

**MEMORANDUM**

**TO:** Robert Magrino, Town Attorney  
**CC:** Jane Slavin, R.A.  
Nicole T. Allen, AICP, Planning Services Manager, Laberge Group  
**FROM:** Susan Roth, AICP, Senior Planner, Laberge Group  
**DATE:** June 19, 2023  
**RE:** Draft Review and Revision to proposed Agri-Tourism Special Use Amendment

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Under this cover is a review and suggested revised zoning petition to the Orangetown Town Board for consideration. The petition was submitted on behalf of Van Houton Farms, located on 68 Sickletown Road. The petition would amend the special uses in the R-80 zone.

**BACKGROUND**

This farm was acquired by the family in 1946 and was larger than the current parcel. Today, the remaining 7.1 acres is used for four primary businesses: 1) a horse-riding academy, 2) a garden center, 3) seasonal farmers market selling products grown on other farms and 4) for the making and selling of cider and wine products. Most of the activity on site is subject to seasonal use. The cider operation and the sale of liquor for consumption on site has prompted the applicant to submit a draft zoning law for consideration by the Town Board.

Our research indicated that since the Orangetown location is mostly characterized as a retail and service facility, although when we spoke to the applicant, they indicated that they grow some products on site. They do have other New York agricultural property holdings where they grow fruit that could be used for their cidery or winery products. According to the Building Inspector at the Town, the property is also currently zoned R-40. However special uses permitted in the R-80 Zone are also permitted in the R-40 zone.

**RECOMMENDATIONS**

We have several general comments and recommendations that shaped our suggested revisions to the local law:

1. The term “Farm” and “agricultural use” was stricken from definitions, since it not necessary to define the use on the property. When reviewing if the property is eligible for a permit, the State Liquor authority conducts research to determine if the property is eligible under its definitions and conditions for the permit. The conditions of the permit are very clearly defined and connected to a single property. If conditions were to change to warrant it, theoretically, the permit would be revoked.
2. The applicant should clarify the terms of the license that it holds with the State Liquor Authority as testimony before the Town Board. At a meeting with the applicant, the applicant clarified that he held a Farm Winery License, and presented an illustration of where people were allowed to consume cider on the property.
3. The applicant should also clarify how much cider or wine he is allowed to produce under the license it currently holds, and any limiting factors for sales, either wholesale or retail or consumption on the property, and whether production/sales can transfer from one property to another, or if they are required to hold separate licenses as part of their operations.

## Preliminary Review of Proposed Agricultural Tourism Law

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4. In order to keep the license, the holder is required to provide an annual report declaring the source of all materials used in the cider or wine making process, to ensure that all agricultural products used in the cider are grown in New York State. State laws allow the local municipalities to demand copies their farm winery/cidery license and any reporting that is required by the State.
5. We disagree with the SEQRA status as unlisted, as determined by the applicant's representative. Since this law could apply to other properties meeting the same conditions, it is a Type I Action, since as a whole, the aggregate land in the R-40 and R-80 zoning districts where the law could apply is more than 25 acres. Even if other current parcel sizes would not meet the minimum requirements, an assembly of parcels could be made to meet the minimum requirements.
6. Although this is not part of the current special permit amendment, the applicant claims to have a farmer's market that sells vegetables from other New York Farmers. The applicant should disclose the farms that are providing the supply for fruits and vegetables during the farmer's market season.

We have attached the final suggested amendment of the petitioner's proposed law for your review. If you have any questions, please feel free to contact Susan Roth, AICP at [sroth@laberge.com](mailto:sroth@laberge.com) or at (518) 458-7112 ext. 149

J:\2023022\Reports\Drafts\Orangetown Agritourism Memo 2023022.docx

Attachment: J:\2023022\Reports\Drafts\2023-6-19 Final Draft RCW Changes addressed.docx

TOWN OF ORANGETOWN

PROPOSED LOCAL LAW # \_\_\_ - 2023

A LOCAL LAW TO AMEND CHAPTER 43 OF THE TOWN CODE ENTITLED ZONING TO PROVIDE FOR A USE BY SPECIAL PERMIT ISSUED BY THE TOWN BOARD OF AGRITOURISM, FARM WINERY AND FARM CIDERY

Be it enacted by the Town Board of the Town of Orangetown as follows: The Code of the Town of Orangetown, Chapter 43 shall be amended to incorporate revisions as described:

**Section 1. Title**

A Local Law to amend the General requirements for the R-80 Zoning District in Chapter 43 (Zoning) of the Town Code of the Town of Orangetown.

**Section 2. Legislative Intent.**

The Town Board recognizes the importance of allowing for the sale of locally grown and New York produced agricultural products and as such seeks to allow this use as a legitimate zoning objective in the Town of Orangetown. The mechanism for achieving this balance is to permit a modification in the Town’s use and bulk requirements in the R-80 Zone District. If an applicant meets the requirements below, the Town Board shall grant a special use permit, with reasonable conditions, allowing agricultural retail sales and cider production uses to be developed and operated on qualified sites. The special use permit would remain in effect and run with the land until such time the use of the land changes or unless the permit was revoked for non-compliance of the conditions imposed during site plan approval.

**Section 3. §11.2 (Definitions), of Article XI (Definitions and Word Usage), of Chapter 43 (Zoning), of the Code of the Town of Orangetown, is amended to the extent only of adding new definitions, which new definitions shall read as follows:**

**AGRI-TOURISM**

As defined in Chapter 69, Article 25-AA, §301 of the New York Agriculture and Markets Law, means activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of farms and enhance the public's understanding and awareness of farming and farm life.

**FARM WINERY AND FARM CIDERY**

As defined by New York State Law Chapter 3-B, Article 6 § 76-a (Farm Winery License) and Article 4-A, §58-C (Farm Cidery License) of the New York State Alcoholic Beverage Control law as may be amended a farm winery or farm cidery is characterized by the conversion of fruit

and other edible products grown on the premises or in the state of New York, into wine or cider for sale in the wholesale market and to the public for on-site or off-site consumption at a duly licensed location as authorized by permit of the New York State Liquor Authority.

## **FOOD TRUCK**

Mobile trucks designed and maintained for the retail sales of food that is normally purchased and consumed on a to-go or on-site basis, as permitted and licensed under state and local health regulations.

## **AGRI-TOURISM ENTERTAINMENT**

Those activities not related to the regular production of food a farm, but provided as way to entertain and educate visitors on the premises about farm life, such as music and hay rides.

**Section 4. §4.3 (Special permit uses; special findings and additional requirements and conditions for certain uses), of Article IV (Additional Use Regulations), of Chapter 43 (Zoning), of the Code of the Town of Orangetown, is amended to the extent only of adding a new subsection to be enumerated §4.32.(R) and entitled “Agri-tourism,” which new §4.32.(R) shall read as follows:**

### **4.32.(R). Agri-Tourism, Agri-tourism Entertainment, Farm Cidery/Winery.**

- i. Such uses, shall be permitted by special permit of the Town Board on lots of five (5) acres or more, as part of an otherwise permitted commercial agricultural operation, but only after due consideration of the underlying zoning district and surrounding uses. The Town Board shall be authorized to exclude uses from the list below if the Board finds that it is necessary to protect the surrounding neighborhood or the welfare of the public, and such reasons for exclusion for such use shall be documented in the resolution of approval of the special use permit. It shall be a condition of approval that the operator have obtained or shall be required to obtain the appropriate license from the State of New York to operate as a Farm Winery or Farm Cidery.
  - a. Agri-tourism, as defined in Article XI;
  - b. Farm Cideries or Farm Wineries as defined in Article XI;
  - c. Agri-tourism Entertainment as defined in Article XI;
- ii. Hours of Operation. The Town Board finds that it is in the interest to control those uses that create noise or attract the general public in association with the proposed uses above, and when proposed by the applicant shall only occur within the permitted time period:
  - a) Farm Cideries/Farm Wineries, for on-site consumption; Agri-tourism Entertainment:

Thursday: 3:00 p.m. to 6:00 p.m.  
Friday: 3:00 p.m. to 8:00 p.m.  
Saturday: 12:00 p.m. to 8:00 p.m.  
Sunday: 12 p.m. -6:00 p.m.  
Any Federal holiday that occurs on a Monday: 12:00 p.m. to 7:00 p.m.

b) Retail Sales

Monday to Saturday: 9:00 a.m. to 8:00 p.m.  
Sunday: 9:00 a.m. to 6:00 p.m.

c) Food Truck:

Thursday: 3:00 p.m. to 6:30 p.m.  
Friday: 3:00 p.m. to 7:00 p.m.  
Saturday: 2:00 p.m. to 7:00 p.m.  
Sunday: 2:00 p.m. to 5:00 p.m.  
Any Federal Holiday that occurs on a Monday 2:00 p.m. to 5:00 p.m.

iii. Permitted general accessory uses. All accessory uses shall be identified and approved as part of the site plan and may include:

- a. Accessory buildings and seasonal temporary structures for the use of patrons.
- b. Storage for on-site equipment and material used as part of the business

iv. Site Plan Required

Application for the special permit shall be made to the Town Board in accordance with applicable provisions of §10.5 of this chapter. A petition for a special use permit 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 special use permit shall also be accompanied by the following:

- a. A written description of the proposed special use.
- b. A concept plan including all the items listed below:
  - (1) The disposition of various land uses and the areas covered by each, in acres, including proposed parking, temporary and permanent structures
  - (2) A sketch of any and all existing and proposed rights-of-way and easements, whether public or private
  - (3) Delineation of any residences within 200 feet of the proposed special use.

