

Palisades Credit Union Park Presents:



Come cheer on Supervisor Kenny as she throws out the first pitch!

Saturday, July 24, 2021

4:30 pm Pre-Game



Celebrating Irish Heritage Day with the Narrowbacks



Game Starts at 6:30 pm

New York Boulders vs. Washington Wild Things

Fireworks after the Game

Discounted Tickets for Orangetown Residents \$10

<https://fevo.me/orangetown>

Boulder's Stadium: 1 Palisades Credit Union Park Drive, Pomona, NY 10970

**TOWN OF ORANGETOWN, ROCKLAND COUNTY
TOWN CODE AMENDMENT**

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

DATE: July 13, 2021

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

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

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

TITLE OF ACTION:

Adoption of Local Law No. __ of 2021 of the Town of Orangetown, amending Chapters 6, 14, 24 and 43 of the Town Code, regarding performance standards and fees.

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The Town Board of the Town of Orangetown (“Town Board”) has prepared a proposed local law to amend Chapters 6, 14, 24 and 43 of the Code of the Town of Orangetown (“Town Code”) to revise the procedures applicable to review of applications for compliance with the performance standards set forth in the Town Code and to performance standards provisions.

Under the existing Town Code, the Town of Orangetown Zoning Board of Appeals (“ZBA”) is vested with jurisdiction to review an application for a building permit or certificate of occupancy to determine whether the proposed use complies with the performance standards set forth in the Town Code. The ZBA also currently has the authority to review an industrial user’s alleged violation or noncompliance with the performance standards and revoke or rescind its performance standards approval decision, and any building permit and/or certificate of occupancy that was issued based thereon.

Under the proposed local law, such jurisdiction currently held by the ZBA is proposed to be removed from the ZBA and vested in a newly established entity – the Industrial Use Committee (“IUC”). The IUC is proposed to be comprised of five (5) members who will review applications seeking a determination of conformance to the performance standards for such uses, operations and occupancies subject to the performance standards set forth in the Town Code. Procedures for such review by the IUC are proposed in the local law, including enforcement provisions. It is proposed that in the event the Town of Orangetown Office of Building, Zoning, Planning and Enforcement and/or the Department of Environmental Management and Engineering refers an industrial user to the IUC for review of an alleged violation or noncompliance with the performance standards, the IUC may direct the industrial user to prepare and submit a remedial action plan to address the condition of noncompliance. The establishment of the IUC does not remove the Town’s existing enforcement tools such as prosecution in the Orangetown Justice Court or New York State Supreme Court.

The proposed local law also amends Chapter 14 of the Town Code with respect to fees for consultant review. The amendments to Chapter 14 are intended to account for the creation of the IUC as a Town entity entitled to utilize professional consultants in its review of applications and update certain provisions to align with current Town procedures.

DETERMINATION:

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

REASONS SUPPORTING THIS DETERMINATION:

The proposed action amends the Town Code revise the procedures applicable to review of applications for compliance with the performance standards. In particular, the proposed action will transfer authority from the Zoning Board of Appeals to a newly established entity – the Industrial Use Committee – for review of an industrial user’s application for a building permit or certificate of occupancy to determine compliance with the applicable performance standards set forth in the Zoning Code. Authority to revoke or rescind a performance standards approval decision, along with any associated building permit and/or certificate of occupancy, in the event of a violation or noncompliance with the applicable performance standards would also be transferred from the Zoning Board of Appeals to the IUC. The IUC is proposed to be comprised of individuals with the expertise and subject matter knowledge of the various performance standards. This transfer of authority does not result in any significant environmental impacts and is intended to streamline the review and enforcement procedures for performance standards.

The proposed action also amends the Zoning Code with regard to standards for the enforcement of alleged violations of performance standards pertaining to odors. In utilizing a properly calibrated olfactory field instrument, one volume of odorous air diluted with seven volumes of odor-free air will be utilized to determine if the odor remains perceptible to the user. This standard of measurement is also used by the NYS Department of Environmental Conservation in its Air Permits. Establishing a standardized, and regulatorily accepted, form of measurement for enforcement of performance standards related to odor allows for objective means of enforcement while using a standard deemed appropriate by other permitting agencies. Enhancing the

enforcement mechanisms available to Town staff and officials will not result in a significant adverse environmental impact.

The proposed action also amends Chapter 14 of the Town Code with respect to fees for consultant review. The amendments to Chapter 14 are intended to account for the creation of the IUC as a Town entity entitled to utilize professional consultants in its review of applications and update certain provisions to align with current Town procedures. These amendments do not result in any significant adverse environmental impact.

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

POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:

Based on the Short Environmental Assessment Form, prepared by the Town's Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board's familiarity with the Town's performance standards and the amendments presented in the proposed action, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Land
- Geologic Features
- Surface or Groundwater Quantity or Quality
- Flooding
- Air Quality
- Plants and Animals
- Agricultural Land Resources
- Aesthetic Resources
- Historic and Archaeological Resources
- Open Space and Recreation
- Critical Environmental Areas
- Transportation
- Energy
- Noise, Odor and Lighting
- Public Health
- Human Health
- Community Plans
- Community Character, including municipal services, or
- Future Development of Adjacent and Nearby Lands

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

For Further Information, Contact:

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

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Orangetown Town Board	July 13, 2021
Name of Lead Agency	Date
Teresa Kenny	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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 shall approve or disapprove the application within a reasonable time but not longer than ~~45~~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 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 ~~40~~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 ~~§ 40.3344.12~~, 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 **GD** 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.

~~ED.~~ 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.

~~DE.~~ 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.

~~EE.~~ 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.

~~FG.~~ 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 **FG** 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 **FG** 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~~ reimbursing 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.



Rockland County

Ed Day, Rockland County Executive

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

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 17, 2021

Orangetown Town Board
 26 Orangeburg Road
 Orangeburg, NY 10962

Tax Data:

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

Map Date:

Date Review Received: 6/7/2021

Item: TOWN OF ORANGETOWN - PERFORMANCE STANDARDS (O-2412)

Local Law to amend chapters 6, 14, 24, and 43 of the Town Code concerning fees and performance standards.
 Throughout the Town

Reason for Referral:

County and State roads, parks and facilities; County streams; Long Path Hiking Trail; adjacent municipalities

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

***Approve**

Since the proposed local law will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.



Douglas J. Schuetz
 Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
 Rockland County Department of Health
 Rockland County Office of Fire and Emergency Services

TOWN OF ORANGETOWN - PERFORMANCE STANDARDS (O-2412)

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

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

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

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

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

Town of Orangetown Town Board

Date: May 28, 2021

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

RE: GML 239 § (1) & (M) Referral / Performance Standards Local Law

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

June 9, 2021
Date


(Signature)

Thomas C. Warren Chairman
(Print Name and Title)

Planning Board
(Name of Agency)

Other Business

Town of Orangetown

Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962

Telephone: (845) 359-5100 ext. 5004 · Fax: (845) 359-5126

e-mail: tclerk@orangetown.com

website: www.orangetown.com



June 9, 2021

May 28, 2021

Orangetown Planning Board
20 S Greenbush Rd
Orangeburg, NY 10962

RE: GML 239 § (l) & (m) Referral / Performance Standards Local Law

Pursuant to General Municipal Law § § 239-1 & m, enclosed please find the Referral Form and supporting documents, relating to the above referenced action, consisting of a Local Law, regarding Performance Standards.

Also enclosed is a Lead Agency Circulation Letter from the Town Board, indicating its intention to act as a Lead Agency with respect to the project. To the extent you are able to respond on the issue of Lead Agency status prior to the expiration of **30-days**; your cooperation would be appreciated.

Thank you for your attention to the referenced matters.

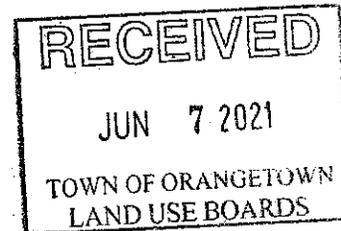
Regards,

A handwritten signature in black ink, appearing to read "Rosanna Sfraga".

Rosanna Sfraga
Town Clerk

Encl.

CC: Robert Magrino, Town Attorney
Rockland County Dept. of Planning
Orangetown Zoning Board of Appeals
NYS Dept of Environmental Conservation (DEC)



Town of Orangetown

Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962

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website: www.orangetown.com



Lead Agency Coordination Letter from the Town of Orangetown

May 28, 2021

**Orangetown Planning Board
20 S. Greenbush Rd
Orangeburg, NY 10962**

RE: GML 239 § (1) & (M) Referral / Performance Standards Local Law

The Town Board of the Town of Orangetown, Rockland County, New York is hereby notifying you that, at its meeting held on *May 25, 2021* the Town Board adopted a resolution in connection with the proposed action, to wit, amending the Town Code regarding Performance Standards; and (i) declaring its intention to act as Lead Agency under SEQRA; (ii) making the preliminary determination that the proposed action is an “unlisted” action under SEQRA; (iii) directing that a SEQRA letter be circulated to the Rockland County Planning Department for GML review, the NYS Dept. of Environmental Conservation, the Orangetown Zoning Board of Appeals and the Orangetown Planning Board for its review and recommendation under the Town Code.

