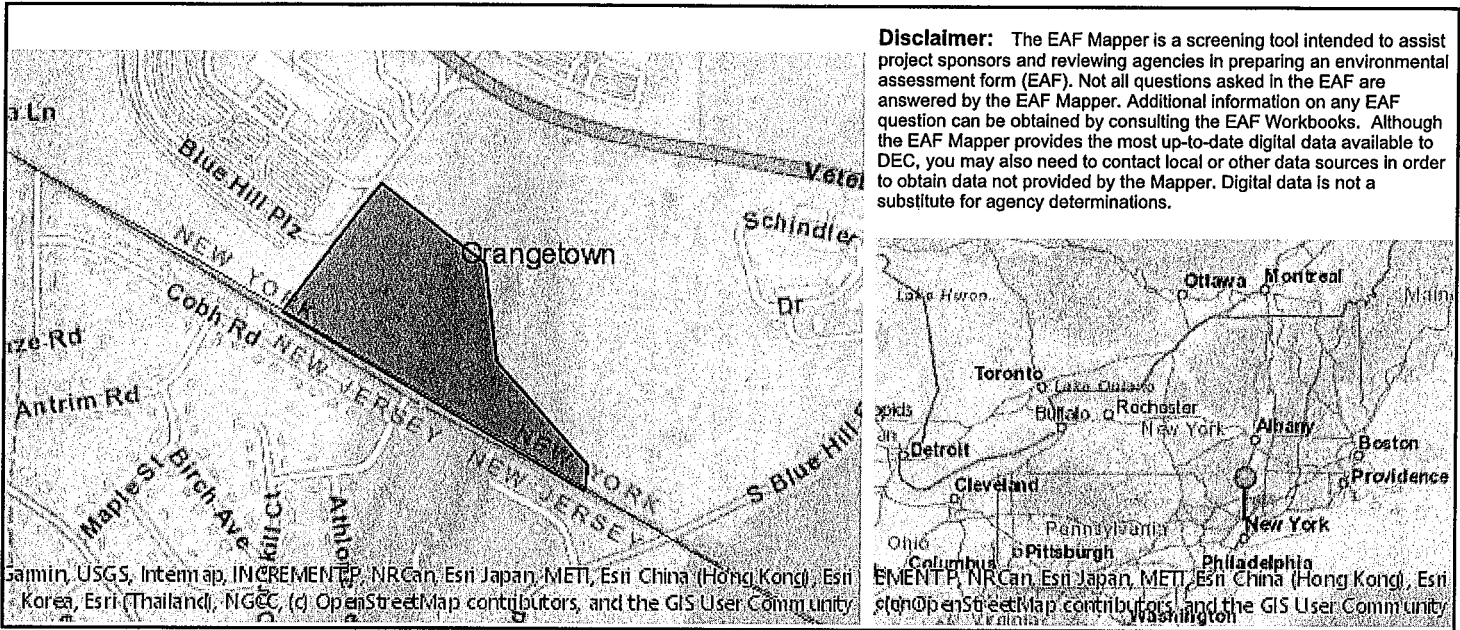
**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Diego Villarealle - Preparer Date March 8, 2021

Signature Diego Villarealle Title Associate Principal

**PRINT FORM**

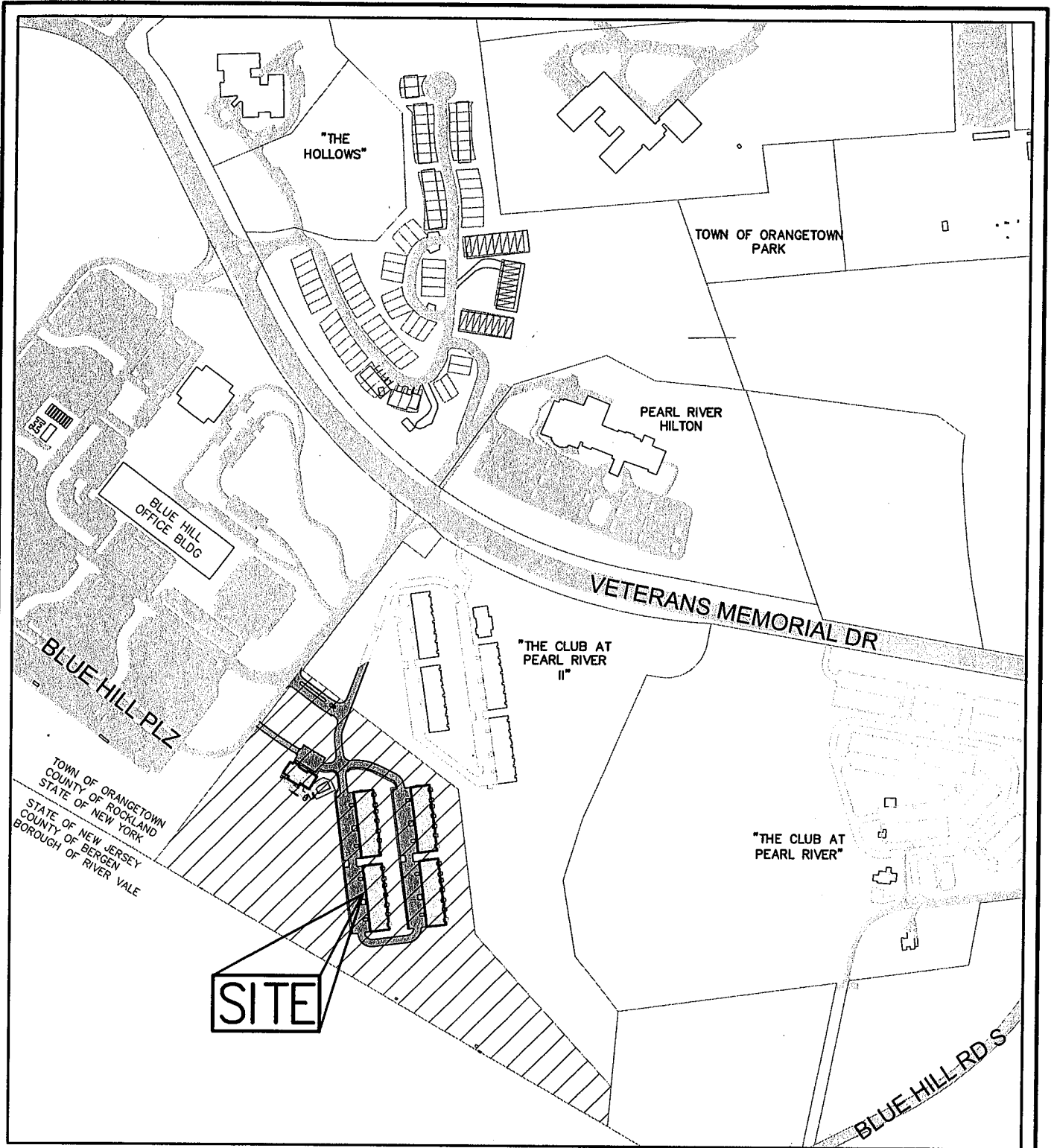


B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No



E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**EXHIBIT A**  
**SITE PLAN**

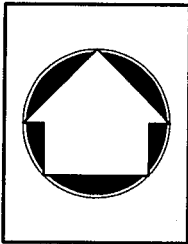


**THE RESERVE AT PEARL RIVER**  
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

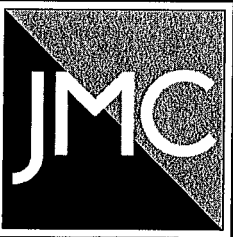
**EXHIBIT A**  
**CONCEPT PLAN**

DATE: 2/22/2021 JMC PROJECT: 20125

FIGURE: EX-A SCALE: 1"=500'



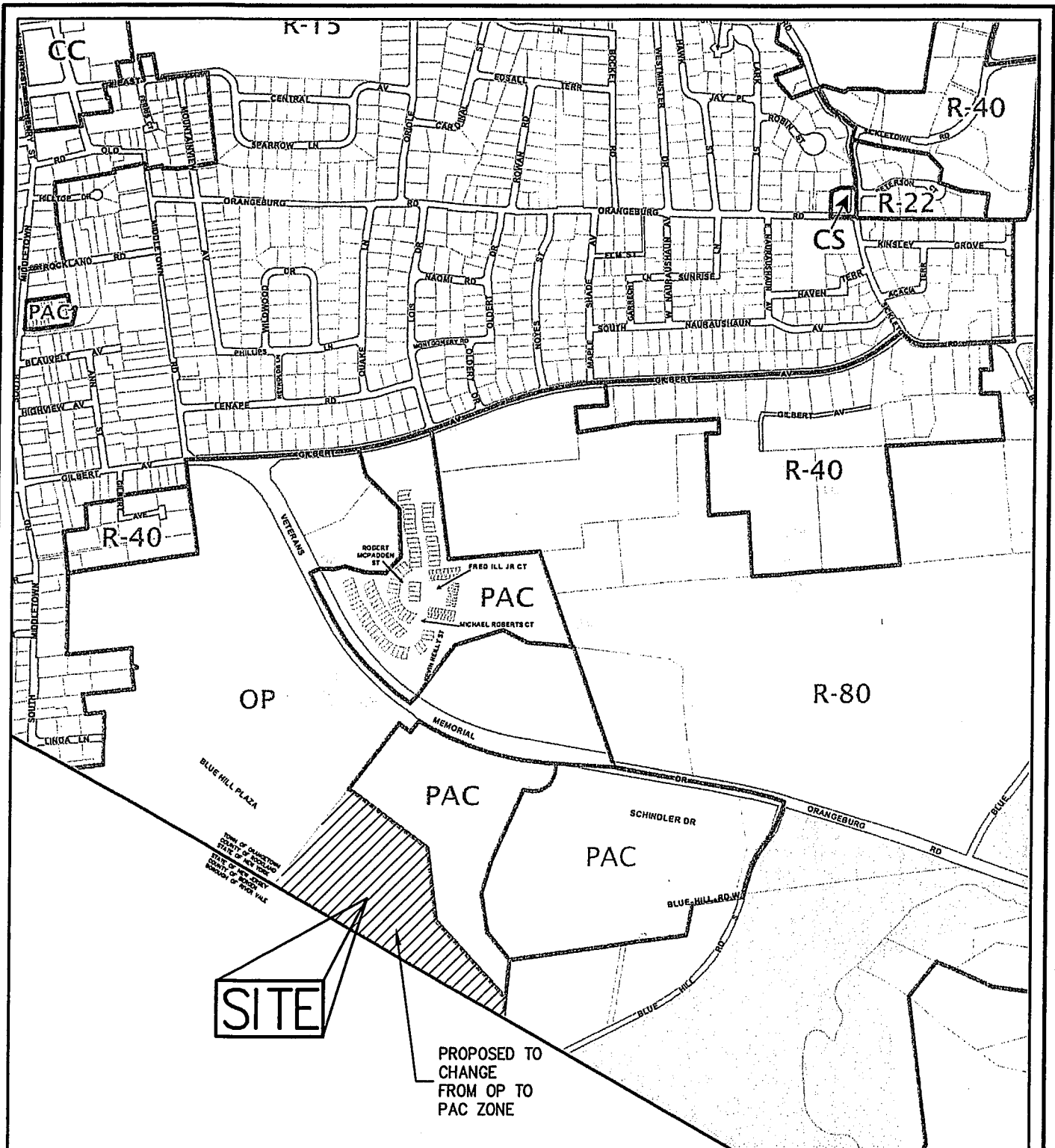
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**EXHIBIT B**

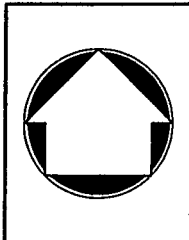
**VICINITY AND ZONING MAP**



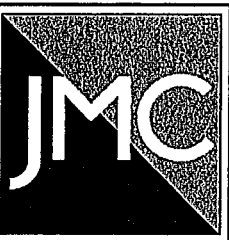
**THE RESERVE AT PEARL RIVER**  
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

**EXHIBIT B**  
**VICINITY AND ZONING MAP**  
 DATE: 2/22/2021 JMC PROJECT: 20125

FIGURE: EX-B SCALE: 1"=1000'