- (4) 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.
  - (5) 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.
- c. The Town Board may retain professional consultants as deemed necessary in order to review any proposed concept plans, with funding for said consultants provided by the applicant for the 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.
  - d. Concurrent site plan review. An applicant may submit a detailed site plan subject to site plan review procedures for the Town of Orangetown by the Planning Board review of said plans and related documentation. Approval of a site plan may not however, occur until the special use permit has been approved by the Town Board.
  - e. If the Director of OBZPAE determines that the proposed site plan may substantially deviate from the final concept plan or layout presented to and reviewed by the Town Board as part of the issuance of a special use permit, the Director may refer matter to the Town Board, prior to any preliminary approval issued by the Planning Board, to make the ultimate determination as to whether or not the proposed site plan substantially deviates from the plan reviewed by the Town Board.
  - f. The term "substantially deviate," as used herein, shall mean that the site development plan presented to the Planning Board for preliminary approval differs in a material manner from the final concept plan reviewed by the Town Board, and upon which the Town Board approved the special use, and that that material change or deviation that may have been made to the concept plan, in the Town Board's sole judgment and discretion, is not consistent with the goals sought to be achieved by the granting of the special use permit. The decision of the Town Board that the site development plan proposed for approval by the Planning Board substantially deviates shall require a majority vote of the Town Board plus one.
  - g. A special permit issued under this section shall be authorized for a period of up to three (3) years from the date of the decision of the Town Board issuing such permit. Such time period shall be set by the Town Board. The special permit may thereafter be renewed for a period of up to an additional three (3) years by the Town Board. The applicant shall apply to the Town Board for any such renewal. There is no limit to the amount of renewals that may be granted. No additional site development plan review shall be required unless there are changes to the conditions at the property that would necessitate an amendment to the plan.

v. Parking.

- a. Required off-street parking spaces. Accessory off-street parking spaces, open or enclosed shall be provided and subject to Planning Board review and approval. Dimensions shall be in accordance with Article VI. Off Street Parking, 6.33 - 6.35.
- b. All on-site parking shall be set back at least 50 feet from the property lines of neighboring residential lots and shall be separated from said residentially developed property by an opaque or semi-opaque barrier consisting of a wall, slatted fence, and/or evergreen planting sufficient to screen such residentially developed property in Planning Board’s discretion as a part of site plan review,, provided that such barrier shall not be required where the actual setback is greater than 200 feet.

vi. Parking Requirements:

- a. There shall be at least one space per employee, and 1 space per 2.5 guests at permitted full capacity.
- b. The Planning Board may permit as part of site plan approval a gravel or non-paved parking area, with exception of handicapped parking spaces which shall be paved and constructed in accordance with Article VI. Off-Street Parking.

vii. Additional regulations.

- a. A maximum of one (1) Food truck shall be permitted on site in an area that has been designated on the site plan, and provided with appropriate hook ups.
- b. No gasoline powered generators shall be used by food trucks. Food trucks shall only be powered by electric plug-in.
- c. Food provided outside the food truck shall be prepackaged food and provided for guests in accordance with the Farm Cidery/Winery License. No commercial kitchen or restaurant service shall be permitted.
- d. Noise generated by all uses shall be in compliance with Chapter 22 Noise, of the Town of Orangetown local laws. In any case, no amplified music shall be permitted after the close of the Winery/Cidery operations.
- e. Fire pits shall be subject to applicable regulations and approval by the fire inspector.
- f. The applicant shall submit a copy of the liquor license obtained for the Farm Winery or Farm Cidery business, and a copy of any reports required to demonstrate compliance with such license.

- g. Except for what is necessary for safety and security, notwithstanding subsection 1 below, exterior lighting related to the operations shall be turned off between the hours of 9:00 p.m. and 6:00 a.m., subject to review by the Planning Board of adequate lighting for security after hours.
- h. All permanent principal buildings shall be set back at least 175 feet from any principal buildings on adjoining residentially developed tax lots.
- i. All permanent accessory buildings shall be set back at least 150 feet from any principal buildings on adjoining residentially developed tax lots.
- j. All outdoor dining areas, such as decks or patios shall be set back at least 200 feet from any principal buildings on adjoining residentially developed tax lots or shall be adequately screened from said residentially developed properties by a permanent building.
- k. All temporary facilities, such as tents, dance floors, sound systems, or location of live entertainment, shall be set back at least 200 feet from any principal buildings on adjoining residentially developed tax lots, or shall be adequately screened from said residentially developed properties.
- l. All on-site lighting shall be shielded from residentially developed property. Outdoor moving or flashing lighting, including but not limited to spotlights, floodlights (other than safety lighting), searchlights, or strobe lights is not permitted at any time.
- m. Seasonal decorative lighting displays shall be permitted, provided that all such seasonal decorative lighting shall be located a minimum distance of 50 feet from the property lines of all residentially developed properties, shall not contain or include any bulbs, lamps, or light sources with an individual light output in excess of the equivalent of a one-hundred-watt incandescent bulb or 1800 lumens, and shall be extinguished no later than midnight.

Capacity: Taking in consideration of the potential lot size and number of residences that could be affected by noise and traffic generated by guests and to insure that surrounding residential uses in the R-40 and R-80 districts are not unduly disturbed, the maximum capacity of guests, exclusive of other uses on site, for the Farm Cidery or Farm Winery Use authorized by this special permit in the R-40 Residential district shall be 150 and the R-80 Residential district shall by 225, provided that the applicant can demonstrate to the Planning Board that sufficient parking is available on site. In the case that multiple uses exist on site, the applicant shall provide a breakdown of such uses and maximum parking needs for each use and employees to demonstrate that sufficient parking is available on site for all uses. If seasonal uses affect the layout of the site, the applicant shall demonstrate how parking is achieved during those seasons.



viii. Special Events.

- a. Special Events for Agri-tourism or Agricultural Entertainment Uses. Subject to Town Board approval, and upon written application certain of the above-referenced regulations and restrictions may be expanded or loosened to accommodate on-site special events. All special event permits for Agri-tourism or agricultural entertainment shall be referred by the Town Board to the Planning Board for consideration of any special temporary site plan changes required with such permit. Special events may be approved if the applicant has provided information about the duration and type of the event, and such permit shall be subject to a public hearing. The following shall also apply:
  1. In no case, shall the special event cause noise to exceed noise levels off property.
  2. Patrons shall not be permitted to park on street.
  3. The anticipated number of guests shall be provided as part of the special events permit,
  4. Such Special Permit may be reapproved on an annual basis if activities have been conducted within the expected limits of the special use permit, and no incidents have occurred on site that have resulted in tangible losses to the neighborhood or have caused harm to guests as a result of the approval.

**Section 4. Severability**

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Town Board of the Town of Orangetown hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

**Section 5. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State

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**REFERENCES**

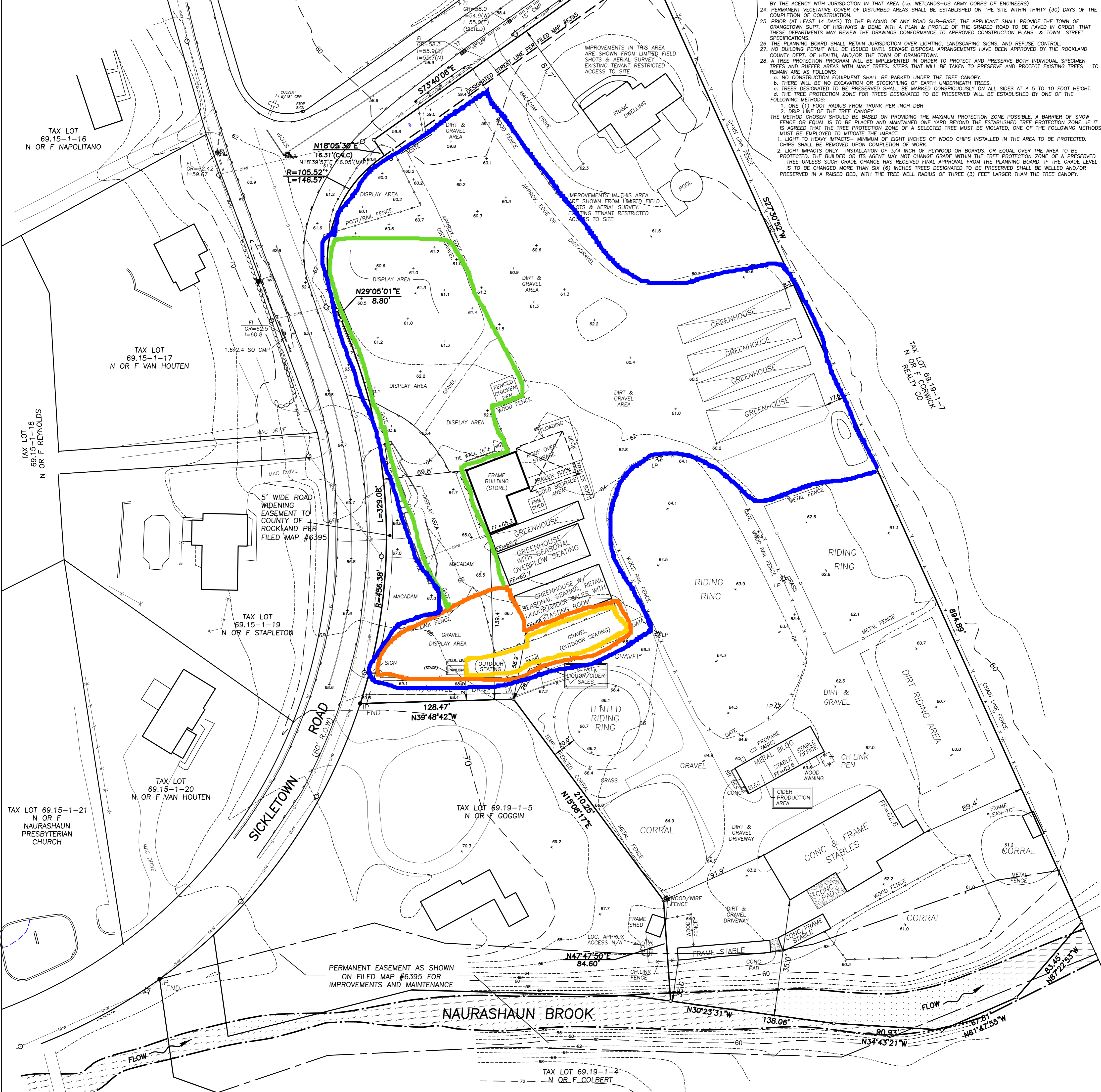
1. BEING LOT #2 AS SHOWN ON "MINOR SUBDIVISION FOR VAN HOUTEN'S FARM" FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP #6395.
2. "SURVEY MAP FOR JAMES B. VAN HOUTEN" BY ROBERT R. RAHNHELD, PLS, PC LAST DATED 7/12/1990