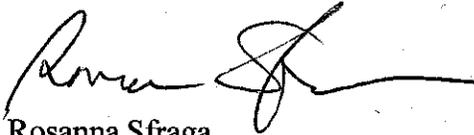
The Town Board has determined that the action proposed is subject to review under the State Environmental Quality Review Act (“SEQRA”), and that such action constitutes an “unlisted” action. The Town Board, by Board Resolution, has expressed its intention to serve as Lead Agency for the action and, pursuant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

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

Lead Agency Coordination Letter from the Town of Orangetown

Enclosed please find a copy of the proposed Local Law, GML 239 §§ referral form to Rockland County Department of Planning, and other relevant documents and information relating to the proposed action.

Thank you for your cooperation and courtesy.



Rosanna Sfraga
Town Clerk

Encl.

CC: Robert Magrino, Town Attorney
Rockland County Dept. of Planning
Orangetown Zoning Board of Appeals
NYS Dept of Environmental Conservation (DEC)

TOWN OF CLARKSTOWN
DEPARTMENT OF PLANNING

JOSE C. SIMOES, Principal Planner
JAMES CREIGHTON, Senior Planner
10 MAPLE AVENUE
NEW CITY, NEW YORK 10956-5099
(845) 639-2070
(845) 639-2071 (fax)
planning@clarkstown.org



TOWN OF CLARKSTOWN
PLANNING BOARD

GILBERT J. HEIM, Chairman
RUDOLPH J. YACYSHYN, Vice Chairman
PETER E. STREITMAN, Member
EDWARD J. GUARDARO, JR., Member
PHILLIP DEGAETANO, Member
DOUGLAS B. KATZ, Member
EDWARD BERTOLINO, Member

June 24, 2021

Town of Orangetown
Town Board
26 West Orangeburg Road
Orangeburg, New York 10962

RE: Town of Orangetown Referral: Performance Standards Local Law

Dear Town Board Members,

The Planning Board reviewed the above referral at their June 23, 2021 meeting.

After a brief discussion, on a Motion of Katz, Seconded by Guardaro, and carried 4:0, with Ayes of Streitman and Bertolino **the Planning Board of the Town of Clarkstown deemed the matter for local determination.**

Thank you for this opportunity to review this matter. Please do not hesitate to call me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Gilbert J. Heim".

Gilbert J. Heim
Chairman

CC: Rockland County Planning
Clarkstown Planning Board

TOWN OF ORANGETOWN
2021 JUN 24 P 12:10
TOWN CLERK'S OFFICE

Town of Orangetown

Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962

Telephone: (845) 359-5100 ext. 5004 · Fax: (845) 359-5126

e-mail: tclerk@orangetown.com

website: www.orangetown.com



June 11, 2021

**Town of Clarkstown
Village of Nyack
Village of South Nyack
Village of Grand View-on-Hudson**

**Town of Ramapo
Village of Chestnut Ridge
Village of Piermont**

RE: GML 239 § (l) & (m) Referral / Performance Standards Local Law

Pursuant to General Municipal Law § § 239-1 & m, enclosed please find the Referral Form and supporting documents, relating to the above referenced action, consisting of a Local Law, regarding Performance Standards.

Also enclosed is a Lead Agency Circulation Letter from the Town Board, indicating its intention to act as a Lead Agency with respect to the project. To the extent you are able to respond on the issue of Lead Agency status prior to the expiration of **30-days**; your cooperation would be appreciated.

Thank you for your attention to the referenced matters.

Regards,

A handwritten signature in black ink, appearing to read "Rosanna Sfraga", is written over a horizontal line.

Rosanna Sfraga
Town Clerk

Encl.

Town of Orangetown

Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962

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Lead Agency Coordination Letter from the Town of Orangetown

June 11, 2021

**Town of Clarkstown
Village of Nyack
Village of South Nyack
Village of Grand View-on-Hudson**

**Town of Ramapo
Village of Chestnut Ridge
Village of Piermont**

RE: GML 239 § (1) & (M) Referral / Performance Standards Local Law

The Town Board of the Town of Orangetown, Rockland County, New York is hereby notifying you that, at its meeting held on *May 25, 2021* the Town Board adopted a resolution in connection with the proposed action, to wit, *amending the Town Code regarding Performance Standards*; declaring its intention to act of Lead Agency under SEQRA; making the preliminary determination that the proposed action is an “unlisted” action under SEQRA; directing that a SEQRA letter be circulated to the Rockland County Planning Department for GML review, the NYS Dept. of Environmental Conservation, the Orangetown Zoning Board of Appeals and to the Orangetown Planning Board for its review and recommendation under the Town Code.

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

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

Lead Agency Coordination Letter from the Town of Orangetown

Enclosed please find a copy of the proposed Local Law, Short EAF Form, GML 239 §§ referral form to Rockland County Department of Planning, and other relevant documents and information relating to the proposed action.

Thank you for your cooperation and courtesy.

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

Rosanna Sfraga
Town Clerk

Encl.

Town of Orangetown Town Board

Date: June 11, 2021

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

RE: GML 239 § (1) & (m) Referral / Performance Standards Local Law

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

Date

(Signature)

(Print Name and Title)

(Name of Agency)

Encl.

RTBM 5/25/2021

RESOLUTION NO. 213

SET PH / PERFORMANCE STANDARDS / TOWN CODE CHAPTERS 6, 14, 24 & 43

RESOLVED that the Town Board will hold a public hearing on July 13, 2021 at 7:05 p.m., on a proposed Local Law, amending Chapters 6, 14, 24 and 43 of the Town Code with regard to Performance Standards.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Absent: Councilperson Denis Troy

RESOLUTION NO. 214

DECLARATION OF LEAD AGENCY PURSUANT TO SEQRA / PERFORMANCE STANDARDS LOCAL LAW

WHEREAS, the Town Code of the Town of Orangetown requires certain industrial uses within the Town to adhere to and comply with performance standards as that term and such standards are defined in the Town Code, and

WHEREAS, the procedures for review and compliance with performance standards have been under review by the Town Board, its counsel and relevant department heads, and the Town Board has found that changes to the Code are in the best interests of the Town, its residents and industrial users, in order to streamline review, implementation and enforcement of performance standards guidelines, and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");

RESOLUTION NO. 214 - Continued

The proposed action as an "Unlisted" action;

The Town Board is the only involved agency in the review process as it is the only agency with the authority to approve the proposed action; and

The following are interested agencies in the review process:

Orangetown Planning Board;

Rockland County Department of Planning;
Orangetown Zoning Board of Appeals;
NYS Department of Environmental Conservation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the purpose of environmental review under SEQRA, and directs that notice of the Town Board's declaration of Lead Agency with relevant documents be circulated to and among the various above referenced agencies with a request for comment on the proposed local law; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- 1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said proposed Local Law, amending the Town Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Absent: Councilperson Denis Troy

**ROCKLAND COUNTY DEPARTMENT OF PLANNING
REFERRAL FORM FOR GENERAL MUNICIPAL LAW REVIEWS**

Municipality: TOWN OF ORANGETOWN

Date Sent: June 11, 2021

Board: Town Board Town/Village **Meeting Date:** July 13, 2021

File Name: Performance Standards

Contact Person: Robert Magrino, Town Attorney
Address 26 W Orangeburg Road, Orangeburg, New York 10962

Referral Agencies

(Please indicate the agencies that have also received copies of this application)

- RC Highway Department
- RC Division of Environmental Resources
- RC Drainage Agency
- RC Department of Environmental Health (Sewers, Water, Mosquito Code, Underground Tanks)
- RC Sewer District #1
- NYS Department of Environmental Conservation
- NYS Department of Transportation
- NYS Thruway Authority
- NY-NJ Trail Conference (Long Path)
- Palisades Interstate Park Commission
- US Army Corps of Engineers
- Cornell Cooperative Extension of Rockland County
- RC Department of Planning
- Adjacent Municipality: Town of Clarkstown; Town of Ramapo; Village of Nyack; Village of South Nyack; Village of Grand View-on-Hudson; Village of Chestnut Ridge; and Village of Piermont
- Other: Orangetown Planning Board

Pursuant to the General Municipal Law Article 12-B, Section

239 (n) Subdivision

239 (l) & (m): Site Plan Variance Special Permit Zone Change

Other – *Please list:* Proposed Local Law amending Chapters 6, 14, 24, and 43 of the Town Code regarding Performance Standards.

Location of Parcel(s): Various

Acreage of Parcel (s) Minimum Lot Acreage Proposed –

Existing Sq. Footage **Proposed Sq. Footage** _____

The Property in Question Lies Within 500 Feet of: (Potential Development Sites)

- County Road State Road, Thruway, or Parkway
- County Stream State Park
- County Park Village, Town, County, or State Boundary
- County or State Facility The Long Path

Map _____ Block _____ Lot(s) _____ Map Date _____
Map _____ Block _____ Lot(s) _____ Current Zoning: _____

Brief Project Description:

Proposed Local Law amending Chapters 6, 14, 24, and 43 of the Town Code regarding Performance Standards.

Variances Needed (if applicable)

Required

Provided

_____	_____	_____
_____	_____	_____
_____	_____	_____

Environmental Assessment Form
Part 1 – Project Information
Narrative Description

The Town Board of the Town of Orangetown (“Town Board”) has prepared a proposed local law to amend Chapters 6, 14, 24 and 43 of the Code of the Town of Orangetown (“Town Code”) to revise the procedures applicable to review of applications for compliance with the performance standards set forth in the Town Code.