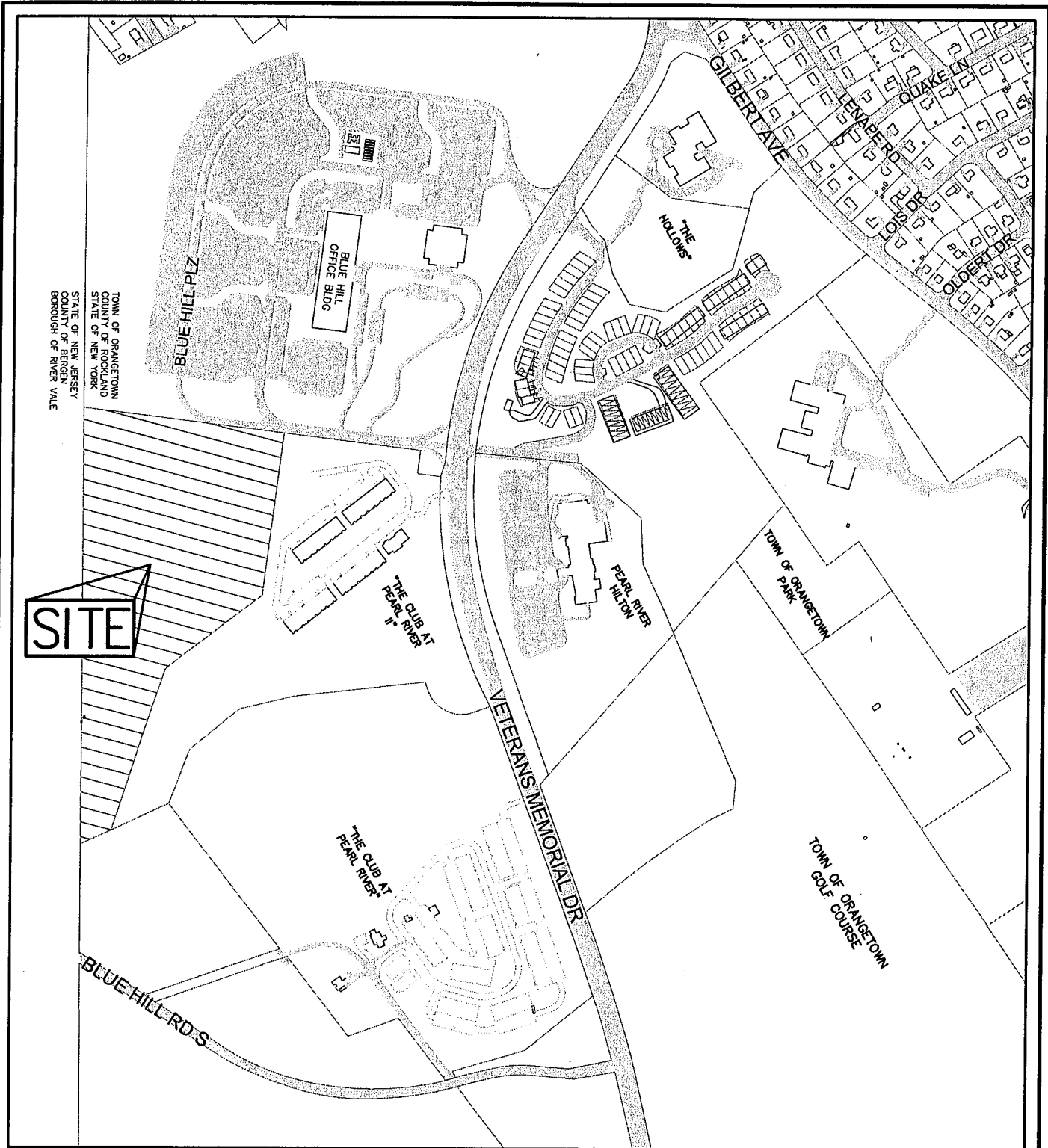


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**EXHIBIT C**  
**AREA USE MAP**



TOWN OF ORANGETOWN  
 COUNTY OF NEW YORK  
 STATE OF NEW YORK  
 COUNTY OF BERGEN  
 BOROUGH OF RIVER VALE

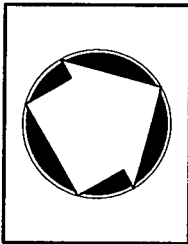
**SITE**

**THE RESERVE AT PEARL RIVER**  
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

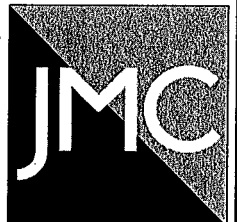
**EXHIBIT C**  
**AREA USE MAP**

DATE: 2/22/2021 JMC PROJECT: 20125

FIGURE: EX-C SCALE: 1"=600'



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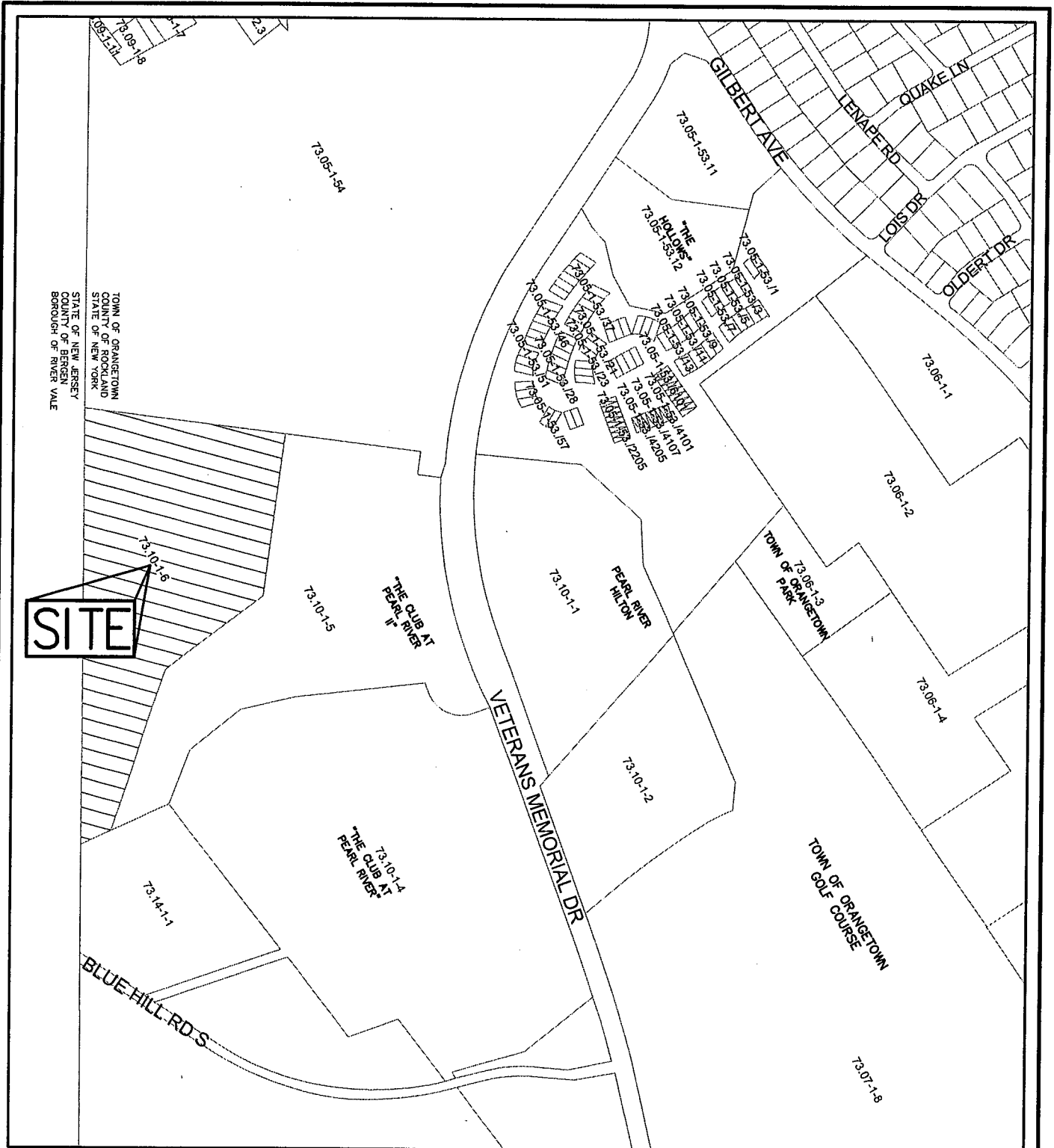


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**EXHIBIT D**

TAX LOT



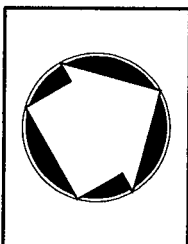


**THE RESERVE AT PEARL RIVER**  
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

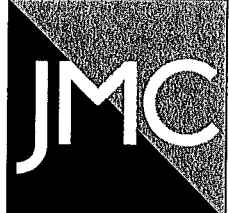
**EXHIBIT D**  
**MAP OF TAX LOTS**

DATE: 2/22/2021 JMC PROJECT: 20125

FIGURE: EX-D SCALE: 1"=600'



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**Local Law #\_\_\_ of 2018**

**CHANGING THE ZONING DISTRICT CLASSIFICATION FROM “OP” TO “PAC” FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER ON THE SOUTH SIDE OF VETERANS MEMORIAL DRIVE, EAST OF THE EXISTING BLUE HILL OFFICE COMPLEX AND WEST OF THE EXISTING POINTE II/CLUB AT PEARL RIVER, AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 73.10 – 1 – 6.**

BE IT ENACTED Town Board of the Town of Orangetown as follows:

*Section 1:* The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following property from OP to PAC:

The property located in the hamlet of pearl river on the south side of Veterans Memorial Drive, east of the existing Blue Hill office complex and west of the existing Pointe at Lake Tappan II, and shown on the tax map of the Town of Orangetown as Section, Block and Lot 73.10 – 1 – 6.

**Legal Description of Section 73.10 Block 1 Lot 6**

A parcel of land in the Town of Orangetown, Rockland County, New York, being Lot A on a map titled "Pearl River Veterans, LLC 3 Lot Subdivision" prepared by Henningson, Durham & Richardson, Architecture and Engineering, P.C. in Association with HDR Engineering, Inc., Surveyed by Maser Consulting, dated August 23, 2006, and filed in the Rockland County Clerk's Office as Map No. 7884, and also being a portion of Lot 2 as shown on a map titled "Subdivision of Property for Blue Hill Plaza, Inc." prepared by Atzl & Scatassa, Associates P.C., dated September 6, 1984 and filed in the Rockland County Clerk's Office as Map No. 5700, more particularly bounded and described as follows:

BEGINNING at a point along the division line between said Lot A on the southeast and Lot 1 as shown on said Map No. 5700 on the northwest at its point of intersection with the division line between the State of New York on the northeast and the State of New Jersey, Bergen County, Township of River Vale on the southwest;

Thence along said division line between said Lot A on the southeast and Lot 1 on the northwest and in part along the southeasterly line of Blue Hill Plaza North 49

degrees 38 minutes 45 seconds East, 874.39 feet to its point of intersection with the division line between said Lot A on the southwest and Lot Bas shown on said Map No 7884 on the northeast;

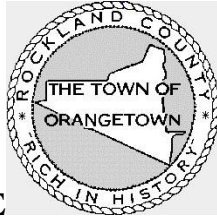
- 1) South 40 degrees 19 minutes 44 seconds East, 708.47 feet to a point;
- 2) South 05 degrees 06 minutes 18 seconds West, 529.24 feet to a point;
- 3) South 29 degrees 32 minutes 26 seconds East, 737.57 feet to the division line between the herein described parcel of land on the west and lands now or formerly of Corwick Realty Corporation of the east;

Thence along said division line, South 17 degrees 22 minutes 01 seconds West, 143.64 feet to the division line between the State of New York on the northeast and the State of New Jersey, Bergen County, Township of River Vale on the southwest;

Thence along said division line, North 47 degrees 32 minutes 14 seconds West, 1,895.75 feet to the POINT OF BEGINNING

*Section 2:* This law shall take effect immediately upon filing with the Secretary of State.

HP Compaq Elite 8300 SFF	2UA30506PK
HP Compaq Elite 8300 SFF	2UA30506PR
HP Compaq Elite 8300 SFF	2UA30506PY
HP EliteDesk 800 G1 SFF	2UA4110Z1F
HP Compaq Elite 8300 SFF	2UA30506PP
HP Compaq Elite 8300 SFF	2UA30506PT
HP Compaq Elite 8300 SFF	2UA30506Q1
HP Compaq Elite 8300 SFF	2UA2500YWN
HP Compaq Elite 8300 SFF	2UA30506Q3
HP Compaq 8200 Elite SFF PC	2UA1460WDM
HP EliteDesk 800 G1 SFF	2UA4110Z17
HP Compaq Elite 8300 SFF	2UA3190GWM
HP Compaq Elite 8300 SFF	2UA30506PN
HP Compaq Elite 8300 SFF	2UA30506PL
HP Compaq Elite 8300 SFF	2UA30506Q0
HP Compaq Elite 8300 SFF	2UA30506PW
HP Compaq Elite 8300 SFF	2UA30506PS
HP Compaq Elite 8300 SFF	2UA30506PV
HP EliteDesk 800 G1 SFF	2UA4110Z1B
HP Compaq 8200 Elite SFF PC	2UA1460WDP



**TOWN ATTORNEY'S OFFICE**

**INTER-OFFICE MEMORANDUM**

**DATE:** May 19, 2021

**TO:** Rosanna Sfraga, Town Clerk (with originals)

**cc:** Town Board Members (w/o encl.)  
Kimberly Allen, Administrative Secretary to the Supervisor (w/o encl.)  
Ellie Fordham, Secretarial Assistant II, DEME (w/o encl.)

**FROM:** Dennis D. Michaels, Deputy Town Attorney

**RE:** Certificate of Plumbing Registration (Sewer Work) 2021

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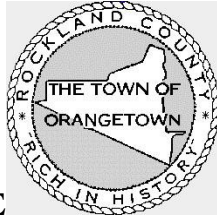
The following applicant is qualified, pursuant to the qualification certificate received from Eamon Reilly, Commissioner of the Department of Environmental Management and Engineering (original attached), and the bond and insurance certificates having been reviewed and approved (originals attached), from a legal standpoint, by the Office of the Town Attorney.

Pro Cut Landscaping  
11 Pineview Road  
West Nyack, NY 10994  
Tel.: 845-727-8815

This Certificate of Registration has been placed on the next Regular Town Board Meeting agenda scheduled for May 25, 2021.

Should you have any questions, please do not hesitate to contact this Office.

encl.



**TOWN ATTORNEY'S OFFICE**

**INTER-OFFICE MEMORANDUM**

DATE: May 19, 2021

TO: Rosanna Sfraga, Town Clerk (with originals)

cc: Town Board Members (w/o encl.)  
Kimberly Allen, Administrative Secretary to the Supervisor (w/o encl.)  
Ellie Fordham, Secretarial Assistant II, DEME (w/o encl.)

FROM: Dennis D. Michaels, Deputy Town Attorney

RE: Certificate of Plumbing Registration (Sewer Work) 2021

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The following applicant is qualified, pursuant to the qualification certificate received from Eamon Reilly, Commissioner of the Department of Environmental Management and Engineering (original attached), and the bond and insurance certificates having been reviewed and approved (originals attached), from a legal standpoint, by the Office of the Town Attorney.