"STANDARD SITE PLAN NOTES"  
(ALTHOUGH NO CONSTRUCTION  
IS PROPOSED WITH NO  
DISTURBANCE TO EXISTING  
IMPROVEMENTS)

- NOTES:
1. THIS IS A SITE PLAN OF A PORTION OF TAX LOT 69.19-1-6, AS SHOWN ON THE TOWN OF ORANGETOWN TAX MAPS.
  2. RECORD OWNER: VAN HOUTEN FARM MARKET BENEFIT TRUST, 68 SICKLETOWN RD, ORANGETOWN, NY 10962
  3. APPLICANT: SAME AS ABOVE
  4. LOT AREA: 7.102 AC
  5. ALL NEW UTILITIES, INCLUDING ELECTRIC AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND. (NONE ARE PROPOSED)
  6. THIS PLAN DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239-L & M OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK.
  7. THIS PLAN IS SUBJECT TO DETAILS OF GRADING, ROADS AND UTILITIES AS SHOWN ON CONSTRUCTION PLANS APPROVED BY THE PLANNING BOARD AND FILED WITH THE TOWN CLERK.
  8. LOT DRAINAGE SHOWN ON SUCH PLANS SHALL CONSTITUTE EASEMENTS RUNNING WITH THE LAND AND SHALL NOT BE DISTURBED.
  9. ANY EXISTING UTILITIES (POLES, HYDRANTS, ETC.) AFFECTED BY CONSTRUCTION OF THIS SITE PLAN SHALL BE RELOCATED AT THE REDEVELOPER'S EXPENSE PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
  10. MONUMENTS TO BE SET AT ALL CORNERS OF THE ORIGINAL PARCEL, WHERE NOT OTHERWISE MARKED (SHOWN THUS: )
  11. CERTIFICATE OF OCCUPANCY SHALL NOT BE REQUESTED FROM THE TOWN OF ORANGETOWN BUILDING DEPARTMENT UNTIL RESULTS OF INFILTRATION AND EXHAUSTION TESTS FOR SANITARY SEWERS ARE CERTIFIED BY A NEW YORK STATE LICENSED PROFESSIONAL ENGINEER AND APPROVED BY THE TOWN.
  12. ALL AREAS DISTURBED BY ON-SITE GRADING WILL BE LIMED AND FERTILIZED PRIOR TO SEEDING.
  13. SIGNALS AND CURBS, WHERE REQUIRED, SHALL BE INSTALLED IN ACCORDANCE WITH THE HIGHWAY DEPT.
  14. NO BUILDING PERMIT SHALL BE ISSUED UNTIL RESULTS OF TEST PITS HAVE BEEN SUBMITTED TO THE BUILDING DEPT.
  15. NO BUILDING PERMIT SHALL BE ISSUED UNTIL SITE PLANS HAVE BEEN APPROVED BY ACBOR.
  16. WATER SUPPLY BY SUEZ NY.
  17. DATUM: NAVD 88
  18. ALL SEWER CONNECTIONS SHALL BE APPROVED BY THE TOWN OF ORANGETOWN DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING.
  19. AT LEAST ONE WEEK PRIOR TO THE COMMENCEMENT OF ANY WORK, INCLUDING THE INSTALLATION OF EROSION CONTROL DEVICES OR THE REMOVAL OF TREES AND VEGETATION, A PRE-CONSTRUCTION MEETING MUST BE HELD WITH THE TOWN OF ORANGETOWN DEME, SUPT. OF HIGHWAYS AND THE OFFICE OF BUILDING, ZONING AND PLANNING ADMINISTRATION AND ENFORCEMENT. IT IS THE RESPONSIBILITY AND OBLIGATION OF THE PROPERTY OWNER TO ARRANGE SUCH A MEETING.
  20. ALL LANDSCAPING SHOWN ON THE SITE PLAN SHALL BE MAINTAINED IN A VIGOROUS GROWING CONDITION THROUGHOUT THE DURATION OF THE USE OF THIS SITE. ANY PLANTS NOT SO MAINTAINED SHALL BE REPLACED WITH NEW PLANTS AT THE BEGINNING OF THE NEXT IMMEDIATELY FOLLOWING GROWING SEASON.
  21. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, INCLUDING THE REMOVAL OF TREES, THE APPLICANT SHALL INSTALL THE SOIL EROSION & SEDIMENTATION CONTROL AS REQUIRED BY THE PLANNING BOARD, PRIOR TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK. THE TOWN DEME SHALL INSPECT THE INSTALLATION OF ALL REQUIRED SOIL EROSION & SEDIMENTATION CONTROL MEASURES. THE APPLICANT SHALL CONTACT DEME AT LEAST 48 HOURS IN ADVANCE FOR AN INSPECTION.
  22. THE CONTRACTOR'S TRAILER, IF ANY IS PROPOSED, SHALL BE LOCATED AS APPROVED BY THE PLANNING BOARD.
  23. IF THE APPLICANT, DURING THE COURSE OF CONSTRUCTION, ENCOUNTERS SUCH CONDITIONS AS FLOOD AREAS, UNDERGROUND WATER, SOFT OR SILTY AREAS, IMPROPER DRAINAGE OR ANY OTHER UNUSUAL CIRCUMSTANCES OR CONDITIONS THAT WERE NOT FORSEEN IN THE ORIGINAL PLANNING, SUCH CONDITIONS SHALL BE REPORTED IMMEDIATELY TO DEME. THE APPLICANT SHALL SUBMIT THEIR RECOMMENDATIONS AS TO THE SPECIAL TREATMENT TO BE GIVEN SUCH AREAS TO SECURE ADEQUATE PERMANENT AND SATISFACTORY CONSTRUCTION. DEME SHALL INVESTIGATE THE CONDITIONS, AND SHALL EITHER APPROVE THE APPLICANT'S RECOMMENDATIONS TO CORRECT THE CONDITION(S) OR ORDER A MODIFICATION THEREOF. IN THE EVENT OF THE APPLICANT'S DISAGREEMENT WITH THE DECISION OF DEME, OR IN THE EVENT OF A SIGNIFICANT CHANGE RESULTING FROM THE SITE PLAN OR ANY CHANGE THAT INVOLVES A WETLAND REGULATED AREA, THE MATTER SHALL BE DECIDED BY THE AGENCY WITH JURISDICTION IN THAT AREA (I.E. WETLANDS-US ARMY CORPS OF ENGINEERS)
  24. PERMANENT VEGETATIVE COVER OF DISTURBED AREAS SHALL BE ESTABLISHED ON THE SITE WITHIN THIRTY (30) DAYS OF THE COMPLETION OF CONSTRUCTION.
  25. PRIOR (AT LEAST 14 DAYS) TO THE PLACING OF ANY ROAD SUB-BASE, THE APPLICANT SHALL PROVIDE THE TOWN OF ORANGETOWN SUPT. OF HIGHWAYS WITH A PLAN & PROFILE OF THE GRADED ROAD TO BE PAVED IN ORDER THAT THESE DEPARTMENTS MAY REVIEW THE DRAWINGS CONFORMANCE TO APPROVED CONSTRUCTION PLANS & TOWN STREET SPECIFICATIONS.
  26. THE PLANNING BOARD SHALL RETAIN JURISDICTION OVER LIGHTING, LANDSCAPING SIGNS, AND REFUSE CONTROL.
  27. NO BUILDING PERMIT WILL BE ISSUED UNTIL SEWAGE DISPOSAL ARRANGEMENTS HAVE BEEN APPROVED BY THE ROCKLAND COUNTY DEPT. OF HEALTH AND/OR THE TOWN OF ORANGETOWN.
  28. A TREE PROTECTION PROGRAM WILL BE IMPLEMENTED IN ORDER TO PROTECT AND PRESERVE BOTH INDIVIDUAL SPECIMEN TREES AND BUFFER AREAS WITH MANY TREES. STEPS THAT WILL BE TAKEN TO PRESERVE AND PROTECT EXISTING TREES TO REMAIN ARE AS FOLLOWS:
    - a. NO CONSTRUCTION EQUIPMENT SHALL BE PARKED UNDER THE TREE CANOPY.
    - b. THERE WILL BE NO EXCAVATION OR STOCKPILING OF EARTH UNDERNEATH TREES.
    - c. TREES DESIGNATED TO BE PRESERVED SHALL BE MARKED CONSPICUOUSLY ON ALL SIDES AT A 5 TO 10 FOOT HEIGHT. THE TREE PROTECTION ZONE FOR TREES DESIGNATED TO BE PRESERVED WILL BE ESTABLISHED BY ONE OF THE FOLLOWING METHODS:
      1. ONE (1) FOOT RADIUS FROM TRUNK PER INCH DBH
      2. ONE (1) FOOT RADIUS OF THE TREE CANOPY
 THE METHOD CHOSEN SHOULD BE BASED ON PROVIDING THE MAXIMUM PROTECTION ZONE POSSIBLE. A BARRIER OF SNOW FENCE OR COUNTRY TO BE PLACED AND MAINTAINED THROUGHOUT THE ESTABLISHED TREE PROTECTION ZONE. IF IT IS AGREED THAT THE TREE PROTECTION ZONE OF A SELECTED TREE MUST BE VIOLATED, ONE OF THE FOLLOWING METHODS MUST BE EMPLOYED TO MITIGATE THE IMPACT:
      - a. LIGHT TO HEAVY IMPACTS - MINIMUM OF EIGHT INCHES OF WOOD CHIPS INSTALLED IN THE AREA TO BE PROTECTED. CHIPS SHALL BE REMOVED UPON COMPLETION OF WORK.
      - b. LIGHT IMPACTS ONLY - INSTALLATION OF 3/4" INCH OF PLYWOOD OR BOARDS, OR EQUAL OVER THE AREA TO BE PROTECTED. THE BUILDER OR ITS AGENT MAY NOT CHANGE GRADE WITHIN THE TREE PROTECTION ZONE OF A PRESERVED TREE UNLESS SUCH GRADE CHANGE HAS RECEIVED FINAL APPROVAL FROM THE PLANNING BOARD. IF THE GRADE LEVEL IS TO BE CHANGED MORE THAN SIX (6) INCHES TREES DESIGNATED TO BE PRESERVED SHALL BE WELLED AND/OR PRESERVED IN A RAISED BED, WITH THE TREE WELL RADIUS OF THREE (3) FEET LARGER THAN THE TREE CANOPY.