Under the existing Town Code, the Town of Orangetown Zoning Board of Appeals (“ZBA”) is vested with jurisdiction to review an application for a building permit or certificate of occupancy to determine whether the proposed use complies with the performance standards set forth in the Town Code. The ZBA also currently has the authority to review an industrial user’s alleged violation or noncompliance with the performance standards and revoke or rescind its performance standards approval decision, and any building permit and/or certificate of occupancy that was issued based thereon.

Under the proposed local law, such jurisdiction currently held by the ZBA is proposed to be removed from the ZBA and vested in a newly established entity – the Industrial Use Committee (“IUC”). The IUC is proposed to be comprised of five (5) members who would review applications seeking a determination of conformance to the performance standards for such uses, operations and occupancies subject to the performance standards set forth in the Town Code. Procedures for such review by the IUC are proposed in the local law, including enforcement provisions. It is proposed that in the event the Town of Orangetown Office of Building, Zoning, Planning and Enforcement and/or the Department of Environmental Management and Engineering refers an industrial user to the IUC for review of an alleged violation or noncompliance with the performance standards, the IUC may direct the industrial user to prepare and submit a remedial action plan to address the condition of noncompliance. The establishment of the IUC does not remove the Town’s existing enforcement tools such as prosecution in the Orangetown Justice Court or New York State Supreme Court.

The proposed local law also amends Chapter 14 of the Town Code with respect to fees for consultant review. The amendments to Chapter 14 are intended to account for the creation of the IUC as a Town entity entitled to utilize professional consultants in its review of applications, and update certain provisions to align with current Town procedures.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
TOWN OF ORANGETOWN			
Name of Action or Project: Adopt and add new chapter 10D to Town Code regarding Cannabis			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: To adopt a local law pursuant to NY Cannabis Law Section 131 for the Town of Orangetown to "opt out" and prohibit the establishment of retail dispensary licenses and on-site consumption licenses that would otherwise be allowed under Article 4 of the Cannabis Law.			
Name of Applicant or Sponsor: Town of Orangetown		Telephone: 845 359 5100	
Address: 26 Orangeburg Road		E-Mail: supervisor@orangetown.com	
City/PO: Orangeburg		State: NY	Zip Code: 10956
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (c.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Town of Orangetown</u></p>		<p>Date: <u>June 3, 2021</u></p>
<p>Signature: <u>Robert V. Magrino</u></p>		

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Orangetown	June 3, 2021
_____ Name of Lead Agency	_____ Date
Teresa M. Kenny	Town Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

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 § ~~40.3344.12(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 ~~45~~ 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 § ~~40.3344.12~~, 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 ~~he~~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 ~~40~~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 § ~~40.3344.12~~, 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/dispensed 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.

~~CD.~~ 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.

~~DE.~~ 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.

~~EF.~~ 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.

~~FG.~~ 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 **FG** 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 **FG** 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 (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/dispensed 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 ~~or~~ 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.

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)

Project:	RESERVE AT PEARL RIVER
Date:	JUNE 7, 2021

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

 NO YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

 NO YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

Project: RESERVE AT PEARL RIVER

Date: JUNE 7, 2021

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The extent of the overall disturbance area and the quantity of the earthwork will be reviewed, analyzed and confirmed during the site plan review process with the Town of Orangetown Planning Board.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 UnlistedIdentify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Town of Orangetown Town Board

Date: June 1, 2021

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

RE: *GML 239 § (l) & (m) Referral / Zone Change Petition
The Reserve at Pearl River / BNE Real Estate Group / PAC Zone Change
Veterans Memorial Drive / Pearl River / 73.10-1-6*

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

6/15/2021
Date


(Signature)

Michael Kezner, Planner
(Print Name and Title)

Rockland County Planning Dept.
(Name of Agency)

Encl.

Town of Orangetown Town Board

Date: June 1, 2021

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

**GML 239 § (1) & (m) Referral / Zone Change Petition
The Reserve at Pearl River / BNE Real Estate Group / PAC Zone Change
Veterans Memorial Dive / Pearl River / 73.10-1-6**

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

6/30/21
Date

[Signature]
(Signature)

Thomas Curran Chairman
(Print Name and Title)

Orangetown Planning Board
(Name of Agency)

Encl.

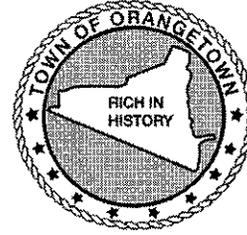
Town of Orangetown

Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962

Telephone: (845) 359-5100 ext. 5004 · Fax: (845) 359-5126

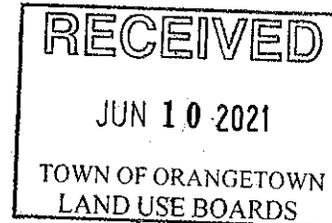
e-mail: tclerk@orangetown.com

website: www.orangetown.com



June 1, 2021

Orangetown Planning Board
20 S Greenbush Rd
Orangeburg, NY 10962



**RE: GML 239 § (l) & (m) Referral / Zone Change Petition / Special Permit
The Reserve at Pearl River / BNE Real Estate Group / PAC Zone Change / Veterans Memorial
Drive / Pearl River /73.10-1-6**

Pursuant to General Municipal Law § § 239-l & m, enclosed please find the Referral Form and supporting documents, relating to the above referenced action, consisting of a Petition, Environmental Assessment Form, site plan, and other relevant documents and information, changing the zoning district for premises located on the southeast side of Veterans Memorial Drive adjacent to the Blue Hill office building, in the hamlet of Pearl River.

Also enclosed is a Lead Agency Circulation Letter from the Town Board, indicating its intention to act as a Lead Agency with respect to the project. To the extent you are able to respond on the issue of Lead Agency status prior to the expiration of **30-days**; your cooperation would be appreciated.

Thank you for your attention to the referenced matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosanna Sfraga".

Rosanna Sfraga
Town Clerk

Encl.

Cc: Robert Magrino, Town Attorney
Rockland County Dept. of Planning
Rockland County Highway Department
Rockland County Drainage Agency

Town of Orangetown

Town Hall 26 W. Orangeburg Road · Orangeburg NY, 10962

Telephone: (845) 359-5100 ext. 5004 · Fax: (845) 359-5126

e-mail: tclerk@orangetown.com

website: www.orangetown.com



Lead Agency Coordination Letter from the Town of Orangetown

June 1, 2021

Orangetown Planning Board
20 S. Greenbush Rd
Orangeburg, NY 10962

**RE: GML 239 § (1) & (m) Referral / Zone Change Petition
The Reserve at Pearl River / BNE Real Estate Group / PAC Zone Change
Veterans Memorial Dive / Pearl River / 73.10-1-6**

The Town Board of the Town of Orangetown, Rockland County, New York is hereby notifying you that, at its meeting held on *May 25, 2021* the Town Board adopted a resolution in connection with the proposed action, to wit, a proposed change to the Town Zoning Law, changing the zoning classification of the premises located on the southeast side of Veterans Memorial Drive adjacent to the Blue Hill office building, in the hamlet of Pearl River (73.10-1-6). The property is currently located in the "OP" (Office Park District) zoning district, to change the zoning classification of the property to that of "PAC" (Planned Adult Community) and (i) declaring its intention to act of Lead Agency under SEQRA; (ii) making the preliminary determination that the proposed action is an "unlisted" action under SEQRA; (iii) directing that a SEQRA letter be circulated to the Rockland County Planning Department for GML review, to the Rockland County Highway Department, Rockland County Drainage Agency, and to the Orangetown Planning Board for its review and recommendation under the Town Code.

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

The Town Board further wishes to expedite the designation of the Lead Agency and requests prompt reply. If you agree to the Town Board being designated Lead Agency, please sign this letter where indicated below and mail and/or fax (845) 359-5126 as soon as possible. If your

Lead Agency Coordination Letter from the Town of Orangetown

agency does not submit a written objection within 30 days of the mailing of this notification, the Town Board will assume the role of lead agency for this action.

Enclosed please find a copy of the Petition, Environmental Assessment Form, site plan, and other relevant documents and information relating to the proposed action.

Thank you for your cooperation and courtesy.



Rosanna Sfraga
Town Clerk

Encl.