TAL Services LLC  
64 Central School Road  
Wantage, NJ 07641  
Tel.: 914-403-2758

This Certificate of Registration has been placed on the next Regular Town Board Meeting agenda scheduled for May 25, 2021.

Should you have any questions, please do not hesitate to contact this Office.

encl.

PB #20-08: Maloney Subdivision Plan      Tracking # 20-01-68.11-2-70  
Recommendation to the Town Board  
To Establish the Term and Value of the Performance Bond

Town of Orangetown Planning Board Decision  
January 29, 2020  
Page 1 of 2

TO:            Jay Greenwell, 85 Lafayette Avenue, Suffern, New York  
FROM:        Orangetown Planning Board

RE:            **Maloney Minor Subdivision:** The application of Michael Maloney, owner, for a Recommendation to the Town Board to Establish the Value and Term of the Performance Bond at a site to be known as "**Maloney Minor Subdivision 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 21 of the Code of the Town of Orangetown. The site is located at 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 29, 2020**, the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated January 22, 2020.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., A.I.A., Director, dated January 24, 2020.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 14, 2020.

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 Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, absent; William Young - Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent and Stephen Sweeney, aye.

TOWN OF ORANGETOWN  
2020 FEB 27 P 2:26  
TOWN CLERK'S OFFICE

**PB #20-08: Maloney Subdivision Plan**      Tracking # 20-01- 68,11-3-70  
**Recommendation to the Town Board**  
**To Establish the Term and Value of the Performance Bond**

**Town of Orangetown Planning Board Decision**  
**January 29, 2020**  
**Page 2 of 2**

**RECOMMENDATION:** In view of the foregoing, the Planning Board **Recommended to the Orangetown Town Board** the value and term of the Performance Bond in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 14, 2020.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before January 29, 2022 and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Iron Pins	\$ 900.00
As-Built Drawings	3,600.00
Storm Drainage	82,405.00
Soil Erosion & Sediment Control	22,920.00
<b>Sub-Total</b>	<b>\$ 109,805.00</b>
Administrative Close-out (20% of Sub-Total)	\$ 21,961.00
<b>Total Bond</b>	<b>\$ 131,766.00</b>

**Inspection Fee:**

(3% of Sub Total of original bond amount) \$ 3,294.15

To be submitted to DEME prior to Signing the Site Plan.

The foregoing Resolution was made and moved by Michael Mandel and second by Stephen Sweeney and carried as follows: Thomas Warren - Chairman, absent; William Young - Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, absent; Stephen Sweeney, aye and Robert Dell, aye.

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

**DATED: January 29, 2020**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**



TOWN CLERK'S OFFICE  
2020 FEB 27 P 2:29  
TOWN OF ORANGETOWN



**PB #21-26: Maloney Minor Subdivision – Recommendation to the Town Board to Release Partial Performance Bond**

**Town of Orangetown Planning Board Recommendation**  
**April 28, 2021**  
**Page 1 of 2**

**TO: Michael Maloney, 60 Fisher Avenue, Pearl River, New York**  
**FROM: Town of Orangetown Planning Board**

**RE: Maloney Minor Subdivision – Release of Partial Performance Bond:** The application of Michael Maloney, owner, for a Recommendation to the Town Board for Partial Release of the Performance Bond at a site to be known as “**Maloney Minor Subdivision Plan– Release of Partial Performance Bond**” in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 60 Fisher Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 70 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a virtual meeting held **Wednesday, April 28, 2021**, at which time the Board made the following determinations:

Michael Maloney appeared and testified.

The Board received the following communications:

1. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P.E., Commissioner, dated April 2, 2021 and from the Highway Department, signed by James Dean, Superintendent of Highways, dated April 6, 2021.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 14, 2020.
3. A copy of PB #20-08, Recommendation to the Town Board to Establish the Term and Value of the Performance Bond, dated January 29, 2020.

The Hearing was open to the public.

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by William Young - Vice Chairman and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, aye and Stephen Sweeney, absent.

301110 S.KR373 NAO1  
h0:1 4 31 YW 1702  
NA013GNVRO JO NAO1

**PB #21-26: Maloney Minor Subdivision – Recommendation to the Town Board to Release Partial Performance Bond**

**Town of Orangetown Planning Board Recommendation**  
**April 28, 2021**  
**Page 2 of 2**

**RECOMMENDATION:** In view of the foregoing, the Planning Board **Recommended to the Town of Orangetown Town Board to Release Partial Performance Bond**, as outlined in the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Eamon Reilly, P. E., Commissioner, dated April 2, 2021 and from the Highway Department, signed by James Dean, Superintendent of Highways, dated April 6, 2021. As stated in the memorandum: "Actual amount of Bond authorized to be released \$128,166.00." The Town of Orangetown will be retaining the amount of \$3,600.00 for Final As-Builts drawings.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young - Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond, aye and Stephen Sweeney, absent.

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

**Dated: April 28, 2021**  
**Cheryl Coopersmith**  
*Cheryl Coopersmith*  
**Town of Orangetown Planning Board**

3011FF0 S.KR373 NMO1  
H0:1 P 13 YW 1207  
NMO13GNVRO FO NMO1

McCULLOUGH, GOLDBERGER & STAUDT, LLP  
 ATTORNEYS AT LAW  
 1311 MAMARONECK AVENUE, SUITE 340  
 WHITE PLAINS, NEW YORK

FRANK S. McCULLOUGH, JR.  
 JAMES STAUDT  
 LINDA B. WHITEHEAD  
 SETH M. MANDELBAUM

AMANDA L. BROSY  
 EDMUND C. GRAINGER, III  
 PATRICIA W. GURAHIAN  
 MEREDITH A. LEFF  
 MORGAN H. STANLEY  
 KEVIN E. STAUDT  
 STEVEN M. WRABEL

CHARLES A. GOLDBERGER  
 COUNSEL

10605

(914) 949-6400

FAX (914) 949-2510

WWW.McCULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH (1905-1999)  
 EVANS V. BREWSTER (1920-2005)

May 11, 2021

Rick Pakola  
 Deputy Town Attorney  
 Town of Orangetown  
 26 W. Orangeburg Rd.,  
 Orangeburg, NY 10962

MAY 13 2021

Re: Onyx Management Group, L.L.C.  
 Restrictive Covenant  
800 Bradley Hill Road

Dear Mr. Pakola:

This firm represents Onyx Management Group, LLC (“Onyx” or the “Applicant”), the manager of the properties identified as Section 65.18, Block 1, Lot 4 (“700 BHR”, owned by AG-OE 700 Bradley Hill Road Owner, L.L.C.) and Section 65.18, Block 1, Lot 3 (“800 BHR”, owned by AG-OE 800 Bradley Hill Road Owner, L.L.C.) on the Town of Orangetown Tax Map and commonly known as 700 and 800 Bradley Hill Road.

As you may recall, on February 10, 2021, the Town of Orangetown Planning Board issued final Site Plan approval for the use of 700 and 800 Bradley Hill Road by United Parcel Service (“UPS”). See PB # 21-05, 21-06. Specifically, the building at 700 Bradley Hill Road will be used as a UPS last-mile distribution facility, with a portion of the 800 Bradley Hill Road parking lot reserved for use by UPS.

As a condition of approval, the Planning Board required that the Applicant prepare and record a parking and access easement for the use of the 800 Bradley Hill Road parking area by the occupant of 700 Bradley Hill Road. Additionally, the Planning Board required that the Applicant execute a restrictive covenant between the owner of 800 Bradley Hill Road and the Town to restrict use of the parking area by future occupants of the 800 Bradley Hill Road. The parking and access easement was executed and recorded with the Rockland County Clerk on April 14, 2021.<sup>1</sup> Accordingly, Onyx now intends to execute and record the restrictive covenant for the parking area at 800 Bradley Hill Road.

<sup>1</sup> Instrument No. 2021-00015922

Per our recent discussion, please find attached hereto a copy of the restrictive covenant and Form TP-584, each executed by representatives of PG-OE 800 Bradley Hill Road Owner LLC. We respectfully request that a resolution authorizing the Town Supervisor to sign and execute this restrictive covenant be scheduled on the first available Town Board agenda for review and approval by the Board. Thereafter, please have the Town Supervisor that the Town execute the restrictive covenant and TP-584, and return same to us so that our office may record the instrument with the Rockland County Clerk. If you require any additional materials or the original copies of these documents, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Morgan H. Stanley", with a long horizontal flourish extending to the right.

Morgan H. Stanley

MHS

Enc.

cc: Onyx Equities LLC

**RESTRICTIVE COVENANT**

This Covenant made as of this \_\_\_\_\_ day of \_\_\_\_\_, between PG-OE 800 Bradley Hill Road Owner, LLC (hereinafter “Owner” and also referred to as the Party of the First Part), as owner of 800 Bradley Hill Road, Town of Orangetown, County of Rockland, State of New York (more fully identified as Section 65.18, Block 1, Lot 3 on the Orangetown Tax Map, hereinafter referred to as Parcel I), which property is set forth in a deed to PG-OE 800 Bradley Hill Road Owner, LLC dated March 22, 2021 recorded as Instrument No. 2021-00017550 in the Rockland County Clerk’s Office on April 19, 2021, which deed is incorporated herein by reference, and the TOWN OF ORANGETOWN, a New York municipal corporation with offices located at 26 Orangeburg Road, Orangeburg, New York (also referred herein as the Party of the Second Part).

**WITNESSETH:**

WHEREAS, Parcel I is more particularly described in the legal description attached hereto as Exhibit A; and

WHEREAS, the owner of 700 Bradley Hill Road, Town of Orangetown, County of Rockland, State of New York (Section 65.18, Block 1, Lot 4 on the Orangetown Tax Map, hereafter referred to as Parcel II), together with the Party of the First Part, filed an application for Site Plan Approval with the Orangetown Planning Board (hereinafter the “Planning Board”), requesting approval for United Parcel Service, Inc. to occupy and use a portion of the building located on Parcel II, which application was approved by the Planning Board on February 10, 2021, as set forth in PB Decision # 21-05 and 21-06, and

WHEREAS, as a condition of Site Plan Approval pursuant to Planning Board Decision PB# 21-05 and 21-06, in connection with the use of a portion of the building located at Parcel II,

the Owner was required to provide access and parking on a portion of the paved parking area located on Parcel I, as depicted by the easement diagram and corresponding metes and bounds descriptions attached hereto as Exhibit B, Exhibit C, and Exhibit D and

WHEREAS, an access and parking easement agreement, dated March 2, 2021 and recorded as Instrument No. 2021-00015922 in the Rockland County Clerk's Office on April 14, 2021, which easement is incorporated herein by reference, was executed between the owners of Parcel I and Parcel II, granting the owner of Parcel II a perpetual, exclusive easement for maintenance and use of parking spaces on Parcel I, and a perpetual, non-exclusive easement for access to and from parking spaces at Parcel I by means of roadways located on Parcel I, and

WHEREAS, the owners of Parcel I and Parcel II are commonly owned by Hudson Crossing JV, LLC, as depicted on the Organization Chart attached hereto as Exhibit E:

**NOW, THEREFORE**, in consideration of the foregoing recitals, the terms, covenants, conditions, promises, agreements and provisions contained or referred to herein, the Owner, as party of the first part, intending to be legally bound, for itself and its successors and/or assigns covenants and agrees as follows:

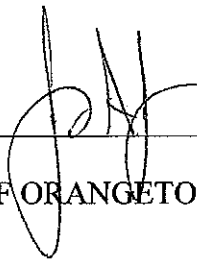
1. That the portion of the property described herein as Parcel I and in Instrument No. 2021-00017550 and known as Tax Lot 3, which currently consists of an industrial building and paved parking area, which parking area is required for meeting the parking needs and requirements of Site Plan Approval for Parcel II, as described in Instrument No. 2021-00017549 and known as Tax Lot 4, must remain a parking area for the purposes of meeting the parking requirements of (and as shown on) the Site Plan Approval for both Parcels referenced herein. Failure to provide access and use of Parcel I as a parking area for Parcel II shall be a violation of the terms

of this Covenant, and of the Planning Board approvals referenced herein, and any Certificate of Occupancy issued for the property with respect thereto.

- 2. This Restrictive Covenant shall run with the land and shall be binding upon the Owner, its successors and/or assigns, and upon all future owners of any of the property described in Instrument No. 2021-00017550.
- 3. The terms of this Restrictive Covenant may only be amended by an Agreement, in writing, executed by the owners, from time to time, of the property described in Instrument No. 2021-00017550, and the authorized representative(s) of the Party of the Second Part. Any change that has not been authorized by the Town of Orangetown Planning Board may result in a violation of the Site Plan Approval and Certificate of Occupancy for the subject properties.

**IN WITNESS WHEREOF**, this Restrictive Covenant has been executed or caused to be executed by the duly authorized representative(s) of the party of the first part and party of the second part as of the day and year first set forth above.