VICINITY MAP SCALE 1"=300'



**ZONING - ZONE R-40**

	REQUIRED USE GROUP "E"	REQUIRED USE GROUP "H"	EXISTING
MINIMUM LOT AREA	40,000 SF	80,000 SF	7.1 ACRES
MINIMUM LOT WIDTH	150'	300'	500'±
MIN STREET FRONTAGE	100'	150'	750'+
MIN FRONT YARD	50'	100'	
MIN SIDE YARD	30'	100'	
TOTAL SIDE YARD	80'	200'	
MIN REAR YARD	50'	100'	
MAX BLDG HEIGHT	8'/FT	3'/FT	
MAX FAR	0.15	0.15	0.104

NO CHANGE TO EXISTING CONDITIONS

EXISTING VARIANCES

1. VARIANCES CONCERNING PENNED OR HOUSED ANIMALS: Section 3:11, R-40 (R-80) Column 4, Item 5 were granted per decision #88-18; April 20, 1988
2. VARIANCES FOR TWO EXTERNAL TRAILERS, OUTDOOR LOADING BERTH: Section 7.34, extension of Non-Conforming Use granted per decision #88-111; Dec. 7, 1988
3. VARIANCES FOR 60" DIA. TENTED RIDING RING (SIDE YARD OF 15± AND HEIGHT OF 26' 8 1/2") ZBA #12-49, 7/25/2012.

**LEGEND**

- CB CATCH BASIN/FIELD INLET
- DL DRAIN LINE
- SMH SANITARY MANHOLE / PIPE
- EP EDGE OF PAVEMENT
- CC CONCRETE CURB
- G GAS LINE
- W WATER LINE
- UP UTILITY POLE W/ OVERHEAD WIRES
- OHW OVERHEAD/UNDERGROUND ELECTRIC
- LP LIGHT POLE

**DESIGNED** JAG  
**DRAWN** LDW  
**CHECKED** JAG  
**APPROVED** JAG

**DATE** \_\_\_\_\_  
**REVISIONS**

**SITE PLAN FOR**  
**ROCKLAND CIDERY**  
68 SICKLETOWN ROAD  
TOWN OF ORANGETOWN  
ROCKLAND COUNTY, NEW YORK

**JAY A. GREENWELL, PLS, LLC**  
LAND SURVEYING - LAND PLANNING  
85 LAFAYETTE AVENUE, SUFFERN, NEW YORK, 10901  
PHONE 845-357-0830 FAX 845-357-0756

TAX LOT # 69.19-1-6  
AREA 309,344 SF  
7.102 AC  
FILE 21205TOPO  
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DATE 08/19/21  
JOB NO. 21205



## MEMORANDUM

**To:** Alak Shah, Susan MacWhinney, Gerard Goggin  
**From:** Jan Degenshein  
**Re:** 2368 RCW: Discussion regarding Laberge's 04/13/2023 "Memorandum and Proposed Zone Text Amendment" and Rockland Cider Works subsequent undated red-line.  
**Date:** April 23, 2023, Rev. May 5, 2023.

### OVERVIEW

The first attempt to amend the Town of Orangetown ("the Town") Zoning Code ("the Code") to legitimize the non-conforming cidery and attendant uses was prepared by Rockland Cider Works' ("RCW")'s attorney advocate on behalf of Van Houten Farm ("VHF"). It was an incomplete document and clearly represented its client's interests – not necessarily the Town's. After public input, the Town Council of the Town tasked its Albany-based Professional Planning Consultant, the Laberge Group ("Laberge") to draft an amendment to the Code to include language allowing agri-tourism, Farm Winery, and Farm Cidery as Special Permit Uses. Laberge prepared a proposed zone text amendment for further discussion. This document was then red-lined by RCW. Not surprisingly (in this planner's opinion), RCW's proposed modifications benefit RCW to the detriment of the Town.

At no time has there been a Town-wide discussion regarding the benefit (if any) for the Town to support agri-tourism, a Farm Winery, or a Farm Cidery. In fact, Laberge correctly concludes that the site does not even qualify as a farm by NYS Agricultural and Markets Law. (See AML Section 301 and the AML definition of a farm.) The purpose of agri-tourism is for education regarding farming such as farm tours and interactive activities such as apple picking. RCW cannot accommodate either of those goals.

The existing on-site grocery store (which is mischaracterized as a "farm stand") sells little in the way of produce grown in NYS, few products grown locally, and no products grown on site. Most displayed products are pre-packaged, pre-bottled, pre-boxed and pre-canned. The establishment operates more as a convenience grocery store, and has proven to serve the surrounding community – but it has not been granted a use variance for its location in an R-40 zone.

The stock of the garden center is derived from up-state and out-of-state sources. None of the nursery stock is grown on site, but rather displayed for sale on the grounds and in temporary greenhouses. The garden center also sells a selection of garden supplies such as mulch, potting soil, decorative containers, gravel, hoses, lawn sprinklers, garden tools, and gloves. Its products are similar to those sold at a Home Depot or Lowe's garden center – albeit at a smaller scale. It, too, has not been granted a use variance for its location in an R-40 zone.

The farm use terminated when VHF closed its dairy farm operations nearly 60 years ago. Since the grocery store and the garden center commenced operation long after the farm operations terminated, it appears that both the grocery store and the garden center have been operating illicitly from their beginnings. Both operations require use variances from the Town's Zoning Board of Appeals (ZBA) and should be addressed before any other site changes are considered. Only the one-family residence and the riding stables presently qualify as approved uses. For the latter use, the Code requires 10 acres to operate a horse stable. In this instance, the stable was granted a variance to operate on 7.1 acres. (ZBA case 88.18 dated April 20<sup>th</sup>, 1988.) For the Town to allow another significant use on the same undersized 7.1 acres site would effectively negate the first approval.

Wherever a cidery is located – if the Town wishes to welcome such a use – its demand may require it to be on a primary vehicular route - otherwise it may impose an unsafe condition on the community. The uses that RCW wishes to legitimize on site include hard cider processing, alcoholic beverage sales and consumption, prepared food sales and consumption, food trucks, and amplified musical entertainment. It should be noted that once a farm cidery license is in hand, the Town loses control of its potential operations on site. Approval to manufacture and sell wine and other alcoholic beverages in much larger quantities can be granted by the NYS Liquor Authority (“SLA”) and bi-pass any local regulation to those uses. Furthermore, the SLA can grant up to five satellite operations for each licensed cidery. Corresponding zone text should be developed to address this eventuality.