CC: Robert Magrino, Town Attorney
Rockland County Highway Dept
Rockland County Dept. of Planning
Rockland County Drainage Agency

RTBM 5/25/2021

RESOLUTION NO. 215

**ACCEPT / REFER PETITION / RESERVE AT PEARL RIVER PAC ZONE CHANGE
BNE REAL ESTATE GROUP TAX LOT 73.10-1-6 / VETERANS MEMORIAL DRIVE
PEARL RIVER / SEQRA / LEAD AGENCY / GML REVIEW**

WHEREAS, the owner of premises located on the southeast side of Veterans Memorial Parkway adjacent to the Blue Hill office building, in the hamlet of Pearl River, Tax Lot 73.10-1-6 being located in the "OP" (Office Park) zoning district, has petitioned the Town Board to change the zoning classification of the property to the overlay district of "PAC" (Planned Adult Community), zoning district; and

WHEREAS, upon preliminary review, the Town Board is willing to consider the change to such PAC zone as the property is eligible for such a zone change pursuant to Town Code §4.62 as the property is located in an area with other PAC communities nearby and is currently within the OP zoning district ; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board's request by the Office of Building, Zoning, Planning and Administration and Enforcement, and related documents and filings, the Board makes the following preliminary determinations:

The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");

The proposed action as an "Unlisted" action; and

The following are involved or interested or involved agencies in the review process:

Orangetown Planning Board;
Rockland County Department of Planning;
Rockland County Highway Department;
Rockland County Drainage Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

RESOLUTION NO. 215 - Continued

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239-1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 4.612(E), the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Map, to the Town Planning Board inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 – 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Absent: Councilperson Denis Troy

RESOLUTION NO. 216

SET PUBLIC HEARING / PROPOSED ZONE CHANGE FOR BNE REAL ESTATE GROUP / THE RESERVE AT PEARL RIVER LOCATED ON VETERANS MEMORIAL DRIVE / PEARL RIVER TAX LOT 73.10-1-6

RESOLVED that the Town Board will hold a public hearing on July 13, 2021 at 7:15 p.m., on a proposed Local Law, on application of BNE Real Estate Group, project known as The Reserve at Pearl River, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel located on the southeast side of Veterans Memorial Highway adjacent to Blue Hill office building, tax lot 73.10-1-6 in the hamlet of Pearl River from “OP” to “PAC”.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Absent: Councilperson Denis Troy

**ROCKLAND COUNTY DEPARTMENT OF PLANNING
REFERRAL FORM FOR GENERAL MUNICIPAL LAW REVIEWS**

Municipality: TOWN OF ORANGETOWN

Date Sent: June 2, 2021

Board: Town Board Town/Village **Meeting Date:** July 13, 2021

File Name: The Reserve at Pearl River (73.10-1-6), change the Zoning from "OP" (Office Park) to "PAC" (Planned Adult Community) for property located on the southeast side of Veterans Memorial Drive, adjacent to the Blue Hill office building, in the hamlet of Pearl River, declaring its intention to act as Lead Agency under SEQRA; making the preliminary determination that the proposed action is an "unlisted" action under SEQRA; directing that a SEQRA letter be circulated.

Contact Person: Robert Magrino, Town Attorney
Address: 26 W Orangeburg Road, Orangeburg, New York 10962

Referral Agencies

(Please indicate the agencies that have also received copies of this application)

- RC Highway Department
- RC Division of Environmental Resources
- RC Drainage Agency
- RC Department of Environmental Health (Sewers, Water, Mosquito Code, Underground Tanks)
- RC Sewer District #1
- NYS Department of Environmental Conservation
- NYS Department of Transportation
- NYS Thruway Authority
- NY-NJ Trail Conference (Long Path)
- Palisades Interstate Park Commission
- US Army Corps of Engineers
- Cornell Cooperative Extension of Rockland County
- RC Department of Planning
- Adjacent Municipality:
- Other: Orangetown Planning Board

Pursuant to the General Municipal Law Article 12-B, Section

- 239 (n)** Subdivision
- 239 (l) & (m):** Site Plan Variance Special Permit Zone Change
- Other – *Please list* _____

Location of Parcel(s): southeast side of Veterans Memorial Drive, adjacent to the Blue Hill office building, in the hamlet of Pearl River (73.10-1-6)

Acreage of Parcel (s) Minimum Lot Acreage Proposed – 22.58

Existing Sq. Footage _____ **Proposed Sq. Footage** _____

The Property in Question Lies Within 500 Feet of: (Potential Development Sites)

- County Road State Road, Thruway, or Parkway
- County Stream State Park
- County Park Village, Town, County, or State Boundary
- County or State Facility The Long Path

Map 73.10 Block 1 Lot(s) 6 Map Date _____
Map _____ Block _____ Lot(s) _____ Current Zoning: _____

Brief Project Description:

The Reserve at Pearl River (73.10-1-6), change the Zoning from "OP" (Office Park) to "PAC" (Planned Adult Community) for property located on the southeast side of Veterans Memorial Drive, adjacent to the Blue Hill office building, in the hamlet of Pearl River, declaring its intention to act as Lead Agency under SEQRA; making the preliminary determination that the proposed action is an "unlisted" action under SEQRA; directing that a SEQRA letter be circulated.

Variances Needed (if applicable)	Required	Provided
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOWN OF ORANGETOWN
STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

July 13, 2021

**Lead
Agency :**

The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg, New York 10962

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

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

Title of Action :

Amendment to Town Zoning Law and Zoning Map / Zone Change Application from OP (Office Park) to PAC (Planned Adult Community).

SEQR Status :

Type I

**Description of
the Action :**

The action consists of a proposed change to the Zoning Law and Zoning Map of the Town of Orangetown, affecting currently vacant land situated on 22.58 acres ± on the south side of Veterans Memorial Drive in Pearl River, east of the existing Blue Hill office complex

and east of the existing PAC property known as The Club at Pearl River II. The land is currently wooded and undeveloped.

Location:

The proposed action affects property located in the Hamlet of Pearl River, located on the south side of Veterans Memorial Drive in Pearl River, east of the existing Blue Hill office complex and east of the existing PAC property known as The Club at Pearl River II and shown on the Tax Map of the Town of Orangetown as SBL **73.10-1-6**.

**REASONS SUPPORTING
THIS DETERMINATION**

I. Information Reviewed and Relied Upon

In making its determination, the Town Board, acting in its capacity as Lead Agency, considered the following:

- (1) The Petition of the Owner, including :
 - ❖ a project description and Conceptual Site Plan;
 - ❖ Vicinity and zoning map
 - ❖ traffic report from Klein Traffic Consulting, LLC dated February 15, 2021;
 - ❖ tax map
- (2) Full Environmental Assessment Forms;
- (3) The comments of the Rockland County Planning Department pursuant to GML § 239, dated June 21, 2021;

The Board further considered the testimony and comments given at the public hearing on the proposed zone change, including that of the Project Sponsor and certain real estate and design consultants, as well as comments from members of the public both in support and in opposition.

II. Familiarity with the Site

The members of the Town Board, in general terms, are also each personally familiar with the location of the proposed development, including its proximity to the nearby roadways as well as other development in the area.

III. Potential Impacts Ultimately Determined Not to Be Significant

The Board found that the property is currently undisturbed, however, the construction of the project as proposed will not create a significant negative environmental impact. The gross lot area is approximately 22.6 acres, approximately 18.5 of which will be open space.

IV. Other Potential Impacts Considered and Determined Not to Be Significant

The Board has also considered the following issues and potential impacts, and has concluded that neither individually nor cumulatively will they have a significant impact on the environment:

- ***Agricultural Land Resources***

There are no anticipated impacts on agricultural lands.

- **Aesthetic Resources**

Detailed designs for the senior units will be reviewed as part of the site plan process. The illustrative site plan submitted at this stage, however, show five apartment buildings. On appearance, the exterior portions of the existing building are aesthetically pleasing, having no adverse impact on the aesthetics of the surrounding area.

- ***Historic and Archaeological Resources***

See Full EAF, including Part III, annexed hereto.

- ***Critical Environmental Areas (CEAs)***

There are no significant anticipated impacts on any CEA.

- ***Energy***

There are no anticipated significant impacts the community's sources of fuel or energy supply.

- ***Public Health***

There are no anticipated significant impacts on the public health.

- ***Air Quality and Noise Levels***

The proposed actions are not expected to have a significant impact on local air quality or noise levels.

- ***Human Health***

The proposed actions will not create a hazard to human health.

V. Existing and/or Approved PAC Developments of Adjacent and Nearby Lands

The Town Board, as part of its environmental review of the proposed action, has also considered and evaluated the action, and its potential impacts, in the light of other pending, or previously approved, applications for PAC zone changes, and has determined that (i) given the location of the proposed action, (ii) its location in referenced to mass transit and other amenities desirable to an active adult population; and (iii) to a lesser degree, but nonetheless significant, the rental component of the proposed project, the approval of this action will not conflict with or adversely affect other such developments, or result in a saturation of PAC market.

In summary, after evaluating all of the potential environmental impacts relating to the proposed actions, the Town Board concludes that there will be no significant environmental effect caused thereby

For Further Information, Contact:

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

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
-----X

PETITION

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:

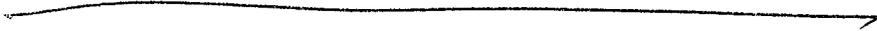
Annexed hereto and marked Addendum C (P) is a list of names and addresses of all owners owning property within 500 feet of the property which is the subject of this application as the same appears on the tax roll of the Town of Orangetown.

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;

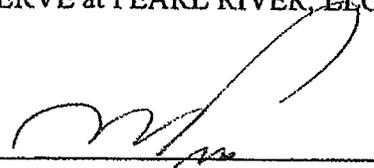
- (1) any city, town, or village boundary line;
- (2) any county or state park for recreation area;
- (3) any right-of-way of any county or state park or recreation area;
- (4) any county or state owned land on which a public building or institution is situated.

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: _____

A handwritten signature in black ink, appearing to be a stylized 'M' or 'P', is written over a horizontal line.

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**

	Hamlet Center Sites Within Mile Distance of Specified CS and CC Districts	Redevelopment Sites Within Designated CS Districts	Other Sites
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 specified by the Town Board as part of PAC approval, but not less than 15 feet	TBD	25 feet, between buildings otherwise 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^{BN(1)} 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. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
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

C.1. Planning and zoning actions.	
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"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 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: _____

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 (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ 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"> • Monday - Friday: <u>in accordance with town code</u> • Saturday: <u>in accordance with town code</u> • Sunday: <u>in accordance with town code</u> • Holidays: <u>in accordance with town code</u> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>in accordance with town code</u> • Saturday: <u>in accordance with town code</u> • Sunday: <u>in accordance with town code</u> • Holidays: <u>in accordance with town code</u>
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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 Covertypes	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.