PG-OE 800 BRADLEY HILL ROAD OWNER, LLC

By:  \_\_\_\_\_  
 TOWN OF ORANGETOWN

By: \_\_\_\_\_

STATE OF NEW JERSEY            ss.  
COUNTY OF MIDDLESEX

On the 10 day of May in the year 2021 before me, the undersigned, a notary public in and for said state, personally appeared John A. Saraceno, Jr., 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, that he is authorized to execute same in his capacity as set forth above, and that by his signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

  
Notary Public **PATRICIA J. GLEN**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires 6/19/2024**

STATE OF NEW YORK            ss.  
COUNTY OF ROCKLAND

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2021 before me, the undersigned, a notary public in and for said state, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, that he is authorized to execute same in his capacity as set forth above, and that by his signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

Please record  
and return to: Richard Pakola, Deputy Town Attorney  
Town Attorney's Office  
Town of Orangetown  
26 Orangeburg Road  
Orangeburg, New York 10962



**EXHIBIT A****METES AND BOUNDS DESCRIPTION  
800 BRADLEY HILL ROAD  
SECTION 65.18, BLOCK 1, LOT 3**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK, SHOWN AND DESIGNATED AS PART OF LOT #14 ON A CERTAIN MAP ENTITLED "BRADLEY INDUSTRIAL PARK" IN THE TOWN OF ORANGETOWN MADE BY ADLER, CARUSO & YOUNG, P.C. DATED 5/10/74 AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF ROCKLAND ON 10/29/76 IN BOOK 90 OF MAPS AT PAGE 55 AS MAP 4773, AND AS LOT #14 ON "AMENDMENT TO MAP NO. 4773", DATED 9/15/82 AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF ROCKLAND ON 3/21/83 IN BOOK 99 OF MAPS AT PAGE 73 AS MAP 5466, SAID LOT BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF LANDS OF CONSOLIDATED RAIL CORP. (F.K.A. WEST SHORE RAILROAD), WHERE THE SAME IS INTERSECTED BY THE DIVISION LINE BETWEEN PREMISES BEING DESCRIBED HEREIN AND SECTION 65.18, BLOCK 1, LOT 4, LANDS NOW OR FORMERLY OF LINCOLN MERCURY HOLDING CO., LLC;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE LANDS OF CONSOLIDATED RAIL CORP.;

1. NORTH 28 DEGREES - 23 MINUTES - 13 SECONDS WEST, A DISTANCE OF 631.58 FEET TO A POINT, THENCE;
2. NORTH 23 DEGREES - 11 MINUTES - 37 SECONDS EAST, A DISTANCE OF 0.63 FEET TO A POINT, THENCE;
3. NORTH 31 DEGREES - 52 MINUTES - 01 SECONDS WEST, A DISTANCE OF 8.03 FEET TO A POINT AND CORNER TO SECTION 65.18, BLOCK 1, LOT 1, LANDS NOW OR FORMERLY PONTIAC HOLDING LLC, THENCE;
4. ALONG THE LINE OF LOT 1, NORTH 32 DEGREES - 01 MINUTES - 03 SECONDS EAST, A DISTANCE OF 52.49 FEET TO A POINT AND CORNER TO SECTION 65.14, BLOCK 1, LOT 11.1 LANDS NOW OR FORMERLY OF ARC FEORTNYOOL LLC, THENCE THE FOLLOWING SIX (6) COURSES ALONG LOT 11.1;
5. NORTH 89 DEGREES - 22 MINUTES - 34 SECONDS EAST, A DISTANCE OF 147.31 FEET TO A POINT, THENCE;
6. SOUTH 57 DEGREES - 11 MINUTES - 56 SECONDS EAST, A DISTANCE OF 148.43 FEET TO A POINT, THENCE;

7. NORTH 71 DEGREES - 48 MINUTES - 04 SECONDS EAST, A DISTANCE OF 149.82 FEET TO A POINT, THENCE;
8. SOUTH 49 DEGREES - 11 MINUTES - 56 SECONDS EAST, A DISTANCE OF 74.58 FEET TO A POINT, THENCE;
9. SOUTH 27 DEGREES - 11 MINUTES - 56 SECONDS EAST, A DISTANCE OF 186.12 FEET TO A POINT, THENCE;
10. SOUTH 10 DEGREES - 12 MINUTES - 02 SECONDS EAST, A DISTANCE OF 100.32 FEET TO A POINT AND CORNER TO SECTION 65.18, BLOCK 1, LOT 5, LANDS NOW OR FORMERLY OF PONTIAC HOLDING LLC, THENCE;
11. ALONG THE LINE OF LOT 5, SOUTH 35 DEGREES - 42 MINUTES - 31 SECONDS EAST, A DISTANCE OF 39.67 FEET TO A POINT AND CORNER TO SECTION 65.18, BLOCK 1, LOT 4, THENCE;
12. ALONG THE LINE OF LOT 4, SOUTH 54 DEGREES - 17 MINUTES - 29 SECONDS WEST, A DISTANCE OF 3.40 FEET TO A POINT AND CORNER OF LAND ACQUISITION "B" PER INSTRUMENT 2008-21830, THENCE THE FOLLOWING TWO (2) COURSES ALONG LAND ACQUISITION "B";
13. NORTH 35 DEGREES - 02 MINUTES - 51 SECONDS WEST, A DISTANCE OF 16.38 FEET TO A POINT, THENCE;
14. SOUTH 55 DEGREES - 23 MINUTES - 34 SECONDS WEST, A DISTANCE OF 12.53 FEET TO A POINT IN THE NORTHEASTERLY LINE OF A 20' WIDE SANITARY SEWER EASEMENT TO THE TOWN OF ORANGETOWN AS REFERENCED IN INSTRUMENT ID 2008-21830, THENCE;
15. ALONG THE NORTHEASTERLY LINE OF THE SAID 20' SANITARY SEWER EASEMENT, NORTH 34 DEGREES - 44 MINUTES - 58 SECONDS WEST, A DISTANCE OF 29.50 FEET TO A POINT IN THE LINE OF SECTION 65.18, BLOCK 1, LOT 2, LANDS NOW OR FORMERLY OF THE TOWN OF ORANGETOWN, THENCE THE FOLLOWING THREE (3) COURSES ALONG LOT 2;
16. NORTH 61 DEGREES - 32 MINUTES - 44 SECONDS EAST, A DISTANCE OF 11.46 FEET TO A POINT, THENCE;
17. NORTH 28 DEGREES - 27 MINUTES - 16 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT, THENCE;
18. SOUTH 61 DEGREES - 32 MINUTES - 44 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT, THENCE;

19. ALONG THE LINE OF LOT 2, AND ALONG THE LINE OF LAND ACQUISITION "A" PER INSTRUMENT 2008-21830, SOUTH 28 DEGREES - 27 MINUTES - 16 SECONDS EAST, A DISTANCE OF 101.39 FEET TO A POINT IN THE LINE OF LOT 4, THENCE;

20. ALONG THE LINE OF LOT 4, SOUTH 54 DEGREES - 17 MINUTES - 29 SECONDS WEST, A DISTANCE OF 334.62 FEET TO THE POINT AND PLACE OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND FOR UTILITY PURPOSES OVER THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK, SHOWN AND DESIGNATED AS PART OF LOTS #14-1 AND 14-2 ON A CERTAIN MAP ENTITLED "BRADLEY INDUSTRIAL PARK" IN THE TOWN OF ORANGETOWN MADE BY ADLER, CARUSO & YOUNG, P.C. DATED 5/10/74 AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF ROCKLAND ON 10/29/76 IN BOOK 90 OF MAPS AT PAGE 55 AS MAP 4773, AND AS PART OF LOTS #14-1 AND 14-2 ON "AMENDMENT TO MAP NO. 4773", DATED 9/15/82 AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF ROCKLAND ON 3/21/83 IN BOOK 99 OF MAPS AT PAGE 73 AS MAP 5466, SAID LOT BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE NORTHERLY LINE OF BRADLEY PARKWAY EXTENSION WITH THE WESTERLY LINE OF LOT #14-2 AS IT APPEARS ON THE AFORESAID MAP,

RUNNING THENCE ALONG THE WESTERLY LINE OF SAID LAND AND THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF THE PENN CENTRAL COMPANY THE FOLLOWING COURSES AND DISTANCES:

NORTH 29° 33' 26" WEST 267.34 FEET;

NORTH 81° 25' 26" WEST 75.26 FEET;

NORTH 29° 28' 18" WEST 894.44 FEET;

NORTH 28° 23' 13" WEST 213.61 FEET TO THE SOUTHERLY LINE OF LOT #14 ON SAID MAP;

RUNNING THENCE ALONG THE SOUTHERLY SIDE OF SAID LOT NORTH 54° 17' 29" EAST 52.56 FEET TO A POINT;

THENCE SOUTH 28° 24' 26" EAST 187.48 FEET TO A POINT;

THENCE SOUTH 29° 33' 26" EAST 797.28 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET AN ARC DISTANCE OF 69.12 FEET TO A POINT;

THENCE SOUTH  $62^{\circ} 33' 26''$  EAST 27.23 FEET TO A POINT OF CURVATURE;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 160.00 FEET AN ARC DISTANCE OF 92.15 FEET TO A POINT;

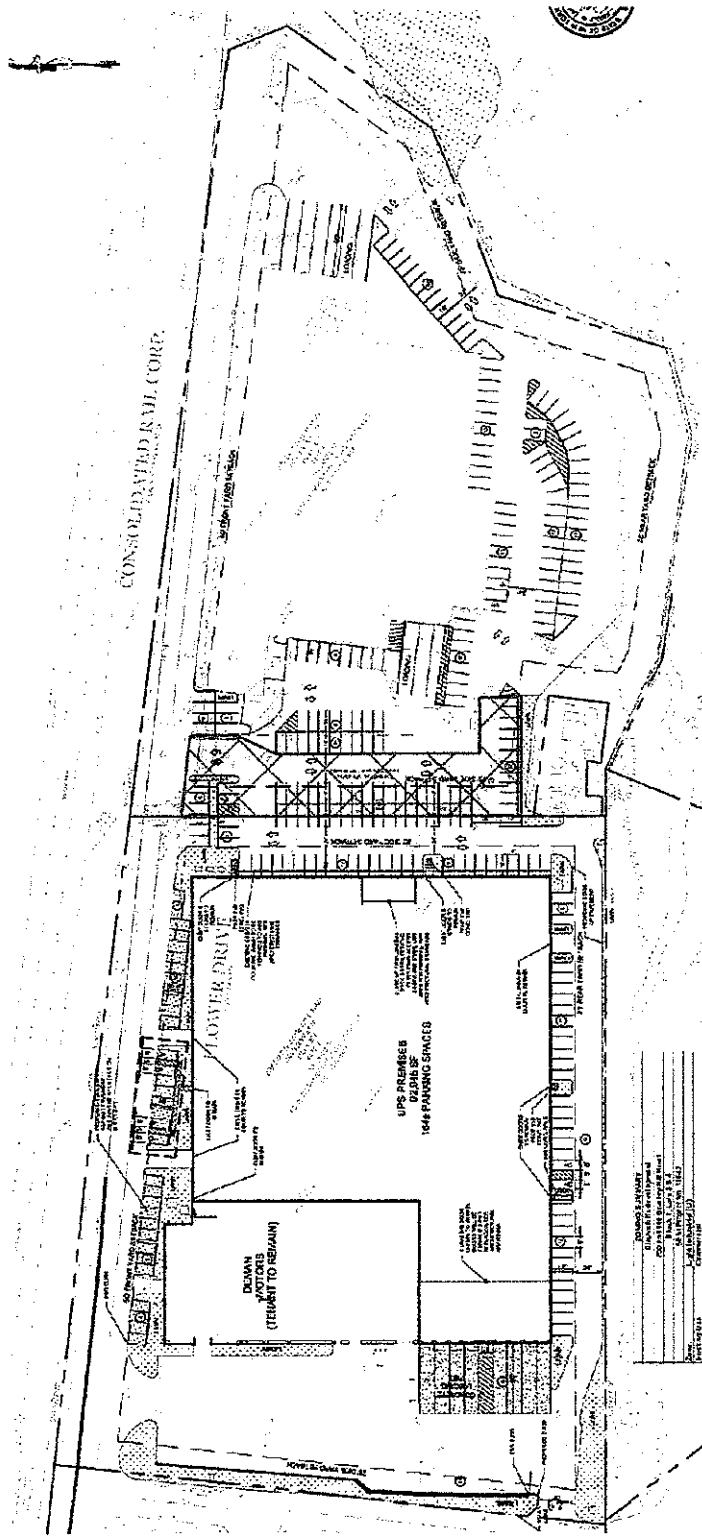
THENCE NORTH  $69^{\circ} 45' 27''$  EAST 45.67 FEET TO AN OLD IRON PIPE ON LANDS NOW OR FORMERLY OF MAGEE;

THENCE ALONG SAID LAST MENTIONED LAND SOUTH  $29^{\circ} 33' 26''$  EAST 331.96 FEET TO A POINT ON THE NORTHERLY LINE OF BRADLEY PARKWAY EXTENSION;

THENCE ALONG THE NORTHERLY LINE OF BRADLEY PARKWAY EXTENSION NORTH  $83^{\circ} 48' 56''$  WEST 123.28 FEET TO THE POINT OR PLACE OF BEGINNING.