Cidery activities include manufacturing (such as food processing, food and bi-product waste disposal, bottling, shipping and receiving. They also include retail sales, amplified musical presentations, and a bar/restaurant.) If the Town determines that agri-tourism is beneficial, it must then determine where to best locate it. (It appears that Laberge did not study other potential zones and their relative benefits to host agri-tourism, a Farm Cidery, or a Farm Winery. As established by Laberge, this site does not qualify as an Agricultural Use. These activities are better suited to an active farm with far greater acreage than the RCW site, where the nuisance factors associated with a cidery can be accommodated without negatively affecting the surrounding residential fabric. Absent a large farm, a cidery would also be better placed in a manufacturing or commercial zone, well distanced from residential uses. In fact, none of the cidery activities are conducive to the health and well-being of a residential neighborhood. In fact, in general, assigned uses in other zoning districts could arguably better absorb noise, vision, and traffic impacts than any residential site in Orangetown. [Potential exceptions include the former IBM site and Rockland Country Club (both on NYS Route 9W), and the former Rockland Psychiatric Center site on Veteran's Memorial Highway. Each of those sites is large enough to absorb the associated nuisances, and each is on a traffic route that can better handle the vehicular traffic associated with the use.]

Since the intent of licensing a cidery is to use NYS products, wherever a cidery is located, annual proof of lading should be a pre-requisite to its operation. It can be reviewed annually, similar to other Performance Standards.

We respectfully recommend that any reference to agricultural uses be stricken from the zoning ordinance in R-80 (and thus R-40) zones. Orangetown is today a fully established suburban, not a rural community. Agriculture and farming no longer occur in the Town. To its credit, Laberge does recognize the nuisance factor of a Cidery in a residential neighborhood and recommends certain measures to mitigate the negative effects on residential neighbors. None the less, we believe that some of Laberge's proposed revisions to Chapter 43 could apply – with modification – to other zones where a Special Permit Use for a cidery could more appropriately apply. Our collegial suggestions, associated with Laberge's enumeration, follow.

### RESPONSE TO THE PROPOSED ZONE TEXT AMENDMENT AND RCW RED-LINES

Section 1. Title. Please refer to our overview, above: . . . to amend the General Requirements for [whatever zoning district is identified as appropriate, such as LO, LIO, M, CC, etc., but certainly not R-80 or R-40]

Section 2. Legislative Intent. We believe that intent should include environmental and economic benefit. However, it is wrong to refer to a "local farm operation" where no farm exists. By virtue of NYS Ag and Markets Law ("NYS AML"), the overarching document to which this text should conform, VHF is not a farm. The suggested language presented by RCW would thus estop a cidery on VHF's property, as an example.

Section 3. (Definitions) We agree that "AGRICULTURAL ACTIVITIES" should be stricken from this section. Under "AGRI-TOURISM", it should be noted that it takes 60 mature maple trees to distill one ounce of maple syrup. "FARM" should follow the definition of NYS AML, not the antiquated and inapplicable USDA definition. "FARM OPERATION": For some reason, the suggested definition does not reference apple cider. To avoid the universal nature of the language, only specifically desired agricultural production uses should be identified (lest "manure processing and sales", for example, be unwittingly allowed). "AGRITOURISM": No qualifying maple grove is located in Orangetown, thus the reference is inapplicable to the Town ordinance and should be stricken. "FARM WINERY AND CIDERY" should require a bill of lading proving the raw products are NYS sourced. In other communications, we have expressed concern about any "FOOD TRUCK" – especially in a residential district. If food trucks are to be permitted, one might add "beverage" after the phrase ". . . sales of food . . ." Since the definition of "AGRI-TOURISM ENTERTAINMENT" includes an educational benefit, how is the educational benefit of "music and hayrides" to be adjudicated as opposed to "rock and roll and bouncy castles"? Does the song "Don't sit under the apple tree with anyone else but me", or "Old MacDonald had a farm" qualify as farm related music?

Sub-Section 4.32.(R).i. "lots of five acres" is arbitrary and should be empirically established. Considering the setback limitations that follow, it would be impossible to site a cidery on such a small lot in the middle of a residential zone. For the Town Board [sic] to provide due consideration of the appropriateness of the siting places it on a political slippery slope. Siting should be left to the Planning Board, the Town's planning consultant, and any other federal, state, county, or town technical jurisdictional board or agency.

Sub-Section 4.32.(R).ii. Hours of operation in different zoning districts and adjacent to different zoning districts will vary based upon the effects of cidery uses on adjacent properties and should be identified. a) Monday Federal holiday hours should be the same as Sunday hours of operation. The following day is a workday, and activities should be curtailed earlier in the day in both cases. Friday night and Saturday operations should respect the needs of growing population demographics. In no event should hours of operation be extended beyond those suggested by the Laberge proposal. RCW offers no justification for extending Laberge's recommended hours of operation. b) By virtue of a potential location in a residential zone, retail sales should be curtailed no later than 5:00 PM.

Sub-Section 4.32.(R).iii. Define "temporary structure" and state that its use must conform to the Town Fire Code. Any structure, permanent or temporary, must meet requirements of the Federal Americans with Disabilities Act.

Sub-Section 4.32.(R). iv. A "concept plan" and a "sketch" must be defined. b. That which is conceptual or sketch is arbitrary and may be legally challenged. The plan should identify all uses within a one-mile radius. Adjacent uses should be identified. (3) Delineation of residences and other uses (such as churches) within 500 feet of the property lines of the proposed cidery should be required. c. This sub-paragraph should remain. The Town should not be responsible for the cost of any consultant necessitated for review of an application. Add a sub-paragraph (6): Protected trees and those being hewn should be identified. Buffers and setbacks should be shown. Details of net-zero storm water runoff (such as storm water detention) should be calculated and identified. A SPDES permit will likely be required by the County to mitigate surface pollution. Building heights and FAR limits, adherence to the Stretch Energy Code, distances between buildings, parking (per Town Code and ADA), loading spaces, signage, lighting, landscaping, vehicular entrance/exit blind spots, signage size and location (including on food trucks), lighting, fire lanes, full handicapped accessibility including paths of travel from assigned parking spaces, toilet facilities, and outdoor seating, should all be delineated. A traffic study should be undertaken. Emergency services (police, fire, EMT) reviews and comments must be considered. We contend that a special permit should not be issued without full review by the Town Planning Board and its consultants, as well as other agencies, and a full report issued to the Town Council. d. This is a chicken-egg conundrum (no pun intended): How can the Council conclude the efficacy of a special permit without a full understanding of site and surrounding conditions? f. The phrases "substantially deviate" and "material manner" are subjective terms. The approved site plan must be followed just as it would for any other use. No deviations should be permitted. h. The Special Permit use renewal should remain at 3 years to conform to the SLA license review. Also . . . There is an opportunity for the Town to require all tableware to be paper or wood, thus reducing negative impacts on the environment. In the case of alcoholic beverage sales, limit the sales to locally sourced hard cider or wine, depending upon the application of use. No beer or hard liquor shall be sold. (As mentioned earlier, once a cidery license is issued, only the SLA has the authority to determine the extent of the privileges granted to any applicant holding a license. Theoretically, the sale of beverages can be expanded to any alcoholic beverage in any quantity.

Sub-Section 4.32.(R).v. Parking and loading should follow the present zoning code regulations.

Parking must be cumulative to all uses on site. b. Parking should be contiguous to the site. It would be particularly hazardous if an inebriated patron were to walk on a dark, narrow windy road at night. The barrier should be fully opaque to avoid fugitive light from spilling out onto other properties. c. Parking requirements should not be eased, and spaces should be calculated in addition to required parking for other uses on site.

Sub-Section 4.32.(R).vi. Depending upon the location of the cidery, one food truck may in itself be a nuisance. No more than one should be allowed, and that at the discretion of the Planning Board. b. No gasoline generators should be used. Period. Noise is an issue. So are carbon emissions. e. Of course fire pits should be subject to the approval of the fire inspector! g. This sub-paragraph should stand as proposed by Laberge. h., i., j., and k. Setbacks should be from residential property lines, whether developed or not. To preclude non-developed properties is tantamount to a taking. When residential properties are across the street from a cidery or winery, setbacks should be measured from the street property line of the cidery – not from across the street. (h.) A cidery is a potential nuisance to a neighboring residence. l. There should be a 175-foot separation from houses of worship, schools, wetlands, waterways and conservation easements. Incandescent bulbs are no longer sold and should not be referenced. 900 lumens should be adequate. m. The maximum site capacity for a cidery or winery should be 25 persons per acre of the land attributed to said use – not of the entire site. If there are other uses on site, the land attributed to those uses should be subtracted from the calculations. (m.) Thus the proper term should be: “Maximum cidery capacity”.

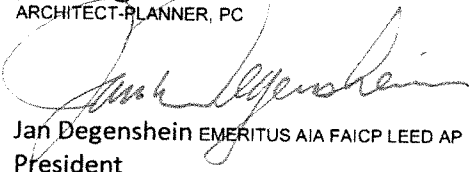
#### CONCLUSION

A cidery or winery represents a nuisance use in any residential zone and should be prohibited therein. If a special permit is to be issued for that use and its collateral activities in another more qualified zone, the use must undergo the same rigorous site-plan review that any other proposed use would require, and – recognizing its potential nuisance and environmental impact – must undergo additional bulk and performance standards not applicable to many other permitted uses.

Finally, the entire exercise of this zone text amendment seems to be for the benefit of one intended applicant. The use of a cidery should be studied for its benefits and drawbacks to all sites in the Town before it might be erroneously assigned to an inappropriate zone.