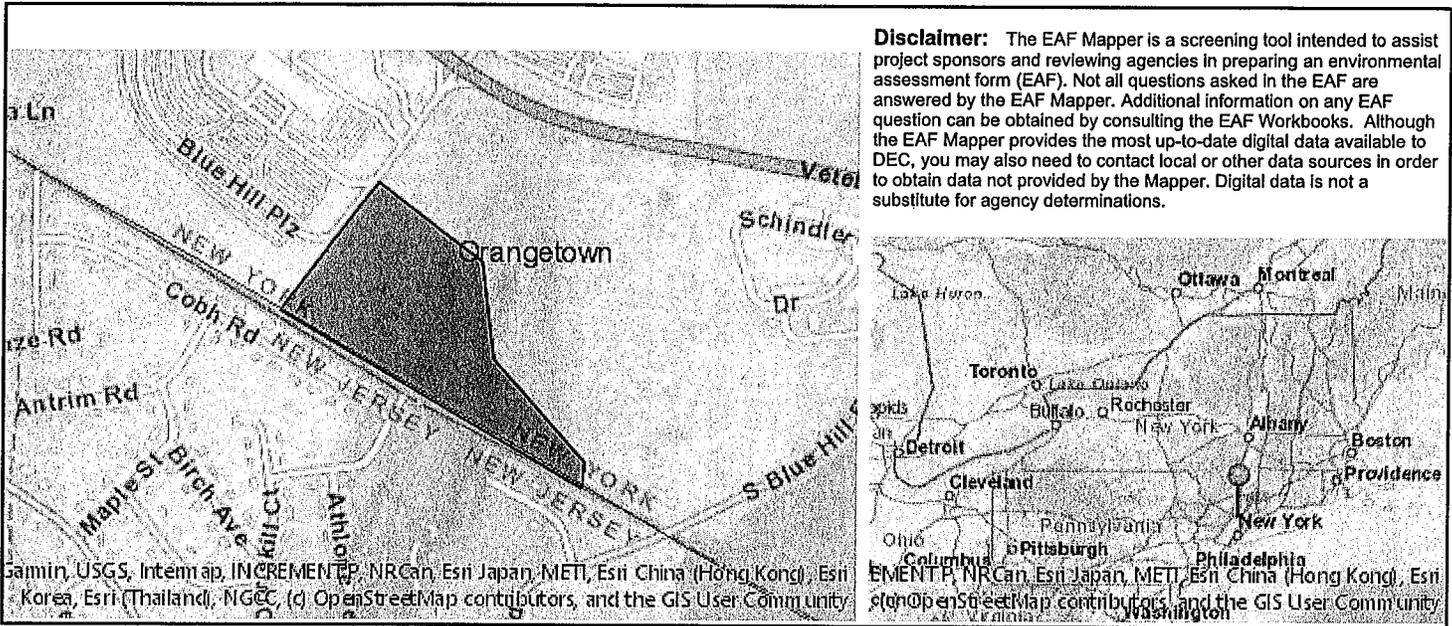
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

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

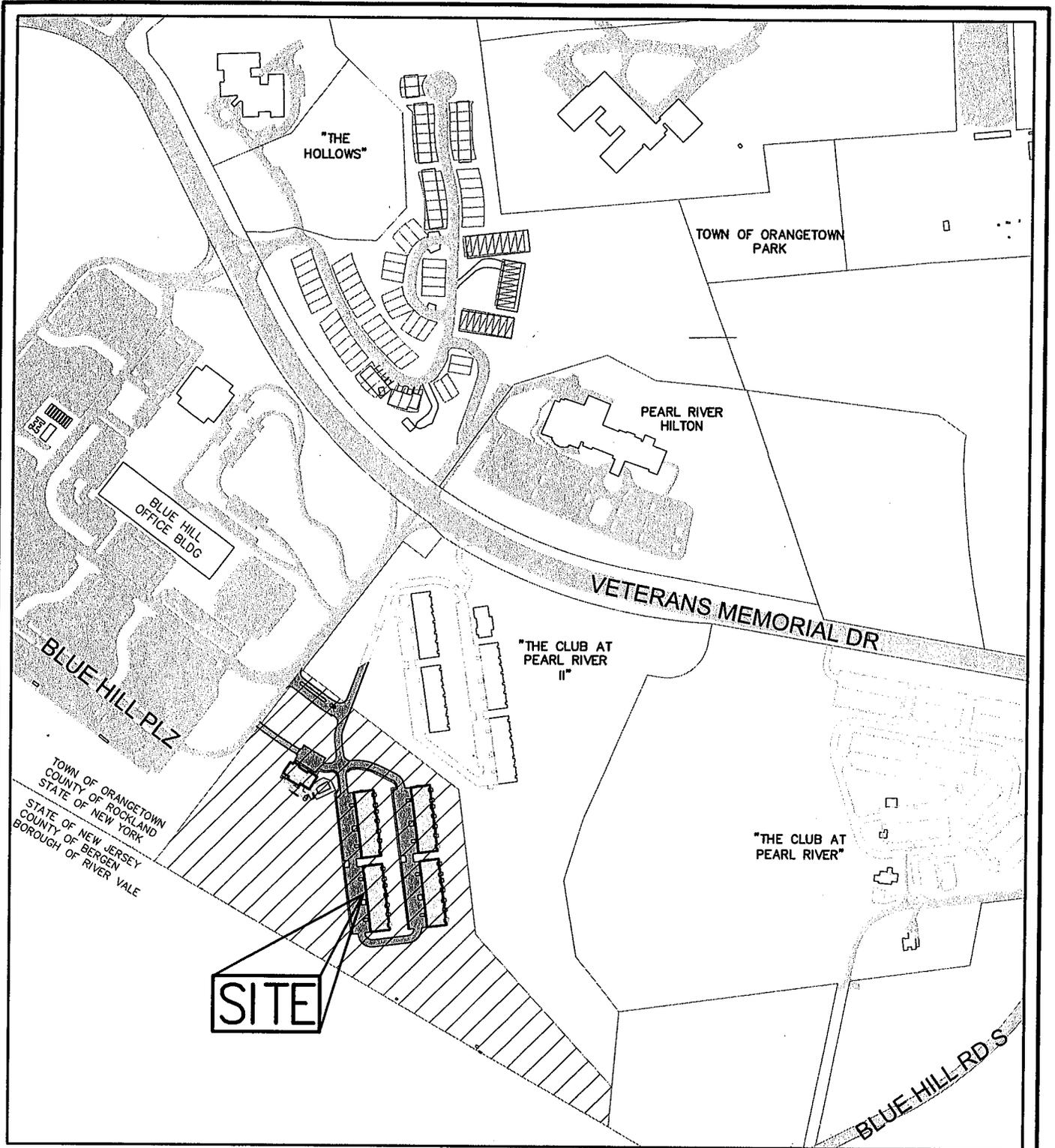


B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are 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