**EXHIBIT B**

**DIAGRAM OF EASEMENT AREA**



**EXHIBIT C****METES AND BOUNDS DESCRIPTION OF PARKING EASEMENT**

**PARKING EASEMENT  
THROUGH LOT 3, BLOCK 1, SECTION 65.18  
HAMLET OF BLAUVELT, TOWN OF ORANGETOWN, ROCKLAND COUNTY  
STATE OF NEW YORK**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN BLAUVELT, TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK, BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE DIVIDING LINE OF SECTION 65.18, BLOCK 1, LOT 4 AND SECTION 65.18, BLOCK 1, LOT 3. SAID POINT BEING NORTH 54 DEGREES - 17 MINUTES - 29 SECONDS EAST, A DISTANCE OF 43.31 FEET FROM THE MOST WESTERLY COMMON CORNER TO SECTION 65.18, BLOCK 1, LOT 4 AND SECTION 65.18, BLOCK 1, LOT 3, AND RUNNING THENCE;

THROUGH SECTION 65.18, BLOCK 1, LOT 3 THE FOLLOWING (5) COURSES:

1. NORTH 29 DEGREES - 41 MINUTES - 55 SECONDS WEST, A DISTANCE OF 37.12 FEET TO A POINT, THENCE;
2. NORTH 54 DEGREES - 17 MINUTES - 29 SECONDS EAST, A DISTANCE OF 258.16 FEET TO A POINT, THENCE;
3. NORTH 35 DEGREES - 42 MINUTES - 31 SECONDS WEST, A DISTANCE OF 62.09 FEET TO A POINT, THENCE;
4. NORTH 54 DEGREES - 17 MINUTES - 29 SECONDS EAST, A DISTANCE OF 16.00 FEET TO A POINT, THENCE;
5. SOUTH 35 DEGREES - 42 MINUTES - 31 SECONDS EAST, A DISTANCE OF 99.00 FEET TO A POINT, THENCE;
6. ALONG SAID DIVIDING LINE OF SECTION 65.18, BLOCK 1, LOT 4 AND SECTION 65.18, BLOCK 1, LOT 3, SOUTH 54 DEGREES - 17 MINUTES - 29 SECONDS WEST, A DISTANCE OF 278.05 FEET TO THE POINT AND PLACE OF BEGINNING

CONTAINING 11,185 SQUARE FEET OR 0.257 ACRES

THIS DESCRIPTION IS WRITTEN WITH REFERENCE TO A CERTAIN MAP ENTITLED, "700-800 BRADLEY ROAD EASEMENT EXHIBIT, HAMLET OF BLAUVELT, TOWN OF ORANGETOWN, ROCKLAND COUNTY, STATE OF NEW YORK", PREPARED BY CONTROL POINT ASSOCIATES, INC., PC, DATED AUGUST 28, 2020.

**EXHIBIT D****METES AND BOUNDS DESCRIPTION OF ACCESS EASEMENT**

**ACCESS EASEMENT  
THROUGH LOT 3, BLOCK 1, SECTION 65.18  
HAMLET OF BLAUVELT, TOWN OF ORANGETOWN, ROCKLAND COUNTY  
STATE OF NEW YORK**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN BLAUVELT, TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK, BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN SECTION 65.18, BLOCK 1, LOT 3. SAID POINT BEING THE FOLLOWING (2) COURSES FROM THE MOST WESTERLY COMMON CORNER OF SECTION 65.18, BLOCK 1, LOT 4 AND SECTION 65.18, BLOCK 1, LOT 3.

- A. NORTH 54 DEGREES - 17 MINUTES - 29 SECONDS EAST, A DISTANCE OF 43.31 FEET AND RUNNING THENCE;
- B. NORTH 29 DEGREES - 41 MINUTES - 55 SECONDS WEST, A DISTANCE OF 37.12 FEET TO A POINT TO SAID POINT OF BEGINNING, THENCE;

THROUGH SECTION 65.18, BLOCK 1, LOT 3 THE FOLLOWING (9) COURSES:

1. NORTH 29 DEGREES - 41 MINUTES - 55 SECONDS WEST, A DISTANCE OF 30.16 FEET TO A POINT, THENCE;
2. NORTH 54 DEGREES - 17 MINUTES 29 SECONDS EAST, A DISTANCE OF 37.67 FEET TO A POINT, THENCE;
3. NORTH 78 DEGREES - 54 MINUTES 14 SECONDS EAST, A DISTANCE OF 36.13 FEET TO A POINT, THENCE;
4. NORTH 54 DEGREES - 13 MINUTES 52 SECONDS EAST, A DISTANCE OF 90.00 FEET TO A POINT, THENCE;
5. NORTH 54 DEGREES - 17 MINUTES 29 SECONDS EAST, A DISTANCE OF 78.50 FEET TO A POINT, THENCE;
6. NORTH 35 DEGREES - 42 MINUTES 31 SECONDS WEST, A DISTANCE OF 47.04 FEET TO A POINT, THENCE;
7. NORTH 54 DEGREES - 17 MINUTES 29 SECONDS EAST, A DISTANCE OF 16.00 FEET TO A POINT, THENCE;
8. SOUTH 35 DEGREES - 42 MINUTES 31 SECONDS EAST, A DISTANCE OF 62.09 FEET TO A POINT, THENCE;
9. SOUTH 54 DEGREES - 17 MINUTES 29 SECONDS WEST, A DISTANCE OF 258.16 FEET TO THE POINT AND PLACE OF BEGINNING.

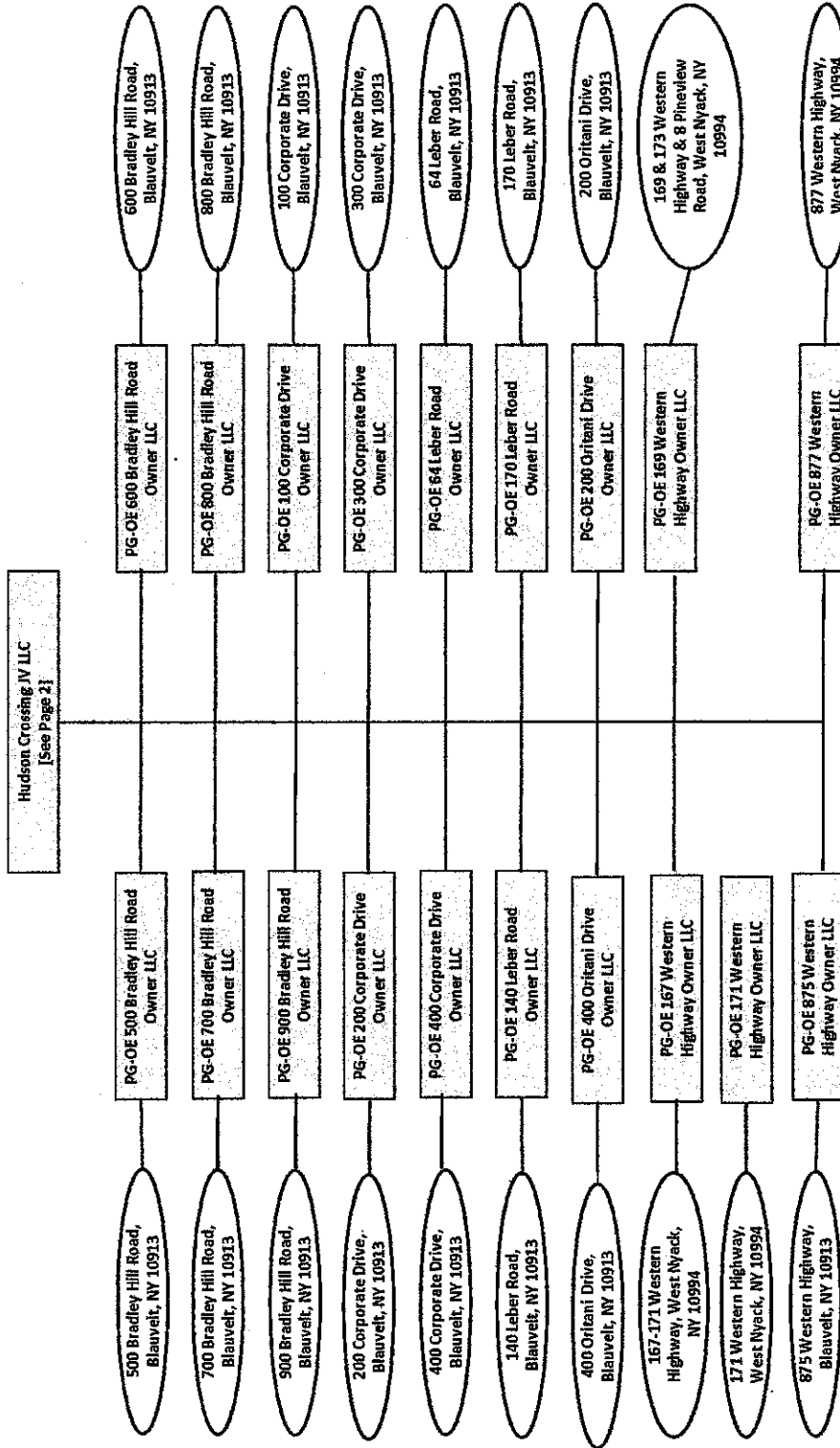
CONTAINING 5,440 SQUARE FEET OR 0.125 ACRES

THIS DESCRIPTION IS WRITTEN WITH REFERENCE TO A CERTAIN MAP ENTITLED, "700-800 BRADLEY ROAD EASEMENT EXHIBIT, HAMLET OF BLAUVELT, TOWN OF ORANGETOWN, ROCKLAND COUNTY, STATE OF NEW YORK", PREPARED BY CONTROL POINT ASSOCIATES, INC., PC, DATED AUGUST 28, 2020.



EXHIBIT E

HUDSON CROSSING JV LLC ORGANIZATIONAL CHART



**Note:**

- \* All entities are organized in Delaware unless otherwise indicated
- \* All ownership is 100% unless otherwise indicated
- \* All entities are wholly-owned subsidiaries of Hudson Crossing JV LLC

PG Entities      Onyx Entities      PG/Onyx Entities

**For conveyances of real property, or interest therein, located in New York City, you must use Form TP-584-NYC.**



Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A - Information relating to conveyance

Form with sections for Grantor/Transferor and Grantee/Transferee, including checkboxes for entity types and fields for name, address, and identification numbers.

Location and description of property conveyed

Table with 5 columns: Tax map designation, SWIS code, Street address, City, town, or village, and County.

Type of property conveyed (mark an X in applicable box)

Form with checkboxes for property types (One- to three-family house, Apartment building, etc.) and a date of conveyance field.

Condition of conveyance (mark an X in all that apply)

Form with multiple checkboxes (a-s) describing the condition of conveyance, such as fee interest, acquisition of controlling interest, etc.

Table for recording officer's use with columns for Amount received, Date received, and Transaction number.

**Schedule B – Real estate transfer tax return (Tax Law Article 31)**

**Part 1 – Computation of tax due**

1	Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) ..... <input type="checkbox"/> <b>Exemption claimed</b>	1.	0 00
2	Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....	2.	0 00
3	Taxable consideration (subtract line 2 from line 1) .....	3.	0 00
4	Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....	4.	0 00
5	Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....	5.	0 00
6	Total tax due* (subtract line 5 from line 4) .....	6.	0 00

**Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1	Enter amount of consideration for conveyance (from Part 1, line 1) .....	1.	0 00
2	Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.	0 00
3	Total additional transfer tax due* (multiply line 2 by 1% (.01)) .....	3.	0 00

**Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F ..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) ..... k

\* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

**Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

This is to certify that: (mark an X in the appropriate box)

- 1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- 2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - a  The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - b  The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - c  The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - d  The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Note:** for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- e  Other (attach detailed explanation).
- 3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - a  A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - b  A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- 4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

**Signature (both the grantors and grantees must sign)**

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.  
PG-OE 800 BRADLEY HILL ROAD OWNER, LLC TOWN OF ORANGETOWN

By: _____ <small>Grantor signature</small>	Authorized Signatory _____ <small>Title</small>	By: _____ <small>Grantee signature</small>	_____ <small>Title</small>
_____ <small>Grantor signature</small>	_____ <small>Title</small>	_____ <small>Grantee signature</small>	_____ <small>Title</small>

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

**Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

**Part 1 – New York State residents**

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferors/sellers**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

**Part 2 – Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

**Exemption for nonresident transferors/sellers**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS

PERMIT # 21-SP-013

RECEIVED

APR 30 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

EVENT NAME: MEMORIAL DAY SERVICE  
APPLICANT NAME: TAPPAN AMERICAN LEGION & VOL. FIRE ASSOC OF TAPPAN  
ADDRESS: 123 WASHINGTON ST TAPPAN, NY. 10983  
PHONE #: 845-642-0144 CELL # 845-642-0144 FAX # -  
CHECK ONE: PARADE \_\_\_\_\_ RACE/RUN/WALK \_\_\_\_\_ OTHER MEMORIAL SERVICE  
The above event will be held on MAY 31 from 10AM to 11AM RAIN DATE: .  
Location of event: TAPPAN GREEN

Sponsored by: ABOVE Telephone #: 845-642-0144  
Address: 123 WASHINGTON ST. TAPPAN, NY  
Estimated # of persons participating in event: \_\_\_\_\_ vehicles \_\_\_\_\_

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:  
PRIVATE PROPERTY. TAPPAN REFORMED CHURCH  
Signature of Applicant: Richard Farry Date: 4/30/21

**GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)**  
Letter of Request to Town Board requesting aid for event – Received On: 4/8/21  
Certificate of Insurance – Received On: 4/30/21

**FOR HIGHWAY DEPARTMENT USE ONLY:**  
Road Closure Permit: Y / N – Received On: X  
Rockland County Highway Dept. Permit: Y / N – Received On: X  
NYSDOT Permit: Y / N – Received On: X  
Route/Map/Parking Plan: Y / N – Received On: X  
RFS #: 49883 BARRICADES: Y (N) CONES: Y (N) TRASH BARRELS: Y (N) OTHER: 2 Message Boards

APPROVED: [Signature] 5.5.21 25.3.21 DATE: \_\_\_\_\_  
Superintendent of Highways

**FOR PARKS & RECREATION DEPARTMENT USE ONLY:**  
Show Mobile: Y / (N) Application Required: \_\_\_\_\_ Fee Paid – Amount/Check # \_\_\_\_\_  
Port-o-Sans: Y (N) \_\_\_\_\_ Other: \_\_\_\_\_  
APPROVED: [Signature] DATE: 5/7/2021  
Superintendent of Parks & Recreation

**FOR POLICE DEPARTMENT USE ONLY:**  
Police Detail: Y / N: Police/Auxiliary Items: \_\_\_\_\_  
APPROVED: [Signature] DATE: 05/18/2021  
Chief of Police

\*\* Please return to the Highway Department to be placed on the Town Board Workshop \*\*

Workshop Agenda Date: \_\_\_\_\_ Approved On: \_\_\_\_\_ TBR #: \_\_\_\_\_

RECEIVED

MAY 19 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

**CARL A. SCHELIN POST No.1271**

**American Legion**

P.O. Box 105  
Tappan, New York 10983



Chartered May 1945

RECEIVED

APR - 8 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

RECEIVED

APR 07 2021

SUPERVISOR'S OFFICE

April 3, 2021

Supervisor Teresa Kenny  
Town of Orangetown  
26 West Orangeburg Road  
Orangeburg, New York 10962

The Carl A Schelin American Legion Post, in conjunction with the Volunteer Fire Association of Tappan will hold their Memorial Day Service on Monday, May 31, 2021. We request the use of two mobile solar signs to advertise our Memorial Day Service.