Respectfully submitted,

**Jan Degenshein**  
ARCHITECT-PLANNER, PC



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May 5, 2023

*Via Email Only*

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Orangetown Town Board  
c/o Town Attorney  
Robert V. Magrino, Esq.  
26 Orangeburg Road  
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**Re: Zoning Petition by Rockland Cider Works/Van Houten Farm Market Benefit**  
Property Address: 68 Sickletown Road, Orangeburg, NY ("Subject Property")

Dear Mr. Magrino:

We write to you and the Town Board ("Town Board") of the Town of Orangetown ("Town") on behalf of Concerned Neighbors for review and consideration of this submission, together with the enclosed memorandum by New York State Professional Planner and Licensed Architect Jan Degenshein, regarding the Zoning Petition submitted by Rockland Cider Works and Van Houten Farm Market Benefit Trust (collectively, "RCW") for the benefit of their cidery operations at 68 Sickletown Road, Orangeburg, New York (Subject Property).

As you know, we represent numerous Concerned Neighbors, including Susan McWhinney, Gerard Goggin, Thomas Reynolds, Dr. Stuart Rasch,Carolynn Rasch, Dr. Peter Taub, Joyce Taub, John Torpey, Brenda Torpey, Christopher Van Houten, Sharon Van Houten, Paul Custer, and Faith Custer ("Concerned Neighbors").

We have reviewed the Zoning Petition and proposed Local Law initially submitted by RCW ("RCW's Initial Submission"), the review memorandum and redlined Local Law provided by the Laberge Group ("Laberge Version"), as well as RCW's proposed revised Local Law ("RCW's Revised Submission") and provide this feedback on behalf of the Concerned Neighbors for review and consideration by you and the Town Board.



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Attn: Orangetown Town Board

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**Summary:**

RCW's Zoning Petition, Local Law, and proposed use is directly antithetical to the principles of zoning as it is entirely contrary to the character of the Town's R-40 Residential Zone within which RCW seeks to establish its manufacturing, retail, bar, and entertainment business.

**Background:**

RCW's Initial Submission is the culmination of several years of acrimony caused by RCW's illegal cider manufacturing and bar and live entertainment business ("Cidery Operations") at the Subject Property, which along with our clients' properties, is located in the Town's R-40 Zone, a strictly Residential Zone. Briefly, RCW began its operations by obtaining a farm winery license from the New York State Liquor Authority based upon the false representation that it was in compliance with the Town Code and had obtained all appropriate permits, when in fact it had not. RCW then began manufacturing hard cider, selling retail goods, including alcoholic beverages and foods manufactured elsewhere, as well as operating an outdoor bar and entertainment business, complete with food trucks, open fire pits, live bands – all of which is not permitted or welcome in the R-40 Residential Zone. This led to a significantly adverse impact on the neighbors due to the excessive and unreasonable traffic, noise, light, and other disturbances generated by RCW's Cidery Operations.

Our clients, among others, began complaining to the Town, and the Town started enforcing its code and issuing various violations to RCW. RCW plead guilty before the Town justice Court admitting its use was in violation. Our clients requested the Town Board seek injunctive relief pursuant to Town Law §268(2), but the Town did not take such an action, despite its Office of Building Zoning, Planning, and Enforcement ("OBZPAE") finding that the Cidery Operations were not permitted, and that RCW did not obtain the requisite building permits. Instead, RCW sued the Town alleging its use was permitted – which lawsuit was dismissed by the Rockland County Supreme Court.

Our clients also commenced their own lawsuit against RCW seeking a declaration that RCW's Cidery Operations were violative of the Town Code and a corresponding preliminary and permanent injunction. The Rockland County Supreme Court agreed and issued a preliminary injunction and required the Concerned Neighbors to post an undertaking, which they duly did. Accordingly, RCW's illegal Cidery Operations currently are closed by order of the Supreme Court.

In the meantime, RCW submitted its Zoning Petition in the hopes of obtaining political favor from the Town Board so it could resume its operations, despite all of the foregoing, because it cannot in the judicial forum.

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The Concerned Neighbors now write to vehemently oppose any such change to the Town Code that could permit RCW's Cidery Operations at the Subject Property or anywhere within the R-40 Residential Zone as it is simply out of the character of their residential zone and cannot, with any revisions or modifications or restrictions, be made to fit. The Town Code provides other suitable zones for manufacturing, retail, commercial, light industrial, and other similar businesses. Each of those suitable zones of course have their own restrictions and limitations as deemed appropriate by the Town.

**Ownership of Subject Property:**

As a threshold matter, RCW does not provide proof of ownership of the entire 7.1 acres it claims to be its property where it seeks to reestablish its Cidery Operations. There is a home located on one of those 7.1 acres, which home is owned and occupied by our clients, Sharon and Chris Van Houten. Sharon and Chris Van Houten wholeheartedly oppose RCW's Zoning Petition and do not consent to any such revision to the Zoning Code or the proposed local law that would permit Cidery Operations on the same lot as their home, without regard to whether it occurs in a structure or food truck. They are opposed to the Cidery Operations in their entirety. Without permission from all of the owners and occupants of the Subject Property, RCW simply cannot proceed and the Town cannot even entertain a Zoning Petition for a property where all of the owners are not in agreement.

**Purpose:**

RCW has advanced its Zoning Petition and its purported need for Cidery Operations due to claims that its farmstand business is not generating sufficient income to survive of its own accord. However, absent from such claims is full disclosure regarding Van Houten Farms' various business including its green market business whereby it trucks in produce from Pennsylvania which it packages and sells in New York City and its alternate site from which it conducts Cidery Operations. The Town should fully explore RCW's purported claims before even entertaining RCW's Zoning Petition based upon a potentially false premise.

If the purpose of entertaining this Zoning Petition is for the Town to encourage farms and not force them into closure as small businesses that may be struggling financially. It should consult professionals such as Cornell University's Agriculture Business Development, the State's leader in Agriculture, to ensure it is proceeding wisely and that its actions will encourage farm activities and farm survival as opposed to introducing conflicting uses in residential zones. The emphasis clearly should be on crops, or micro-crops, as opposed to bars and alcohol-infused products.

Similarly, the purpose of "Agritourism" is to promote farms by encouraging the public to visit a working farm operation to enjoy, get educated, and/or to be involved hands-on with farm activities. See [agmrc.org](http://agmrc.org). The purpose is not to manipulate the farm centric purpose of Agritourism

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to promote an outdoor bar and entertainment business with food trucks, fire pits, and other non-farm centric behavior and activities. RCW's operations do not promote agriculture in any respect.

**Orangetown Town Zoning Code:**

The Town's Zoning Code (Town Code Chapter 43) "is designed to provide and to implement a Comprehensive Plan of Land Use and Population Density for the Town of Orangetown...for the protection and promotion of the public health, safety, morals, comfort, convenience, prosperity and other aspects of general welfare, particularly of the Town..." (Chapter 43 at §1.0). The R-40 Residential Zone was thereby established as a residential zone with no manufacturing, industrial, or entertainment venues.

Specifically, the Zoning Code is "[t]o encourage an orderly pattern of residential development around existing communities in the Town...and to avoid the disorderly and blighting pattern of development and the unnecessarily high costs of public services resulting from scatter developments unrelated to each other...[t]o provide suitable area for desirable commercial and industrial development along major transportation facilities within the Town...[t]o bring about the gradual conformity of the uses of buildings and land throughout the Town...[t]o help bring about the most beneficial relation between the uses of buildings and land and the circulation of traffic through and within the Town...[t]o protect and conserve the value of land and the value of buildings appropriate to the various districts established by this code." (*Id.* at §1.0(2)-(6)). RCW's Zoning Petition would do the exact opposite as it would introduce an outdoor bar and live entertainment business with hard cider manufacturing in a residential neighborhood. Permitting RCW's Cidery Operations will encourage disorderly and blighting pattern of development by placing a completely out of place business in the middle of single-family homes.

The Zoning Code also states that "[n]o entrance to property zoned nonresidential is permitted through property zoned for residential uses." (*Id.* at §1.3). In this regard, RCW's Cidery Operations are clearly nonresidential, but its entrance would necessarily need to go through properties zoned for residential uses as it is physically located in the middle of a residential neighborhood. Its lot even has a home on it.

Pursuant to Orangetown's Comprehensive Plan, the R-40 Zone is comprised "[p]rimarily of single-family detached dwelling units with a minimum lot area of 40,000 square feet (just under 1 acre). Other permitted principal uses are generally the same as in the R-80 District..." (Town Comprehensive Plan 2022 at p. 45). Manufacturing, Commercial, Retail, and Entertainment businesses are not permitted.

RCW's Cidery Operations, which certainly involves manufacturing, commercial, retail and entertainment businesses, are antithetical to, and contradictory to, the Town's Zoning Code as well

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as the specific uses permitted in the R-40 Residential Zone. It cannot be permitted without violating the Town's Comprehensive Plan as well as running afoul of the Zoning Code's intent and purpose.

**Laberge Memorandum and Redlined Local Law:**

We acknowledge and appreciate the Town's referral of RCW's Initial Submission to an independent Planning Firm, Laberge Group ("Laberge"), but caution that Laberge may not have been tasked with the comprehensive review required and a follow up analysis must be requested. Specifically, Laberge's review memorandum suggests that Laberge was asked to edit the law to try and mitigate some of the Concerned Neighbors' complaints. It is as though the Town wanted the law when it is not wanted at all in the residential zone.