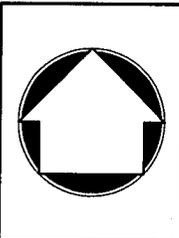


THE RESERVE AT PEARL RIVER
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

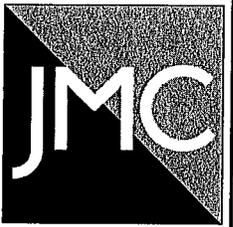
EXHIBIT A
CONCEPT PLAN

DATE: 2/22/2021 JMC PROJECT: 20125

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



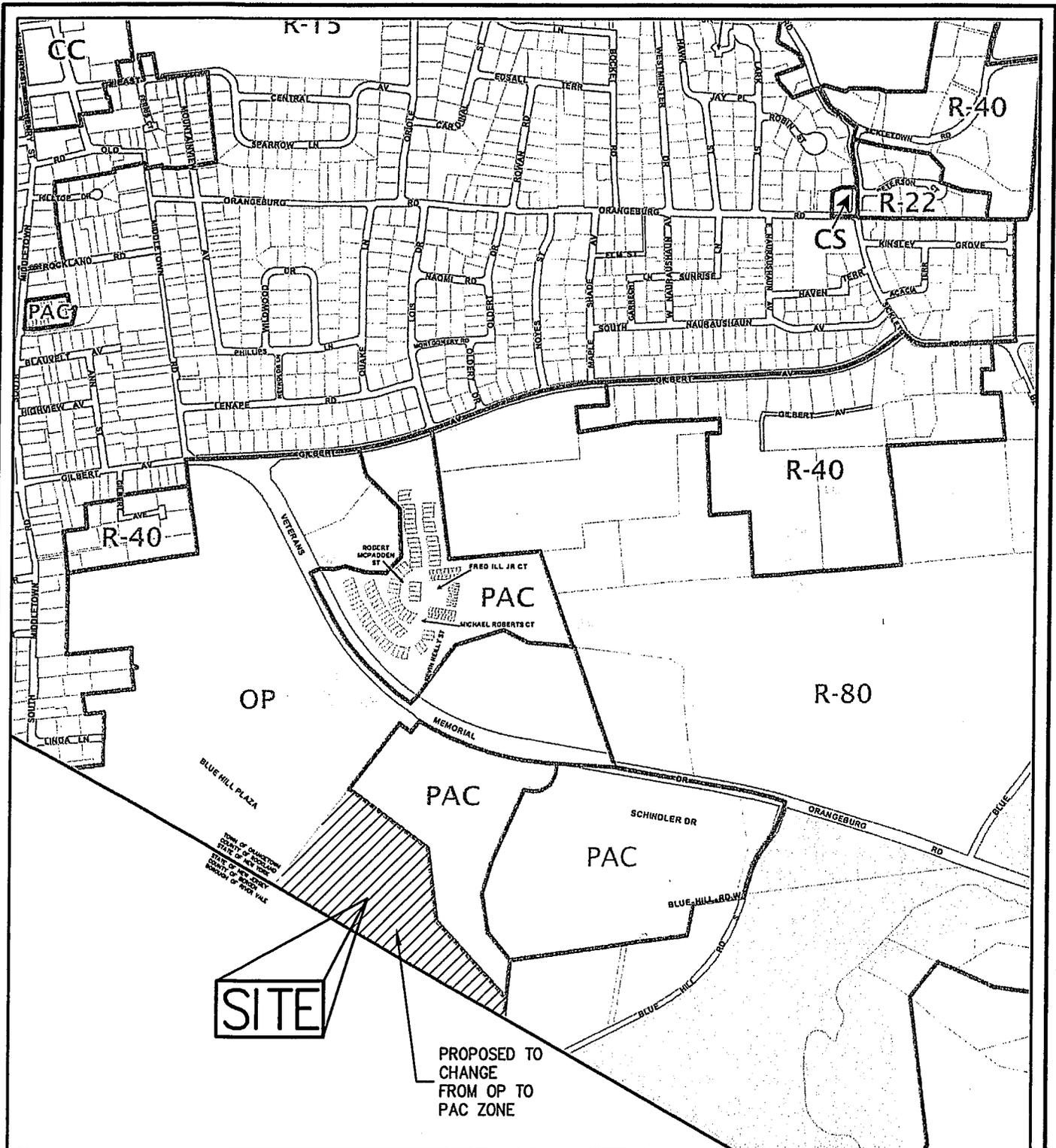
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 NY 10504
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EXHIBIT B

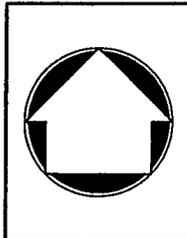
VICINITY AND ZONING MAP



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

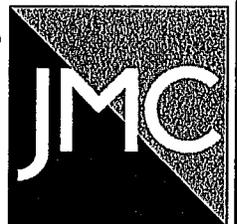
FIGURE: EX-B SCALE: 1"=1000'



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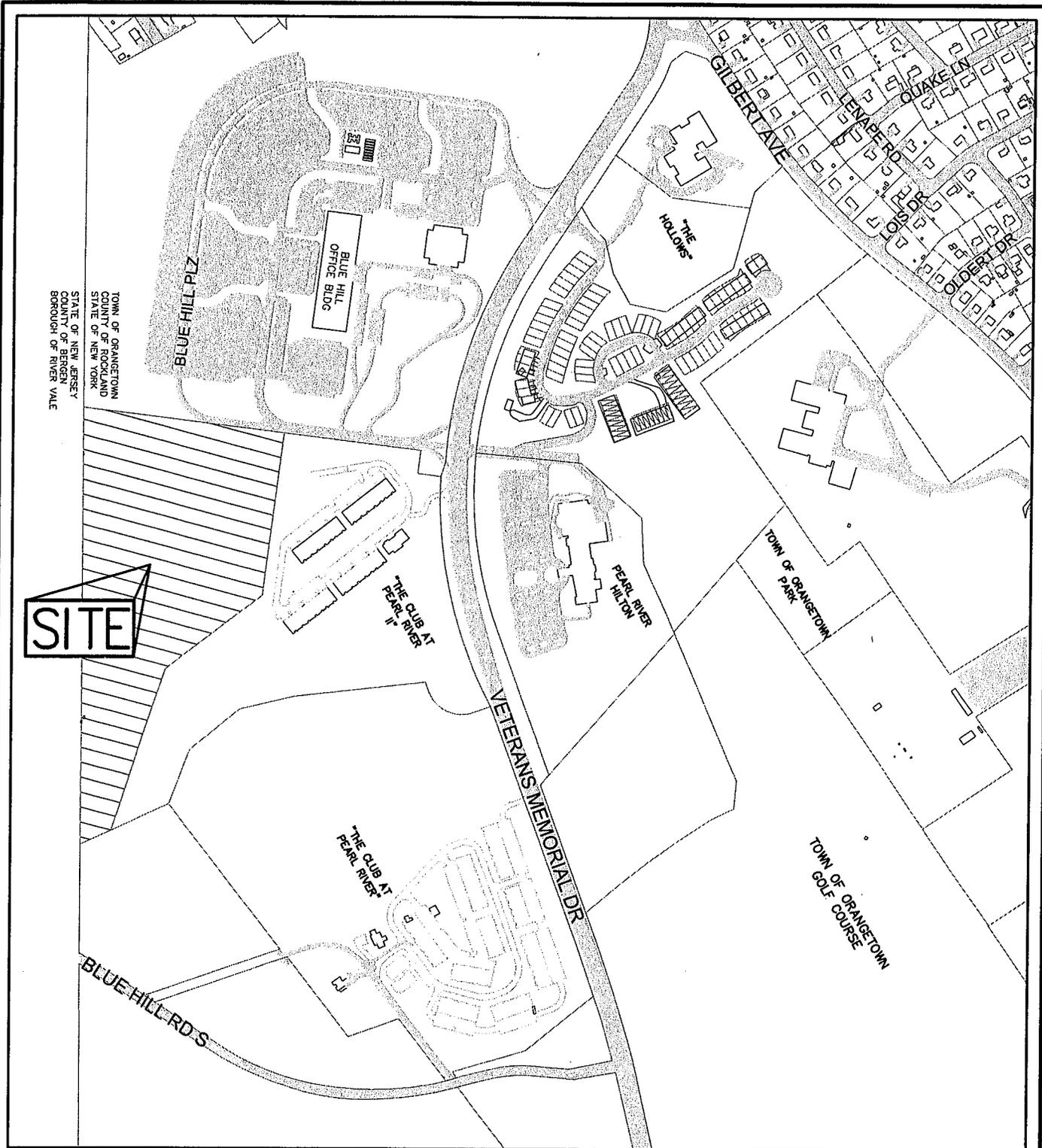
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EXHIBIT C
AREA USE MAP

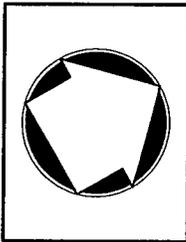


THE RESERVE AT PEARL RIVER
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

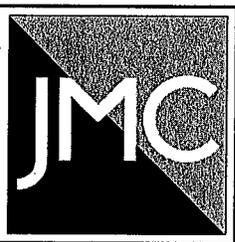
EXHIBIT C
AREA USE MAP

DATE: 2/22/2021 JMC PROJECT: 20125

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



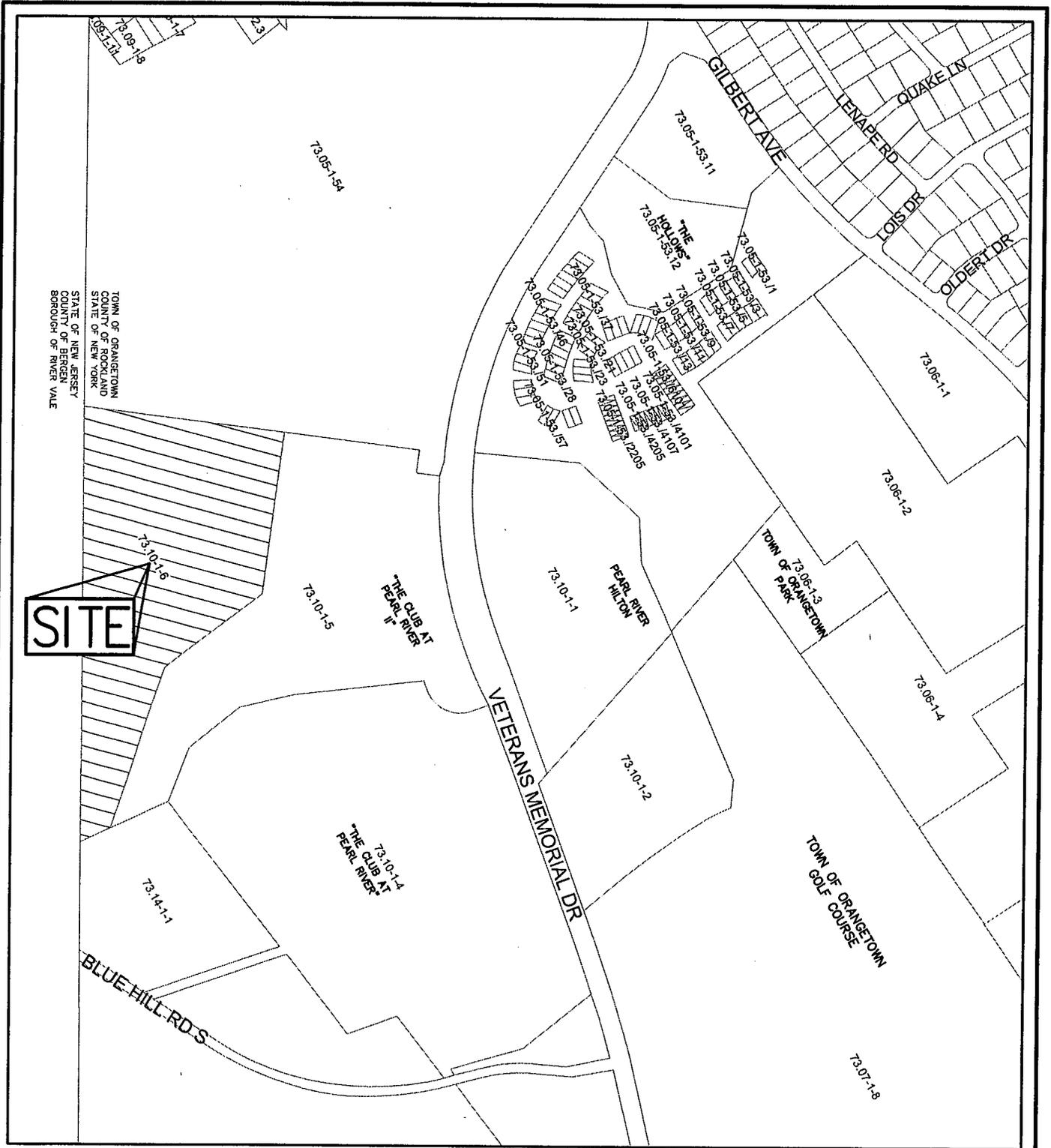
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EXHIBIT D