We request one sign be placed in front of the Tappan Firehouse on Western Highway and the second be placed by the Tappan Memorial Green in front of the Tappan Reformed Church.

Both signs to read;

**MEMORIAL DAY SERVICE  
TAPPAN MEMORIAL GREEN  
MONDAY, MAY 31 - 10AM**

Signs operational from May 17 to May 31, 2021

The contact person is Richard Farry - cell # (845) 642-0144

Thank You for your assistance.

Richard Farry  
Commander





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/05/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Hubbinette Cowell Associates Inc.</b> 1003 Park Blvd, Ste 3 Massapequa Park, NY 11762	RECEIVED  APR 30 2021  TOWN OF ORANGETOWN HIGHWAY DEPARTMENT	<b>CONTACT NAME:</b> Rosanne Capuano <b>PHONE (A/C No, Ext):</b> (516)795-1330 <b>E-MAIL ADDRESS:</b> rosanne@hubbinette-cowell.com	<b>FAX (A/C No):</b> (516)795-5101
		<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> <b>Tappan Fire District</b> PO Box 525 Tappan, NY 10983		<b>INSURER A:</b> National Union Fire Ins. Co. of Pittsburgh, PA	<b>19445</b>
		<b>INSURER B:</b> National Union Fire Inc. Co. of Pittsburgh, PA	<b>19445</b>
		<b>INSURER C:</b>	
		<b>INSURER D:</b>	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	

**COVERAGES**

CERTIFICATE NUMBER: 00001114-105130

REVISION NUMBER: 2

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	VFNU-TR-0014556	06/16/2020	06/15/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COM/OP AGG \$ 10,000,000
B	AUTOMOBILE LIABILITY ANY AUTO <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	VFNU-TR-0014556	06/16/2020	06/15/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB CLAIMS-MADE DED RETENTION \$	Y	VFNU-TR-0014556	06/16/2020	06/15/2021	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 6,000,000
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY (ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below)						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**PROOF OF INSURANCE FOR MEMORIAL DAY CEREMONY TO BE HELD ON MAY 31, 2021. THE CERTIFICATE HOLDER, AMERICAN LEGION POST 1271 AND THE COUNTY OF ROCKLAND HIGHWAY DEPT. ARE NAMED AS ADDITIONAL INSURED AS PER FORM #VGL101.**

**CERTIFICATE HOLDER****CANCELLATION**

<b>TOWN OF ORANGETOWN HIGHWAY DEPT.</b> 119 ROUTE 303 ORANGEBURG, NY 10962	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Paul A. Cowell Jr.</i> (RMC)

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**NY OFFICE**  
74 Lafayette Avenue, Suite 501      845.357.4411 Tel  
Suffern, NY 10901                      845.357.1896 Fax

**NJ OFFICE**  
22 Paris Avenue, Suite 105              201.750.3527 Tel  
Rockleigh, NJ 07647

May 11, 2021

Town of Orangetown Highway Department  
119 Route 303  
Orangeburg, New York 10962

Attn: James J. Dean, Superintendent of Highways

Re: **Homes for Heroes Green Infrastructure Project**  
Change Order #7 Review  
BBE #16201

Dear Mr. Dean:

We have reviewed Change Order #7 from Tomco dated 5/10/21 for additional work regarding placement of additional topsoil and goose netting. The work associated with Change Order #7 is due to a map scale discrepancy that underestimated the volume of material required to finish the proposed work. We have reviewed potential options with respect to mitigating this charge including an option to mix surplus soil with compost. However, we recommend proceeding with the additional quantities of topsoil and goose netting which we and the Project Landscape Architect believe are required. Placement of the additional topsoil and goose netting will allow the planting of the stormwater management basin to be completed as per the complete landscaping specification, and therefore the Town of Orangetown will receive the full warranties of the plant materials. A reduction in the topsoil and goose netting will result in portions of the pond not completed as per the specification and may negatively impact the overall functionality and future aesthetic of the pond.

We have reviewed this proposed charge with Mr. Munno and we recommend that the Town proceed as follows:

- 1) The Tomco Change Order includes furnishing topsoil, placing topsoil, and furnishing and installing goose netting. We recommend that the Town decline the charges for furnishing the topsoil and only accept the charges for placing the topsoil and furnishing and installing the goose netting. We find that the prices submitted for the proposed work to be accepted are reasonable with respect to cost of materials and labor and cost of installation. We have marked up the attached Change Order accordingly and the revised value of Change Order #7 is **\$40,240.31**.
- 2) In lieu of Tomco providing the topsoil we recommend that the Town purchase the topsoil directly from ORI which is the same local vendor being used by Tomco being used by Tomco. We believe that ORI qualifies as a sole source which the Town can purchase from because the soil is blended to a certain specification (which will match the soil being used for the balance of the project) and because the soil cannot be purchased "anywhere". The closest alternative vendor we have found is located in Wappingers Falls and is located too far away to make the purchase cost effective or feasible due to trucking costs. Attached please find an itemized cost breakdown for the Town to purchase the additional topsoil directly and transport the topsoil from ORI to the project site. The cost to the Town for the additional topsoil is **\$43,133**.

Very truly yours,

**BROOKER ENGINEERING, P.L.L.C.**

Kenneth DeGennaro, P.E.

P:\BBE\16\16201 Homes for Heroes\ContractAdmin\ChangeOrders\CO#7\2021-05-11 dean.docx

LAND DEVELOPMENT • MUNICIPAL • STRUCTURAL • WATER RESOURCES • LAND SURVEYING

Brian Brooker, P.E.      Eve Mancuso, P.E., C.M.E.      Ken DeGennaro, P.E., C.F.M.      Stuart Strow, P.E., C.F.M.  
Anthony Riggi, P.E.      Dennis Rocks, P.E., C.F.M.      John Bezuyen, P.L.S.      Hillary Chadwick, P.E.      Joseph J. Moran, P.E.  
Vincent Kane, P.E.      Nestor Celiz, P.E.      Benjamin Levitz, P.E.      Joseph Nyitray, P.E.



**TOMCO CONSTRUCTION, INC.**

HOMES FOR HEROES GREEN INNOVATION PROJECT

Project Name: 2019-990

Project No.: TBD

Date: TBD

PCO Name and Number: ADDITIONAL TOPSOIL

**1. MATERIAL, LABOR AND EQUIPMENT**

DESCRIPTION	QTY	UNIT	RATES	TOTALS
<del>MATERIALS</del>				
ADDITIONAL UPLAND TOPSOIL - 2% CY ADD'L IN PLACE PLUS 20% COMPACTION FACTOR	918	CY	\$19.75	\$17,165.00
ADDITIONAL WETLAND TOPSOIL - 66% ADD'L IN PLACE PLUS 20% COMPACTION FACTOR	103	CY	\$34.56	\$3,559.68
<del>LABOR</del>				
<del>EQUIPMENT</del>				
Subtotal This Column				\$50,722.68

**2. LABOR AND EQUIPMENT RATES**

DESCRIPTION	RATE	UNIT	HOURS	TOTAL
<b>RATES</b>				
Foreman	\$ 87.07	HR		\$0.00
Truck Driver	\$ 85.62	HR		\$0.00
Laborer	\$ 85.10	HR		\$0.00
Operator	\$ 98.56	HR		\$0.00
Superintendent & Vehicle	\$ 125.00	HR		\$0.00
FOREMAN (OT)	\$114.82	HR		\$0.00
OPERATOR (OT)	\$127.65	HR		\$0.00
LABOR (OT)	\$111.87	HR		\$0.00
Loader	\$ 75.00	HR		\$0.00
Excavator (Medium Size)	\$ 100.00	HR		\$0.00
FOREMAN'S TRUCK	\$ 19.00	HR		\$0.00
Dump Truck	\$ 86.00	HR		\$0.00
Backhoe	\$ 66.00	HR		\$0.00
Traffic Layout / Field Survey	\$ 137.50	HR		\$0.00
Roller	\$ 35.00	HR		\$0.00
Utility Truck	\$ 105.00	HR		\$0.00
Subtotal This Column				\$0.00

**TIME EXTENSION**

DESCRIPTION	# of DAYS	RATE	TOTAL
Contract Duration			
Additional Time required to complete work from previous PCOS			
New Total Contract Time	0		
Additional Contract Time and Expense this PCO			
<b>New Total Contract Time after this PCO</b>	0.00		
<i>(General Conditions are comprised of project job trailer, sanitary facilities and site maintenance)</i>			
Subtotal Time Extension this Column \$			

**3. MISCELLANEOUS COSTS**

DESCRIPTION	QTY	UNIT	PRICE	TOTAL
WETLANDS - INSTALLATION OF ADDT TOPSOIL	876.00	CY	\$ 17.00	\$ 14,892.00
WETLANDS - FURNISH AND INSTALL ADDT GOOSE NET	4,485.00	SY	\$ 5.06	\$ 22,680.65
Subtotal Misc. Costs this Column				\$37,572.65

**WORK DESCRIPTION**

COST SUMMARY FOR THE ADDITIONAL TOPSOIL AREA. DUE TO INCORRECT SCALE OF LANDSCAPING PLANS, THE COST INCLUDES THE FURNISHING AND INSTALLING TOPSOIL, AND GEESSE NET FOR THE ADDITIONAL TOPSOIL AREA.

**EXCLUSIONS AND CLARIFICATIONS**

~~1. SUBTOTAL MATERIAL, LABOR AND EQUIPMENT \$50,722.68~~  
**2. SUBTOTAL TIME EXTENSION \$ 0.00**  
**3. SUBTOTAL MISCELLANEOUS COSTS \$ 37,572.65**

~~ITEMS 1, 2~~  
 Overhead Material: 10% \$ 5,072.27  
 Profit Material: 10% \$ 5,679.49  
**SUBTOTAL 1, 2 \$61,394.44**

O&P Sub 5% \$1,878.63  
 SUBTOTAL 3 \$69,451.28

BOND 2% \$ -9,916.51  
**TOTAL \$100,926.79**

APPROXIMATE TOTAL AMOUNT DUE

~~-\$102,842.23~~ **40,240.31**

Prepared by: CALIN MARTA



A CERTIFIED MBE SUPPLIER

May 7, 2021

Katie Fairclough  
Town of Orangetown  
119 Route 303  
Orangeburg, NY 10962

RE: Material Quotation for Homes for Hero's Soils

Dear Ms. Fairclough,

Wetland Topsoil.....	<del>.\$26 per CY Delivered</del> \$23 per CY Picked Up <i>x 103 CY</i>	<i>= \$ 2,369</i>
Upland Topsoil.....	<del>.\$46 per CY Delivered</del> \$43 per CY Picked Up <i>x 948 CY</i>	<i>= \$ 40,764</i>

Also note that our company has MBE Status and purchases may be used to fulfill the quota. This quote is valid for 90 days from the date above during which time the pricing may be locked in for the calendar year with a purchase order or the written intent to purchase. Delivered pricing is for non-union trucks. Purchases are subject to sales tax unless proper tax exemption documentation is provided prior to delivery. Significant changes in the quantity of an order or abnormal waiting time during delivery may increase the price. Down payments may be required for certain Custom Soils. All delivery tickets require a signature by an authorized person for delivery confirmation. Signing of the delivery ticket represents final acceptance of the material and completion of the sale whereby the buyer waives right of returns, exchanges or claims against the product. Products made to spec are to be tested and reserved at the production facility where material compliance can be assessed prior to shipment. Minor variations in the final product may exist when using naturally sourced materials. It is recommended that a third party pre-approve a given stockpile prior to shipment and we the supplier can certify that material was drawn from said stockpile. Lead time for producing soils may be applicable. ORI Standard Terms and Conditions apply.

*\$ 43,133*  
*total*

Sincerely,

Alberto Baruffi  
Project Estimator  
121 Rt. 303  
Orangeburg NY 10962  
845-652-3636  
Estimating@orisupplies.com  
www.orisupplies.com



**BID ITEM**      2021 Bus Transportation for the      **SHEET**      1 OF 1  
Orangetown Summer Day/Teen Camp

**BID OPENING TIME**      11:00AM      **DATE**      April 15, 2021

**CONTRACTOR NAME & ADDRESS**  
*Chestnut Ridge Transportation Spring Valley NY*

**DATE RECEIVED**      4/15/20

**TIME RECEIVED**      10:29 AM

**NON COLLUSION STATEMENT**     

**BID BOND or CERTIFIED CHECK**     

Provide Bus Transportation between bus pickup points & the German Masonic Picnicgrounds during morning & afternoon schedules, buses to remain at the site from 8:45 am until departure at 4:15 pm (2-4 Buses)

Price Per Bus	\$ <u>465</u> <sup>00</sup> / <sub>100</sub>	\$	\$	\$	\$	X

Provide Morning and Afternoon Bus Service at the Day Camp (2 - 4 Buses)

Price Per Bus	\$ <u>329</u> <sup>00</sup> / <sub>100</sub>	\$	\$	\$	\$	X

Provide Afternoon Bus Service for Teen Camp (1 - 2 Buses)

Price Per Bus	\$ <u>45</u> <sup>00</sup> / <sub>100</sub>	\$	\$	\$	\$	X

						X
						X

						X
						X

						X
						X

						X
						X

						X
						X

						X
						X

						X
						X

						X



**BID OPENING TIME** 11:00AM **DATE** May 6, 2021

**CONTRACTOR NAME & ADDRESS**  
*Hayden Building Maintenance  
 W. NYACK, NY*

<b>DATE RECEIVED</b>	<u>5/6/21</u>					X
<b>TIME RECEIVED</b>	<u>9:41A</u>					
<b>NON COLLUSION STATEMENT</b>	<u>✓</u>					
<b>BID BOND or CERTIFIED CHECK</b>	<u>✓</u>					

Inspect roofing areas at each location two (2) times annually. Provide for minor repairs, assuring the entire roof is performing as intended. Clean all leaves & debris from roof, valleys, gutters, leaders, roof drains & all flat areas and dispose. Ensure that drainage system is working properly. Check all flashing, pitch pockets, vent pipes & expansion joints. Re-caulk as necessary. Provide a written report of any deficiencies that should be addressed. Emergency response to roof leaks within twenty-four (24) hours.