We implore the Town to ask Laberge to review the proposed use anew and analyze whether the use is even suitable for the Town's R-40 Residential Zone and ask Laberge to opine if it would run afoul of the Town Zoning Code and Comprehensive Plan. The Concerned Neighbors are confident that Laberge will agree that the Cidery Operations do not work and are not suitable in the R-40 Residential Zone.

In this regard, please also see enclosed herewith a memorandum from professional Planner Jan Degenshein, with his specific comments regarding RCW's Initial Submission, the Laberge Version, and RCW's Revised Version. As the Town Board will see, Mr. Degenshein in his expert capacity opines that the Cidery Operations constitute "a nuisance use in a residential zone and should be prohibited therein." Degenshein Memo. at 4.

Even assuming that Laberge is not tasked to review this matter anew as is necessary, Laberge's specific revisions and comments confirm that it also believes the Cidery Operations are not suitable in the R-40 Residential Zone. Preliminarily, Laberge correctly notes that the Subject Property does not qualify as a farm.

Moreover, Laberge clearly recognizes the nuisance that RCW's Cidery Operations would bring to the R-40 Residential Zone, if permitted, in its revisions to RCW's proposed local law. Deletion of the term "Agricultural Use" from definitions was appropriate because RCW's proposed definition was not consistent with the State or County definitions.

Laberge's attempts to mitigate the adverse impact on the Concerned Neighbors by increasing restrictions and limitations on the proposed local law also demonstrates that the Cidery Operations in the R-40 Zone and specifically at the Subject Property are not feasible or practical.

For example, Laberge indicates that all permanent principal buildings must be set back at least 175 feet from the property line adjoining residentially developed properties (ignoring the impacts to the home and its occupants on the same lot); accessory buildings set back at least 150

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feet from the property line adjoining residentially developed properties; and outdoor dining areas, decks and patios, and temporary facilities, set back at least 200 feet from property lines or properly screened. These significant setbacks demonstrate that the residences adjoining the Subject Property would not permit the current structures at the Subject Property to remain. Similarly, Laberge recommends onsite parking to be set back at least 50 feet from property lines of residentially developed properties, which would necessarily inhibit the amount of parking RCW could physically provide.

Laberge further recommends, among many other things, that the maximum capacity of guests shall be 25 persons per acre; only one food truck permitted on site; that at least one parking space be provided per employee and one space per 2.5 guests permitted at full capacity; and that the hours of operation be reduced across the board. Most notably, all of the additional regulations provided by Laberge appear to try and mitigate the antithetical and/or contradictory use proposed by RCW in the R-40 Residential Zone. However, the simple fact revealed by their efforts is that the use is inappropriate in this zone.

**RCW's Revised Submission:**

Upon receipt of Laberge's review memo and redlined local law, RCW and its attorneys duly made additional revisions that would self-servingly benefit RCW, to the detriment of the Concerned Neighbors and the greater R-40 Residential Zone in which their property is located.

First, RCW disingenuously introduces a new definition for "Farm" after Laberge properly struck their improper definition of "Agricultural Activities". RCW's proposed definition cites the US Department of Agriculture to claim a "Farm" is any place that sells or produces (or normally would have) \$1,000 or more of agricultural products. Such a vague definition could qualify a single-family home with some blueberry bushes as a "Farm" so long as the value is \$1,000 or more. A "Farm" should be a place that actually grows crops or plants, which it then sells. Of course, RCW does not want such a definition because it does not grow any crops or plants. It therefore should not be permitting a Farm Winery or Farm Cidery.

The Town must fully explore the definition of a "Farm" and ensure that it may not be misconstrued or open a Pandora's box where other properties, such as Nyack College or Bluefield Farm and other similar properties may apply for farm winery/farm cidery licenses. The AML has a definition for "Farm Operation" which is the definition relied upon by the SLA and the definition that the Town rely upon. *See* AML §103(11). The Town should also rely upon the New York State agriculture tax assessment's definition for land used in agriculture production. *See* [https://www.tax.ny.gov/research/property/assess/valuation/ag\\_overview.htm](https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm).

In this same vein, RCW then seeks a combined definition of a "Farm Winery and Farm Cidery", when they are in fact two different things entirely. *See* ABC Law at §58-c (Farm Cidery

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License) and 76-a (Farm Winery License). Again, there is no good reason for the Town to depart from the State's definition for each of these. This is significant here because RCW relied upon its misstatements of being a farm (without factual basis) to obtain a farm winery license, which grants it certain privileges, but if it so chooses in the future, it could easily convert its farm winery license into a farm cidery license. A farm cidery license might allow RCW to eliminate its grocery store entirely. The grocery store is the only legitimate reason any non-cidery people want any semblance of Van Houten Farms to remain and RCW could use its special permit to then eliminate that entirely.

Of course, RCW also without any explanation or good reason reduced the restrictions and limitations recommended by Laberge. For example, RCW claims that it seeks "consistency" among the hours, but it increases its retail sales by three hours every day from Monday through Saturday, until 8:00p.m., in a residential zone, by relying upon Laberge's suggestion that the on-site consumption be permitted until 8:00p.m. on Fridays and Saturdays only.

RCW does not even want to provide a concept plan with homes that are located within 500 feet of their proposed special use nor allow the Town to retain professional consultants it may deem necessary in its review. Again, the home on the lot is directly implicated and RCW wants it ignored. It also wants such a special permit to be good for five years without renewal rather than three years as suggested by Laberge. It would also be more consistent with the SLA's review, which is every three years. RCW further wants to allow parking on property not owned by it (when it has been unable to provide any proof that any neighbors would allow parking on their properties and the County has explicitly advised that parking is not permitted on the County roadway) as well as only provide one parking space per 3 guests, as opposed to the 2.5 suggested by Laberge. RCW also wants to have outdoor fire pits when outdoor fires are expressly prohibited by the Orangetown Town Code at §15-10(D).

RCW of course does not want to be limited to only one food truck and seeks to permit gasoline powered generators despite numerous complaints from neighbors of noise and fumes from those very generators. Nor does RCW want to permit the setback requirements suggested by Laberge because RCW has already created illegal structures that it seeks to utilize. RCW cannot be permitted to rely on its illegal operations and illegal activities to now claim that it must be permitted less restrictions because it cannot make its illegal activities compliant with the restrictions the Town seeks to impose, as recommended by the Town's Planner. To the extent RCW has existing structures, it is incumbent upon them to move them to become compliant – not for the Town to continue to bend over backwards for them. RCW also seeks to take advantage of other nearby properties that may be owned by its principles by excepting them from the setback requirements by ignoring the fact that those properties are still single-family homes in an R-40 Residential Zone and must be treated like all other single-family homes in the zone to maintain the character of the zone and neighborhood. This also fails to take into account that those homes are

**FEERICK NUGENT MACCARTNEY PLLC**

Attn: Orangetown Town Board

Re: *Zoning Petition by Rockland Cider Works*

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likely to be sold or transferred at some point to other homeowners that must be afforded the same setbacks as other homes in that zone.

RCW further seeks permission to permit 50 persons per acre on the property, which would translate to roughly 250 people over 5 acres, or 350 people over 7 acres. Laberge suggested a limit of only 25 people per acre, which it independently found to be permissible. However, 250-350 people multiple times a week for an outdoor bar and entertainment venue with food trucks in a R-40 Residential Zone is simply ludicrous. It would welcome a festival environment within 200 feet of single-family homes. No member of the Town Board would want to live next to something like – and the Concerned Neighbors should not be forced to live with that either.

**ABC Law Trumps Town Law:**

The Town Board must also duly consider the implications of the New York State Alcohol and Beverage Law (“ABC”) to the extent that it preempts or trumps the Town Code and any restrictions the Town may impose upon the Cidery Operations by way of the proposed Local Law or by way of its Special Use Permit that it may eventually grant.

The ABC law affords numerous benefits and privileges to those who obtain a farm winery or farm cidery license. Those benefits include the ability to manufacture up to 250,000 gallons of cider per year, year-round operations, bar privileges, retail store to sell not only cider produced onsite but also other wine, beer, and hard liquor. The Town cannot then restrict the privileges afforded to the licensee by way of the SLA license and ABC law. We implore the Town to fully research these concerns and contact the SLA to confirm same. The Town is inviting trouble into a residential area.

The Town Board must review and properly appreciate all of the retail privileges that the SLA grants to farm wineries and farm cideries because the Town will be handcuffed from then being able to restrict those activities. In this regard, even if the Town decides that the cider manufacturing is to be limited to 10,000 gallons per year – RCW could agree to such a restriction, but it would not have to comply with it because their State issued liquor license would permit them to produce up to 250,000 gallons. Therefore, RCW could of its own volition decide to expand its facilities to accommodate such increased production after obtaining requisite approvals under the guise of a smaller operation.

Similarly, even if the Town Board decides to restrict the number of guests permitted to 25 per acre (as suggested by Laberge), the ABC law grants the liquor license (including onsite consumption privileges) for the entire premises, including the outdoor areas and does not impose any restriction on the number of persons permitted. Therefore, if RCW wants to have 3,000 people on its premises, it could do so, and the Town would have no recourse because RCW would be in compliance with the ABC law.