TAX LOT

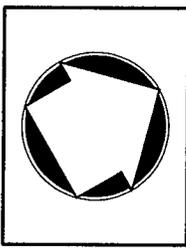


THE RESERVE AT PEARL RIVER
 VETERANS MEMORIAL HIGHWAY TOWN OF ORANGETOWN, NEW YORK

EXHIBIT D
MAP OF TAX LOTS

DATE: 2/22/2021 JMC PROJECT: 20125

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



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Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 21, 2021

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 73.10-1-6

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

Map Date: 2/22/2021

Date Review Received: 6/10/2021

Item: **THE RESERVE AT PEARL RIVER, LLC. (O-1856FF)**

Zoning code amendment to rezone 22.58 acres of land, located in the Office Park (OP) zoning district to the Planned Adult Community (PAC) overlay district. A concept plan is proposed to construct four residential buildings containing 110 units for residents aged 55 years and older. In addition, a clubhouse, swimming pool, associated garages and surface parking, driveways, landscaping and 18.5 acres of open space are proposed.

East side of Blue Hill Plaza, approximately 705 feet southwest of Veterans Memorial Drive, approximately 475 feet west of Blue Hill Road South, north side of the New Jersey border

Reason for Referral:

Blue Hill Road South (CR 23)

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

**Recommend the following modifications*

- 1 As the demand for office space has diminished, and the need for senior housing has increased, the proposed zone change from OP to PAC seems reasonable. However, the zone change should be done comprehensively, and not for just this parcel. The Town of Orangetown should review the three parcels to the east of the site owned by Corwick Realty Corp. (73.10-1-3, 73.14-1-1, and 73.14-1-2) and should determine if the current zoning designation is appropriate, or if they too should be rezoned to another classification. In addition, any zoning amendments should also include an update to the Town's Official Zoning Map and Comprehensive Plan.
- 2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 3 With regards to the report provided by BNE Real Estate Group dated March 2021, we offer the following comments:

THE RESERVE AT PEARL RIVER, LLC. (O-1956FF)

3.1 Several addenda are repeated more than once and are labeled differently than they appear on the table of contents (TOC). For example, the TOC lists Addendum B as "PAC Floating Zone - Bulk Regulations." The first Addendum B matches this description, however the second Addendum B is titled "Statute - Planned Adult Community" and provides the general requirements for the PAC zone, which has already been detailed in Addendum A. All information in the Addenda should only be provided once, and should be correctly labeled with the lettering (A, B, C, etc.) only appearing once in sequential order.

3.2 On page 2 of the Project Plan, it is noted that a 6,000 SF recreation center will be constructed and 13,000 SF of indoor/outdoor recreation areas will be provided. It is unclear if the recreation center is included in the 13,000 SF, or if it is in addition to those areas. In either case, the site will be somewhere between one-half and one-third deficient in providing the necessary recreational areas of 250 SF of recreation areas required per unit for the 110 units proposed. The applicant must clarify the total square footage of the recreational areas and determine if there is more land that can be used for indoor/outdoor recreation to meet the requirement.

3.3 The thirteenth part of the formal petition indicates the subject property is within 500 feet of Veterans Memorial Drive, a County highway. This is incorrect and must be updated to Blue Hill Road South.

4 We offer the following comments with regards to the Full Environmental Assessment Form for the development of the site, as required under the State Environmental Quality Review Act:

4.1 Question D.2.c. does not list the district or service area for the water company. This should be Suez.

4.2 Question E.2.I. lists the name of the aquifer to be "principal aquifer." Instead it should be listed as "Lake Tappan."

5 the following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:

5.1 Source information shall be listed on all maps throughout the document.



 Douglas J. Schuetz
 Acting Commissioner of Planning

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

Donald Brenner, P.C.

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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

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

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

THE RESERVE AT PEARL RIVER, LLC. (O-1856FF)

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

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)

Project:	RESERVE AT PEARL RIVER
Date:	JUNE 7, 2021

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

Project: RESERVE AT PEARL RIVER

Date: JUNE 7, 2021

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The extent of the overall disturbance area and the quantity of the earthwork will be reviewed, analyzed and confirmed during the site plan review process with the Town of Orangetown Planning Board.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 UnlistedIdentify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Robert Magrino

From: Teresa Pugh
Sent: Thursday, July 1, 2021 12:56 PM
To: Town Board; Robert Magrino
Subject: The Reserve at Pearl River/BNE Real Estate Group-Zone Change & Special Permit, 555 Veterans Memorial drive, Pearl River (Tax ID: 73.10-1-6)

From: Thottakara, Shajan <ThottakS@co.rockland.ny.us>
Sent: Wednesday, June 30, 2021 11:23 AM
To: Rosanna Sfraga <rsfraga@orangetown.com>
Cc: Altieri, Vincent <AltieriV@co.rockland.ny.us>; OBZPAE <OBZPAE@orangetown.com>
Subject: The Reserve at Pearl River/BNE Real Estate Group-Zone Change & Special Permit, 555 Veterans Memorial drive, Pearl River (Tax ID: 73.10-1-6)

[External Email]

To the Town of Orangetown Town Board:

This is in response to the Town of Orangetown Town Board Lead Agency Coordination letter dated June 2, 2021 regarding the above referenced subject.

Please note that the above referenced parcel/site is outside the jurisdiction of the Rockland County Drainage Agency (RCDA) and therefore, has no comments.

In addition, please further note that the RCDA does not object to the Town Board assuming responsibilities of lead agency for SEQRA purposes in the above-referenced matter.

Thank you



(A Division of Highway Department)

Shajan S. Thottakara, P.E., CFM
Engineer-III (Permits and Reviews)
23 New Hempstead Road
New City, NY 10956
(845) 638-5081

Robert Magrino

From: Donald Brenner <brennerlaw@optimum.net>
Sent: Friday, July 9, 2021 10:12 AM
To: Robert Magrino
Subject: Fwd: The Reserve [2113c-5]
Attachments: A-1 Preliminary Site Plan (Aerial Overlay).pdf

[External Email]

Donald Brenner, P.E., LL.B.
4 Independence Avenue
Tappan, NY 10983

Phone: (845) 359-2210
Fax: (845) 359-8070
brennerlaw@optonline.net

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

From: "Diego Villareale, PE" <DVillareale@jmcpllc.com>
To: Donald Brenner <brennerlaw@optimum.net>
Cc: Marc Pantirer <mpantirer@bnerealestate.com>, Alan Pines <apines@bnerealestate.com>, "Mr. Charles Thomas, Jr. PE, PP" <cthomas@bnerealestate.com>
Date: July 8, 2021 at 11:26 PM
Subject: The Reserve

Don,

As discussed, attached please find a PDF file of the Conceptual Site Plan that was originally submitted with the petition. We updated the plan to highlight the additional recreation areas that are provided within the community. The +/- 13,000 square feet that was identified in your petition is the area associated with the clubhouse and the surrounding pool/pool deck. That does not include the recreation area located between the two buildings. Similar to the Club at Pearl River Phase 2, this area will include other recreational spaces including pickleball courts, pergola and sitting areas, etc. This area exceeds 25,000 square feet which again is in addition to the 13,000 square foot club house and pool area.

Regarding the proximity to the Blue Hill South, the property is less than 500 feet to the roadway.

Let me know if you have any questions and if you want me to forward this to the Town attorney directly. We can discuss in the morning if needed.

Thanks.

DV

DIEGO VILLAREALE, PE
Associate Principal

JMC
SITE DEVELOPMENT CONSULTANTS
120 Bedford Road • Armonk, NY 10504

V 914 273-5225, x216 • F 914 273-2102
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JMC PLANNING ENGINEERING LANDSCAPE ARCHITECTURE & LAND SURVEYING, PLLC | JMC SITE DEVELOPMENT CONSULTANTS, LLC | JOHN MEYER CONSULTING, INC.