Blue Hill Pro Shop – 285 Blue Hill Road, Pearl River, NY 10965	PRICE	<u>\$ 1250.00 Bi Annually</u>	\$	\$	\$	X
Blue Hill Restaurant – 285 Blue Hill Road, Pearl River, NY 10965	PRICE	<u>\$ 1350.00 Bi Annually</u>	\$	\$	\$	X
Orangeburg Library / Building Dept – 20 Greenbush Road, Orangeburg, NY 10962	PRICE	<u>\$ 950.00 Bi Annually</u>	\$	\$	\$	X
Quonset Huts – 20 Greenbush Road, Orangeburg, NY 10962	PRICE	<u>\$ 925.00 Bi Annually</u>	\$	\$	\$	X
Police Booth – 1 South Main Street, Pearl River, NY 10965	PRICE	<u>\$ 550.00 Bi Annually</u>	\$	\$	\$	X
<b>TOTAL ANNUAL COST FOR SERVICES OUTLINED ABOVE</b>	PRICE	<u>\$ 10050.00</u>	\$	\$	\$	X

*Hourly Labor Cost not covered by service agreement \$148.00*  
**Labor Costs for HVAC Technician**

Labor Rates for Monday to Friday – 8:00 A.M. - 4:00 P.M. / UNIT/ HOUR	UNIT PRICE	<u>\$ 148.00</u>	\$	\$	\$	X
Labor Rates for Monday to Friday – 4:00 P.M. - 8:00 A.M. . / UNIT/ HOUR	UNIT PRICE	<u>\$ 181.00</u>	\$	\$	\$	X
Labor Rates for Saturday – 8:00 A.M. - 12:00 Midnight . / UNIT/ HOUR	UNIT PRICE	<u>\$ 181.00</u>	\$	\$	\$	X
Labor Rates for Sunday and Holidays . / UNIT/ HOUR	UNIT PRICE	<u>\$ 181.00</u>	\$	\$	\$	X

**COST for MATERIALS**  
**Percent Mark-up. Mark - Up shall not exceed 10% (There shall be no mark-up on freight.**  
10 %    %    %    %    %

**It is expected that your company will respond within 24 hours for non-emergency calls**  
Y / N    Y / N    Y / N    Y / N    Y / N

**It is expected that your company will respond within 2 hours for Emergency Calls**  
Y / N    Y / N    Y / N    Y / N    Y / N



RECEIVED

APR 22 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS  
PERMIT # 21-SP-008

RECEIVED  
MAY 4 2021  
Orangetown Police Department

EVENT NAME: SOLACE 5K SUCCIDE PREVENTION WALK  
APPLICANT NAME: JACKIE DOYLE -> SOLACE  
ADDRESS: 74 HIGHVIEW AVE, NANUET, NY 10955  
PHONE #: 917-476-3205 CELL # - SATL FAX # \_\_\_\_\_  
CHECK ONE: PARADE \_\_\_\_\_ RACE/RUN/WALK 5K OTHER \_\_\_\_\_  
The above event will be held on June 12<sup>th</sup> 2021 from 4:30AM to 8:00AM RAIN DATE: \_\_\_\_\_  
Location of event: GAA and OMM  
Sponsored by: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
Address: GAA 160 Old Orangeburg Rd Orangeburg, NY 10962  
Estimated # of persons participating in event: 300 vehicles 75/100

OMM 175 Old  
Orangeburg Rd  
Orangeburg  
NY 10962

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:  
JACKIE DOYLE 917-476-3205 STEPHANIE GAUCY 917-515-8835  
Signature of Applicant: [Signature] Date: 4/16/2021

GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)  
Letter of Request to Town Board requesting aid for event - Received On: 4/22/21  
Certificate of Insurance - Received On: 5/17/21

FOR HIGHWAY DEPARTMENT USE ONLY:  
Road Closure Permit: Y / N - Received On: -  
Rockland County Highway Dept. Permit: Y / N - Received On: -  
NYS DOT Permit: Y / N - Received On: -  
Route/Map/Parking Plan: Y / N - Received On: 4/22/21  
RFS #: 49857 BARRICADES: Y / N \_\_\_\_\_ CONES: Y / N \_\_\_\_\_ TRASH BARRELS: Y / N \_\_\_\_\_ OTHER: -  
APPROVED: [Signature] 4.22.21 DATE: 4.16.21  
Superintendent of Highways

FOR PARKS & RECREATION DEPARTMENT USE ONLY:  
Show Mobile: Y / N (N) Application Required: \_\_\_\_\_ Fee Paid - Amount/Check # \_\_\_\_\_  
Port-o-Sans: Y / N (N) Other: \_\_\_\_\_  
APPROVED: [Signature] DATE: 5/4/21  
Superintendent of Parks & Recreation

FOR POLICE DEPARTMENT USE ONLY:  
Police Detail: Y / N: 0 12x8 SHIFTS Items: \_\_\_\_\_  
APPROVED: [Signature] DATE: 05/04/2021  
Chief of Police

\*\* Please return to the Highway Department to be placed on the Town Board Workshop \*\*

Workshop Agenda Date: 5/25/21 Approved On: \_\_\_\_\_ TBR #: \_\_\_\_\_

RECEIVED  
MAY 5 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

Jackie Doyle  
Rockland Solace Committee  
Solace House  
jackiejdoyle@gmail.com

By Email 5/11/2021

Town Council  
26 W. Orangeburg Road  
Orangeburg, NY 10962

Re: Approval request for Solace Sunrise Walk – **June 12th**

Dear Town Council:

I am writing on behalf of the Rockland Committee of Solace House to obtain approval to host our second 5K suicide awareness walk on behalf of Solace House. Solace House is a suicide prevention center which provides confidential and therapeutic, free services to those who are experiencing suicidal thoughts, depression, and anxiety, bereavement by suicide and for those who engage in self harming behaviors. The major foundation stone of this prevention center is a phenomenon known as the Solace Sunrise Walk. This 5-kilometer walk begins while it is still dark and is the start of a symbolic journey that reflects the path that many people travel on a personal level - going from darkness into light with the help and support of Solace House.

**SK Solace Walk Details:**

1. The walk will commence at 5:00 am at the GAA grounds located at 160 Old Orangeburg Road, Orangeburg, New York, 10962, on Saturday, June 12th, 2021. From the GAA grounds we will walk around the back through the South Orangetown Little League to exit onto Old Orangeburg Road, from there to OMM fields, located at 175 Old Orangeburg Road, we will walk three laps of OMM path and then return to the GAA facility following the same route we came entering the South Orangetown Little League, 200 Old Orangeburg Road, Orangeburg, New York 10962. Please find the precise route attached.
2. Prior online registration and same day registration will be available.
3. We will provide water and bagels post-walk to participants which will be donated from local merchants.

**Permissions:**

1. We have permission from Mike Healey and Anne Nally, GAA to lend us the space to host the walk on Saturday, June 12th, 2021



2. We have permission from Kerry Beckman of OMM to lend us the space to host the walk on Saturday, June 12th, 2021.
3. We have permission from Thomas Cameron, South Orangetown Little League to lend us the space to walk through the grounds on Saturday, June 12th, 2021.
4. We reached out to Lieutenant Sullivan from the Orangetown Police Department to provide police presence on the day.
5. We have completed our Town of Orangetown Special Use Permit.

### **Various Department Requests**

Starting at 4:30 pm we will need police detail.

We will need barricade cones from the highway department.

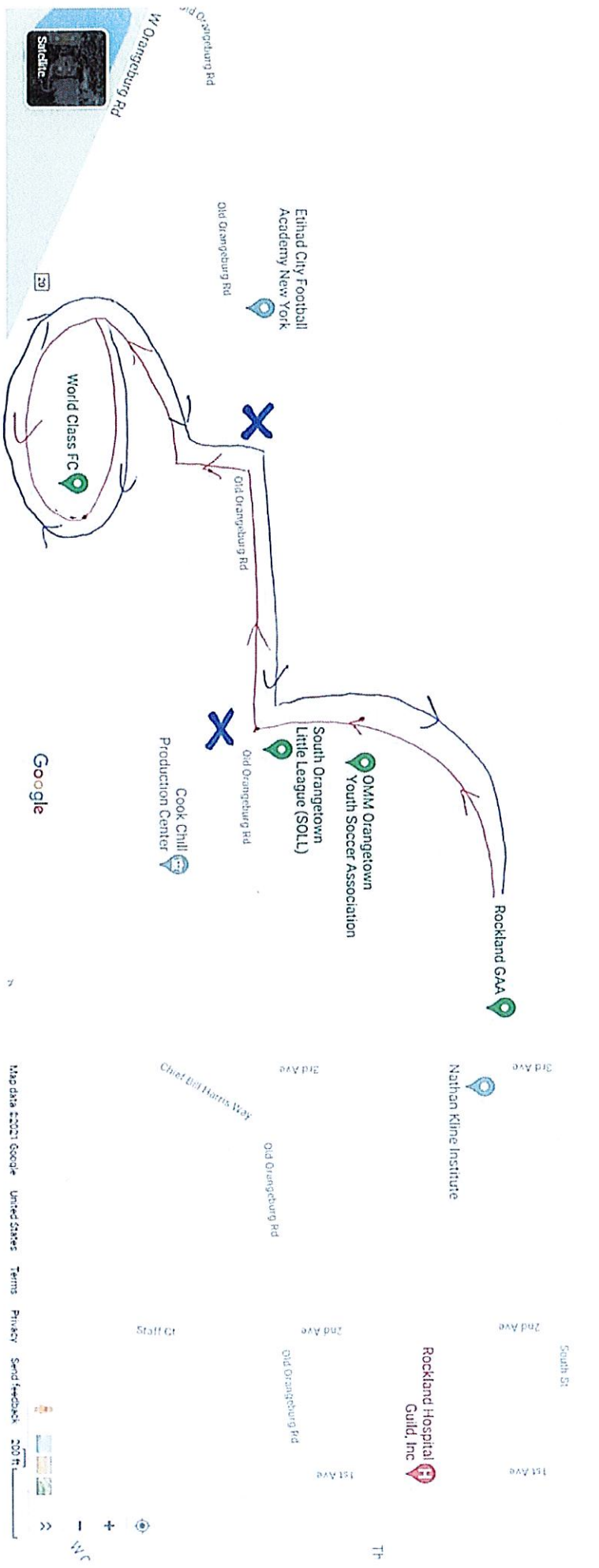
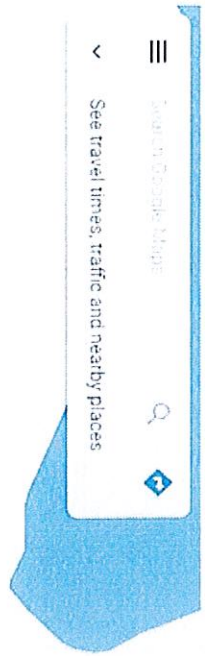
Please let us know if there is anything else we need to provide and the next steps necessary to make sure this walk is compliant with the town's requirements.

Thank you for your consideration for this worthy cause.

Best regards,

/s/Jackie Doyle

Rockland Solace Committee- Secretary/Volunteer





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/22/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> eSportsInsurance 3100 Five Forks Trickum Rd Liburn Georgia 30047	<b>RECEIVED</b>  MAY 17 2021	<b>CONTACT NAME:</b> Terry Green	
		<b>PHONE (A/C, No, Ext):</b> 800-550-5029	<b>FAX (A/C, No):</b> 678-205-8041
		<b>E-MAIL ADDRESS:</b> desirae@esportsinsurance.com	
		<b>PRODUCER CUSTOMER ID:</b>	
		<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
<b>INSURED</b> Solace House Inc. 1040 Jackson Ave Long Island City, NY 11101 A Member of the Sports, Leisure & Entertainment RPG		<b>INSURER A:</b> Nationwide Mutual Insurance Company	23787
		<b>INSURER B:</b>	
		<b>INSURER C:</b>	
		<b>INSURER D:</b>	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** W01933414 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		6BRPG0000007485200	06/12/2021 12:01 AM EDT	06/13/2021 12:01 AM	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea Occurrence)	\$1,000,000
							MED EXP (Any one person)	\$5,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$5,000,000
							PRODUCTS - COMP/OP AGG	\$1,000,000
							PROFESSIONAL LIABILITY	
							LEGAL LIAB TO PARTICIPANTS	\$1,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NOT PROVIDED WHILE IN HAWAII <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE	
							AGGREGATE	
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/ EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
							E.L. EACH ACCIDENT	
							E.L. DISEASE - EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	
A	<b>MEDICAL PAYMENTS FOR PARTICIPANTS</b>			6BRPG0000007485200	06/12/2021 12:01 AM EDT	06/13/2021 12:01 AM	PRIMARY MEDICAL	
							EXCESS MEDICAL	\$25,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Legal Liability to Participants (LLP) limit is a per occurrence limit.  
Event Name: Solace Sunrise Walk Type of Event: Walk and Run Distance:5K  
Event Date (including ancillary events and set-up/tear-down): 6/12/2021 to 6/12/2021 Number of Participants: 200 Event Location: Town of Orangetown , 26 Orangeburg Road, Orangeburg

The certificate holder is added as an additional insured, but only for liability caused, in whole or in part, by the acts or omissions of the named insured.

<b>CERTIFICATE HOLDER</b> Town of Orangetown 26 Orangeburg Road Orangeburg, NY 10962 (Owner/Lessor of Premises)	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	--

Coverage is only extended to U.S. events and activities.  
\*\* NOTICE TO TEXAS INSUREDS: The Insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED  
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

MAY 17 2021

Name Of Additional Insured Person(s) Or Organization(s)
Town of Orangetown 26 Orangeburg Road Orangeburg, NY 10962  Named Insured: Solace House Inc.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

RECEIVED

APR 29 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

RECEIVED

MAY 19 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS

PERMIT # 21-SP-011

EVENT NAME: Memorial Day Sparkill NY  
APPLICANT NAME: John M. Perry Post 1044 (Murry Cohen Post Commander)  
ADDRESS: 690 Rte 340  
PHONE #: 845 267 8547 CELL # - FAX # -

CHECK ONE: PARADE  RACE/RUN/WALK  OTHER

The above event will be held on May 31 from 11:30 to 12:30 RAIN DATE: -

Location of event: PARADE from Rte 340 Firehouse to Town Square Sparkill

Sponsored by: John M. Perry Post 1044 Telephone #: -

Address: 690 Rte 340 Sparkill

Estimated # of persons participating in event: 100 vehicles FIRE TRUCK

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:

Murry Cohen 18 Shepitan Ave Congers 845-267-8547

Signature of Applicant: [Signature] Date: 4/24/21

GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)

Letter of Request to Town Board requesting aid for event - Received On: 4/29/21

Certificate of Insurance - Received On: 4/29/21

FOR HIGHWAY DEPARTMENT USE ONLY:

Road Closure Permit: Y / N - Received On: 5/7/21

Rockland County Highway Dept. Permit: Y / N - Received On: X

NYS DOT Permit: Y / N - Received On: -

Route/Map/Parking Plan: Y / N - Received On: 4/29/21

RFS #: 49880 BARRICADES: Y/N CONES: Y/N TRASH BARRELS: Y/N OTHER: -

APPROVED: [Signature] 5.5.21 DATE: 5.5.21  
Superintendent of Highways

FOR PARKS & RECREATION DEPARTMENT USE ONLY:

Show Mobile: Y / N - Application Required: - Fee Paid - Amount/Check # -

Port-o-Sans: Y/N: - Other: -

FOR POLICE DEPARTMENT USE ONLY:

Police Detail: Y / N: - Items: -

APPROVED: [Signature] DATE: 05/18/2021  
Chief of Police

American Legion  
John M. Perry Post 1044  
P.O.Box 311  
Sparkill NY 10976

April 8, 2021

Town Board  
26 Orangeburg Road  
Orangeburg NY 10962

Re: Memorial Day Parade Sparkill NY

To Whom It May Concern:

The John M. Perry Post 1044 American Legion will once again be having a Memorial Day Parade on Monday May 31, 2021, from 11:30AM to 12:00PM. We are requesting a police detail on this day.

Should you require any additional information, I can be reached at 845-267-8547.

Sincerely,

Murry Cohen - Past Commander  
Finance Officer

RECEIVED

APR 29 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/7/2021

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsements.**

<b>PRODUCER</b> Foy Agency, Inc. P. O. Box 42  Dear River INSURED American Legion Post 1044, John P Perry American, DBA: Legion Post #1044 Inc, Sons & Auxiliary of Post 1044 PO Box 311 Sparkill NY 10976	<b>CONTACT NAME:</b> Maureen Steria <b>PHONE (A/C, No, Ext):</b> (315) 493-2391 <b>FAX (A/C, No):</b> (315) 493-3267 <b>E-MAIL ADDRESS:</b> maureen@foyagency.com <b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: GA Assurance Ins Co <b>NAIC #</b> 26344 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
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APR 29 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

**COVERAGES** **CERTIFICATE NUMBER: 2021 04 07** **REVISION NUMBER:**

**THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.**

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			MAC250338909	10/7/2020	10/7/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  Town of Orangetown 26 Orangeburg Road Orangeburg, NY 10962	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Maureen Steria/KARA
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JAMES J. DEAN  
Superintendent of Highways  
Roadmaster IV

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



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

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

RECEIVED

MAY 7 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

ROAD CLOSING PERMIT APPLICATION  
Section 139 Highway Law

NAME Murry Cohen - Post Commander DATE 5/7/21  
COMPANY John M. Perry American Legion Post 1044  
ADDRESS P.O. Box 311, Sparkill, NY 10976  
TELEPHONE 845 267 8547

**(INCLUDE 24 HOUR EMERGENCY NUMBERS)**

ABOVE MENTIONED PARTY REQUESTS PERMISSION TO CLOSE:

Start: 520 rte 340, Sparkill end: Depot Square, Sparkill  
(Address number and name of road)

Parade route: rte 340 North to Union St, left on Union St,  
(Intersecting streets and/or description of exact location) left again onto Main St, end in Depot Sq.

REASON FOR CLOSING Memorial Day Parade

DATE OF CLOSING 5/31/21 RAIN DATE NONE

TIME ROAD WILL BE CLOSED 11:30 AM - 12:00 pm

WILL ROAD BE OPEN TO LOCAL TRAFFIC? not during parade

WILL ROAD BE OPEN TO EMERGENCY VEHICLES? Yes, if necessary.

**TRAFFIC CONTROL PLAN: PLEASE PROVIDE A DETAILED MAP AND DESCRIPTION OF DETOUR.**

PRELIMINARY APPROVAL [Signature] DATE 5.18.21  
JAMES J. DEAN  
SUPERINTENDENT OF HIGHWAYS

This permit application will be forwarded to the Rockland County Superintendent of Highways, County of Rockland, 23 New Hempstead Road, New City, NY, 10956. You will receive written confirmation from that office.

8-13-02bjd





TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS

PERMIT # 21-SP-012

RECEIVED

APR 29 2021

EVENT NAME: Memorial Day Palisades NY

APPLICANT NAME: MURRY COHEN - PAST MR. John M. Perry Post 1044 Am. Legion

ADDRESS: 690 Rte 340 Sparkill

PHONE #: 845-267-8547 CELL # \_\_\_\_\_ FAX # \_\_\_\_\_

CHECK ONE: PARADE  RACE/RUN/WALK \_\_\_\_\_ OTHER \_\_\_\_\_

The above event will be held on MAY 31 from 8<sup>30</sup> to 9<sup>30</sup> RAIN DATE: \_\_\_\_\_

Location of event: closter Road + Rte 9W Palisades

Sponsored by: John M. Perry Post 1044 Telephone #: \_\_\_\_\_

Address: 690 Rte 340 Sparkill

Estimated # of persons participating in event: 50 vehicles Fire Truck

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:

Murry Cohen 18 Sheridan Ave Gayens 845-267-8547

Signature of Applicant: [Signature] Date: 4/29/21

GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)

Letter of Request to Town Board requesting aid for event - Received On: 4/29/21

Certificate of Insurance - Received On: 4/29/21

FOR HIGHWAY DEPARTMENT USE ONLY:

Road Closure Permit: Y / N - Received On: X

Rockland County Highway Dept. Permit: Y / N - Received On: 5/5/21

NYS DOT Permit: Y / N - Received On: \_\_\_\_\_

Route/Map/Parking Plan: Y / N - Received On: 4/29/21

RFS #: 49880 BARRICADES: Y / N CONES: Y / N TRASH BARRELS: Y / N OTHER: \_\_\_\_\_

APPROVED: [Signature] 5.5.21 DATE: 5.5.21  
Superintendent of Highways

FOR PARKS & RECREATION DEPARTMENT USE ONLY:

Show Mobile: Y / N - Application Required: \_\_\_\_\_ Fee Paid - Amount/Check # \_\_\_\_\_

Port-o-Sans: Y / N - Other: \_\_\_\_\_

FOR POLICE DEPARTMENT USE ONLY:

Police Detail: Y / N: \_\_\_\_\_ Items: \_\_\_\_\_

APPROVED: [Signature] DATE: 05/18/2021  
Chief of Police

Please return to the Highway Department to be placed on the Town Board Workshop

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

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MAY 19 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

American Legion  
John M. Perry Post 1044  
P.O.Box 311  
Sparkill NY 10976

April 8, 2021

Town Board  
26 Orangeburg Road  
Orangeburg NY 10962

Re: Memorial Day Ceremony Palisades

To Whom It May Concern:

The John M. Perry Post 1044 American Legion will once again be having a Memorial Day Ceremony on Monday May 31, 2021, from 8:45AM to 10:00AM at Closter Road & Rte 9W in Palisades. We are requesting Closter Road be closed & a police detail on this day.

Should you require any additional information, I can be reached at 845-267-8547.

Sincerely,

Murry Cohen - Past Commander  
Finance Officer

RECEIVED

APR 29 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT



# Rockland County

Ed Day, Rockland County Executive

RECEIVED

MAY - 5 2021

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT**HIGHWAY DEPARTMENT**

23 New Hempstead Road  
New City, New York 10956  
Phone: (845) 638-5060 Fax: (845) 638-5037  
Email: highway@co.rockland.ny.us

**Charles H. "Skip" Vezzetti**  
*Superintendent of Highways*

**PERMIT AND NOTICE TO *Close* A ROAD**

To the Town Clerk of *Orangetown* in Rockland County:

This is to certify that the Superintendent of Highways of Rockland County has been requested by

AMERICAN LEGION VETERANS OF SPARKILL MURRAY COHEN @ 845-267-8547

To *Close* a section of Highway in the Town of *Orangetown* Rockland County, known as  
CLOSTER ROAD FROM ROUTE 9W TO OAK TREE ROAD IN PALISADES

The portion of highway will be *Closed* under Highway Law on MAY 31, 2021 Mon. FROM 8:30 am - 10 am  
For the purpose of PALISADES ANNUAL MEMORIAL DAY PARADE

This activity can not be properly conducted unless the portion described above is *Closed* during the time such activity is in progress.

To the Town Highway Superintendent of *Orangetown* in Rockland County:

A certificate of which the foregoing is a copy having been executed by me under the authority conferred by Section 104 of the Highway Law and filed in the office of the Town Clerk in *Orangetown* on the 4th Day of May 2021, you are hereby notified that I have authorized the *Closure* of the above described section of highway. The applicant must provide a detour for traffic during the time the road is *Closed* and notify police, fire, ambulance, school districts and public transportation prior to *Closing* of the roadway. The applicant must provide the necessary signs, barricades, lights, flagmen, etc. and make every effort to cooperate with the traveling public. Keep fire, police, ambulance, public transportation and school entities informed as to daily activities, concerning the *Closure*.

Dated this 4th May 2021



Rockland County Superintendent of Highways

*Handwritten initials and date:*  
5/8/21

**WARRANT**

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<b>Warrant Reference</b>	<b>Warrant #</b>	<b>Amount</b>
Approved for payment in the amount of		
	051221	\$ 274,487.48
	052521	\$ 479,384.71
	<b>Total</b>	<b>\$ 753,872.19</b>

The above listed claims are approved and ordered paid from the appropriations indicated.

**APPROVAL FOR PAYMENT**

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**AUDITING BOARD**

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Councilman Gerald Bottari

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Councilman Paul Valentine

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Councilman Thomas Diviny

---

Councilman Denis Troy

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Supervisor Teresa M. Kenny

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**TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM**

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**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 5/20/2021  
**CC:** DEPARTMENT HEADS



The audit for the Town Board Meeting of 5/25/2021 consists of 2 warrants for a total of \$753,872.19.

The first warrant had 6 vouchers for \$274,487 and had the following items of interest.

1. Feerick Lynch Maccartney & Nugent (p1) - \$205,000 for legal judgment.
2. JP Morgan Equipment Finance (p2) - \$53,828 for energy performance contract.
3. Valuation Plus (p3) - \$5,500 for appraisal.

The second warrant had 171 vouchers for \$479,384 and had the following items of interest.

1. A & J Construction (p1) - \$14,750 for painting in Town Hall.
2. Brooker Engineering (p14) - \$8,091 for drainage review study.
3. Capasso & Sons (p16) - \$74,275 for recycling.
4. Cotter (p18) - \$6,875 for CTR inspections.
5. Crown Castle Fiber (p18) - \$12,940 for connectivity.
6. De Lage Landen (p19) - \$15,908 for Blue Hill GC cart leases.
7. Fellenzer Engineering, LLP (p21) - \$9,962 for Mech and HVAC services Aluf vs. Town.
8. Global Montello (p22) - \$16,303 for fuel.
9. Goosetown Enterprises (p27) - \$10,885 for Highway leases.
10. Granicus (p28) - \$8,924 for agenda software.
11. Hagopian, Michael (p30) - \$11,000 for legal settlement.
12. Johnson Controls (p33) - \$6,748 for HVAC repairs and quarterly service.
13. Sealcoat USA (p47) - \$68,660 for Highway coatings (bonded)

14. Slack Chemical Co. (p48) - \$9,453 for Sewer chemicals.
15. Sprague Operating Resources. (p49) - \$21,017 for fuel.
16. Tilcon NY (p51) - \$49,678 for Highway materials.
17. Verde Electric (p53) - \$5,075 for traffic signal agreement.

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204