Agreement for transfer of information

The information in this (these) file(s) is the internal property of JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC | John Meyer Consulting, Inc. (JMC) and has been prepared by JMC for exclusive use by its staff.

It is provided herewith for information only and is not to be relied upon by any parties other than JMC's staff and employees. Any reliance thereupon by any party other than JMC's staff and employees shall be at that user's sole risk; and said user choosing to rely upon this information agrees, that by relying on it, he/she accepts full responsibility for all work related thereto and agrees to indemnify and hold JMC harmless from any and all liability arising from or relating to the use of or reliance upon said information.

The party receiving this information is responsible for requesting any future updated and/or current copy of the information hereon prior to considering this information final. No update notification will be sent. Any comments or questions are to be directed in writing to the preparer at JMC.

By extracting these files, you agree to these terms and conditions.

Donald Brenner, P.E., LL.B.

*Attorney-At-Law • Professional Engineer
4 Independence Avenue, Tappan, New York 10983*

Phone 845-359-2210

Fax 845-359-8070

MEMORANDUM

TO: Town Clerk Rosanna Sfraga
Town Attorney Robert Magrino
Supervisor Teresa Kenny

FROM: Donald Brenner P.E., LL.B

DATE: July 12, 2021

RE: The Reserve At Pearl River
21-2113C-5

As related to the County's letter of June 21, 2021, we enclose the three changes requested:

- (1) Adding of Blue Hill Road South to #13 in the Petition
- (2) The naming of Suez as the water company in the Full Environmental Assessment Form section D.2.c
- (3) The naming of the Aquifer, Lake Tappan, as changed in E.2.i on Full Environmental Assessment Form

(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 and Blue Hill Road South;
- (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.

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: _____

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: Suez
- 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 development
- 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

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: Well Drained: _____ 98 % of site
 Moderately Well Drained: _____ 2 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 37 % of site
 10-15%: _____ 37 % of site
 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: Lake Tappan

OHA Meeting Minutes – June 24, 2021 @6:30pm meeting in person

Attendance : Walter Wettje(Treasurer), Quinon Van Wynen, Sharon Ogden (Tenant Rep), Sean Walsh, Dominick Filippone, Nancy McKiernan (Secretary/ Tenant Rep), Denis Troy (Town Board Liason), Mamie Freeman (Site Manager), Anthony Puglia (Superintendent)

Excused Absences – Bob Nelan (Chairman)

Reading of May 26 minutes waived and accepted – Motion to waive – Quinon 2nd - Nancy

Budget/ Invoices for June 2021 were reviewed and approved – Motion – Dominic 2nd- Quinon

Awaiting May financials to be released.

The sidewalk project and mailbox pads still ongoing. New mailboxes due to arrive July 8th at which time the pads for the mailboxes and the front door slabs (3-4) will be completed.

Boiler project – Jam Plumbing still has not started Building A. Many excuses. Jam provided an estimate of Building B for approximately \$80K. No guarantee the second building could be completed in time for fall/winter. Entire Board expressed disappointment. Councilman Troy stated he would call JAM and try to get them moving before the board decides to go in another direction and choose another Company to install the new boilers. Councilman Troy will update the Board once he has the conversation with JAM.

Anthony presented a quote from the security company to install the rest of the build out of security cameras. Total \$28,900. Motion to accept quote made by Dominic 2nd Quinon. Mamie authorized to sign and execute contract.

Mamie and Anthony had company on site to spec out pricing and sizing for new windows and doors. Estimates due in 2 weeks.

Laundry room doors to be installed first week of August. All doors will be equipped with fob readers to enter.

Anthony working with Bob Nelan to test the fire hydrants. Anthony will contact Bob within the week and have one of the Hydrants tested.

Mamie asked about any correspondence sent as acknowledgement for our donations in the name of Jarrod Lloyd and Jack O'Connor. Mamie was not sure but would check with ARCO if anything received.

Board raised questions regarding a flood situation that affected 6-8 units. The flood was caused by an overload in the system on Western Highway. Completion on the work for the affected apartments should be completed within 2 weeks.

Vacancies – currently there are 2 open units that will be occupied by July 15th. At that point Cortwood will be at 100% capacity. Mamie stated there is a waiting list for units.

Residents –

Engel and Morgan will not be offered a lease for the 2022 year. Engel has filed a hardship with the court. Bodner will also not be offered a lease for the 2022 year and ARCO is still following the legal process with Bodner.

OHA Board Elections –

Tenant Rep - Existing Tenant Rep Nancy Mc Kiernan was the only candidate and was installed for the next 2 years.

OHA Executive Board –

Chairman – Bob Nelan nominated by Walter 2nd Nancy Mc Kiernan – unanimous

Vice Chairman – Quinon Van Wynen nominated by Walter 2nd Sharon – unanimous

Secretary – Nancy Mc Kiernan nominated by Walter 2nd Quinon – unanimous

Treasurer – Walter Wettje nominated by Sharon 2nd Quinon – unanimous

Next OHA meeting will be in person on Thurs Sept 23 at 6:30 pm in the Community Center.

Motion to adjourn made by Walter, 2nd Sean Walsh.

Meeting adjourned at 7:18 pm

Respectfully submitted

Nancy McKiernan – OHA Secretary

SHARED SERVICES AGREEMENT

Between

NYSDOT and the Town of Orangetown

THIS AGREEMENT, dated _____, 20____, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the Town of Orangetown, hereinafter referred to as "Municipality". Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. Share Services shall mean any service provided by one party (Provider) to another party (Recipient). The State and Municipality agree to share services as follows:

1. Description of Cost and Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standard Schedule A. The total amount of the agreement shall not exceed ten thousand dollars (\$10,000.00). If applicable, indicate that the return exchange will be determined at a later date.
2. The Provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to salary, insurance, benefits and Workers Compensation.
3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.
4. The Municipality agrees to defend and indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement. Subject to the availability of lawful appropriations and consistent with Section 8 of the State Court of Claims Act, the State shall hold the Municipality harmless from and indemnify it for any final judgement of a court of competent jurisdiction to the extent attributable to the negligence of the State or of their officers or employees when acting in the course and scope of their employment.
5. The term of this Agreement shall be for two (2) or four (4) years from _____ to _____. The parties will endeavor to provide no less than thirty (30) days' notice of its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

NYSDOT Region 8

By: _____ Date: _____
Resident Engineer- Rockland County

MUNICIPALITY

By: _____ Date: _____
Town of Orangetown Highway Superintendent

NYSDOT Region 8

By: _____ Date: _____
Resident Director or Operations

SCHEDULE A

NYSDOT

Description of services, materials, or equipment (Check All that apply) to be shared:

Estimated Cost/ Value of Service Equipment Materials (Check All that apply):

Total NYSDOT Cost/ Value:

MUNICIPALITY

Description of services, materials, or equipment (Check All that apply) to be shared:

Estimated Cost/ Value of Service Equipment Materials (Check All that apply):

Total MUNICIPALITY Cost/Value:

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	061721	\$ 55,578.86
	062821	\$ 9,315.84
	063021	\$ 238,108.50
	071321	\$ 950,981.77
	Total	\$ 1,253,984.97

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

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

Councilman Thomas Diviny

Councilman Denis Troy

Supervisor Teresa M. Kenny

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 07/08/2021
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 07/13/2021 consists of 4 warrants for a total of \$1,253,984.97.

The first warrant has 12 vouchers totaling \$55,578.86 and was for utilities.

The second warrant has 2 vouchers totaling \$9,315.84 and was for senior trips.

The third warrant has 224 vouchers totaling \$238,108.50 and was for retiree Medicare Medical Insurance premium reimbursements.

The fourth warrant has 172 vouchers totaling \$950,981.77 and includes the following items of interest.

1. All Bright Electric (p2) - \$6,460.00 for streetlight repairs.
2. All Pro Tennis, LLC (p3) - \$6,690.00 for adult and youth Spring tennis lessons.
3. Beckmann Appraisals, Inc (p8) - \$12,000 for Certiorari expenses.
4. Brooker Engineering (p8) - \$17,030.00 engineering costs for ongoing capital project.
5. Cotter, Michael (p12) - \$10,450 for CTR inspections.
6. CSEA Employee Benefit Fund (p13) - \$31,581.40 for CSEA dental benefits.
7. Envirotest Laboratories Inc (p17) - \$6,816.00 for plant sampling.
8. Global Montello (p23) - \$13,585.01 for fuel.
9. Organic Recycling, Inc. (p38) - \$45,035.38 soil for ongoing capital project.
10. Perfection Paving, Inc. (p39) - \$7,287.50 for paving.
11. PKF O'Connor Davies, LLP (p41) - \$24,725.00 (final payment) for the 2020 Annual Comprehensive Financial Report.
12. Slack Chemical Company (p49) - \$12,654.00 for Deme plant chemicals.
13. Sport Tech Acrylics Corp (p50) - \$10,000 for crack repairs on park courts.

14. State Comptroller (p52) - \$35,198.33 for Justice Court fine collection.
15. Swarco America NC (p53) - \$10,971.21 for pavement markings.
16. Tilcon New York Inc (p57) - \$50,606.07 for road resurfacing repair and maintenance.
17. Tomco Construction Inc (p58) - \$452,491.90 construction for ongoing capital project.
18. Verde Electric Corp (p60) - \$84,679.30 for June traffic control maintenance (\$5,075.00) & construction of new traffic signals (bonded \$79,604.30).

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204