**FEERICK NUGENT MACCARTNEY PLLC**

Attn: Orangetown Town Board

Re: *Zoning Petition by Rockland Cider Works*

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**Other Problem Wineries/Cideries:**

The Town Board needs to take caution from other farm wineries and cideries throughout the State of New York that have led to disastrous results for their respective communities. For example, a Long Island winery had its SLA license suspended after officials accused patrons of engaging in public sex, brawls and rowdy behavior. See <https://www.cbsnews.com/news/vineyard-48-cutchogue-long-island-winery-shuts-down-after-sex-parties-brawls/>; <https://www.cbsnews.com/newyork/news/vineyard-48-winery-restrictions/>.

RCW has already demonstrated that it is not a good actor and that it is looking to maximize its bottom line at the expense of the Concerned Neighbors and by taking advantage of the Town Board's sympathy toward a former farm. RCW has not earned any favors. RCW does not deserve the benefit of the doubt.

**Conclusion:**

The Town's mere consideration of RCW's proposed local law, in any form, is antithetical and contradictory to the R-40 Residential Zone and should be entertained or permitted in any regard. By even entertaining RCW's proposal, the Town is opening the door to RCW's Cidery Operations that are incompatible with the R-40 Residential Zone and opening the door to a Woodstock like festival with hundreds of people walking around with open containers of beer, wine, cider, and liquor all over the RCW property causing mayhem for the entire neighborhood. The Town will handcuff itself from reigning it in, and the Concerned Neighbors stuck living in a nightmare where they are forced to live next to an outdoor bar and entertainment venue despite having bought homes in a R-40 Residential Zone that was never envisioned for such a use, and while the value of their homes continues to drop.

Very truly yours,



Alak Shah

cc:

Teresa Kenny, Supervisor ([Supervisor@orangetown.com](mailto:Supervisor@orangetown.com))

Jerry Bottari ([gbottari@orangetown.com](mailto:gbottari@orangetown.com))

Thomas Diviny ([tdiviny@orangetown.com](mailto:tdiviny@orangetown.com))

Brian Donohue ([bdonohue@orangetown.com](mailto:bdonohue@orangetown.com))

Paul Valentine ([pvalentine@orangetown.com](mailto:pvalentine@orangetown.com))

Rosanna Sfraga, Town Clerk ([rsfraga@orangetown.com](mailto:rsfraga@orangetown.com))

Donald J. Feerick, Jr., Esq. ([dfeerick@fnmlawfirm.com](mailto:dfeerick@fnmlawfirm.com))





HOCHERMAN  
TORTORELLA  
& WEKSTEIN LLP

Attorneys at Law  
Geraldine N. Tortorella<sup>(NY, CT)</sup>  
Adam L. Wekstein<sup>(NY)</sup>  
Noelle C. Wolfson<sup>(NY, CT)</sup>

Henry M. Hocherman, Retired

April 20, 2023

*Via Hand Delivery*

Hon. Rosanna Sfraga, Town Clerk  
Town of Orangetown  
26 W. Orangeburg Road  
Orangeburg, New York 10962

*Re: Petition of FB Orangetown Retail LLC, FB Orangetown Retail Two LLC, FB Orangetown Retail Three LLC, FB Orangetown Hotel LLC, FB Orangetown Hotel Two LLC (the "FB Orangetown Entities") and FB Greenbush LLC for Amendment of the Town of Orangetown Town Code, Section 4.32(O)iii(h) and Application for Amended Special Permit Approval  
Tax Parcels: Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, 21./5 and 22*

Dear Ms. Sfraga:

Our firm represents the owners and ground lessee of the above-referenced properties, commonly known as Orangeburg Commons and The Shops at Orangeburg Commons. Enclosed for filing are fifteen (15) copies of a Petition for Zoning Amendment and Amended Special Permit Application for the Concept Plan for the mixed use development and mixed use expansion on the respective properties. We would appreciate having the matters scheduled for discussion and consideration at the Town Board's May 9, 2023 meeting.

If you require additional information or the payment of any fees, kindly let me know. Thank you.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:hc  
Enclosures

cc: Jane Slavin, R.A. Director of the Office of Buildings,  
Zoning, Planning, Administration and Enforcement  
Robert Magrino, Esq., Town Attorney  
Mr. Richard Birdoff  
Alfred Rossi, P.E.  
Mr. Michael Rossi



HOCHERMAN  
TORTORELLA  
& WEKSTEIN LLP

Hon. Rosanna Sfraga, Town Clerk  
April 20, 2023  
Page 2

Mr. Jordan Goldblum  
Chirag V. Thakkar, P.E., LEED AP  
A. Peter Russillo, P.E., PTOE  
Ronald P. Rieman, Project Manager  
Mr. Todd Nagy

S:\# MATTERS\Birdoff 0163\Orangeburg Commons Fast Casual Rest & Site Plan Amds 012\Letters\Town Clerk 4-20-2023.docx



April 20, 2023

*Via Hand Delivery*

Hon. Teresa M. Kenny, Esq., Supervisor  
and Members of the Town Board  
Town of Orangetown  
26 W. Orangeburg Road  
Orangeburg, New York 10962

*Re: Petition of FB Orangetown Retail LLC, FB Orangetown Retail Two LLC, FB Orangetown Retail Three LLC, FB Orangetown Hotel LLC, FB Orangetown Hotel Two LLC (the "FB Orangetown Entities") and FB Greenbush LLC for Amendment of the Town of Orangetown Town Code, Section 4.32(O)iii(h) and Application for Amended Special Permit Approval  
Tax Parcels: Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, 21./5 and 22*

Dear Supervisor Kenny and Members of the Town Board:

Our firm represents the FB Orangetown Entities, owners of the five condominium units commonly known as Orangeburg Commons, which is located at the southwest corner of the intersection of Route 303 and Stevens Way ("Orangeburg Commons" or the "Property") and FB Greenbush LLC, Ground Lessee of property on the south end of the Greenbush Road cul-de-sac ("The Shops Parcel"). (Hereinafter, The FB Orangetown Entities and FB Greenbush LLC are collectively referred to as the "Applicants".) Orangeburg Commons is developed as a Mixed Use Development pursuant to Section 4.32(O) of the Town of Orangetown Town Code ("Town Code"); The Shops Parcel is approved for development as a Mixed Use Expansion pursuant to Section 4.32(P) of the Code. Your Board granted special permits, and the Planning Board granted site plan approvals, for a food market, two hotels, a "traditional" restaurant and a bank with a drive through on the Property and for retail and restaurant space on The Shops Parcel. As you know, the Stop & Shop Supermarket and Residence Inn Hotel have been operating on the Property for several years.<sup>1</sup>

A Mixed Use Development was first approved on the Property in 2006 and the site plan originally included, among other improvements, pads for retail buildings, a restaurant and a bank building with drive-through services. The FB Orangetown Entities obtained amended approvals for the project to permit the Stop & Shop food store, which has been a successful addition to the Property. It has been more than a decade since the Residence Inn and Stop & Shop were constructed. Despite diligent efforts to find tenants for the restaurant and bank pads, such uses have not been attracted to the Property.<sup>2</sup> Recently, Chipotle has expressed a serious

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<sup>1</sup> In February 2020, your Board granted amended special permit approval for a dual-brand hotel on the Property, but the pandemic intervened and amended site plan approval for the project was never sought. The child day care project once proposed on The Shops Parcel never received final approval. Therefore, the Concept Plan is based on the last-approved site plans, which include the second hotel and The Shops on their respective parcels.

<sup>2</sup> As you may recall, the Property was in the Brownfield Cleanup Program and all site remediation was fully completed before any buildings were built.

Hon. Teresa M. Kenny, Esq., Supervisor  
and Members of the Town Board  
April 20, 2023  
Page 2

commitment to establishing and operating one of its restaurants on the Property. However, according to Building Inspector Jane Slavin, R.A., the Chipotle Restaurant is not permitted on the Property under current regulations.

By this submission, the Applicants petition your Board for (i) an amendment to Section 4.32(O)iii(h) of the Town Code to permit all restaurant types in Mixed Use Developments and Mixed Use Expansions and (ii) Amended Special Permit approval to use the two commercial pads (three tenant spaces) on the eastern side of the Property for a Chipotle Restaurant with a drive-through (“Tenant-B”) and a mix of restaurant, retail and/or personal service uses. In addition, the use of the approximately 18,304 SF commercial building on The Shops Parcel is proposed to be limited to retail use.<sup>3</sup>

Enclosed are fifteen (15) copies of the following documents in support of these requests:

1. Petition for Amendment of the Town Code, signed by Richard Birdoff, Managing Member of the FB Orangetown Entities and FB Greenbush LLC;
2. Concept Plan, prepared by Bhatt Thakkar Engineering, DPC, Drawing Nos. CP16 and CP-16A, dated April 5, 2023 and last revised April 12, 2023;
3. Renderings, Elevations and Lease Outline Drawing Site Plan for Chipotle, the abutting tenant space and the tenant space on the north pad, prepared by Onyx Creative, dated April 18, 2023;<sup>4</sup> and
4. Full Environmental Assessment Form signed by Alfred Róssi, to which are attached a Trip Generation Analysis prepared by Colliers Engineering, dated April 14, 2023, an amended Fiscal Impact Analysis, and a Sewer and Stormwater Statement prepared by Bhatt Thakkar Engineering, DPC., dated April 18, 2023.<sup>5</sup>

Also enclosed is one copy of an Entity Disclosure Statement for the FB Orangetown Entities and FB Greenbush LLC.<sup>6</sup>

As shown on the Concept Plan, the Chipotle Restaurant (“Tenant-B,” 2,435 SF) is proposed on a part of the “southern” commercial pad previously approved for an approximately 5,167 SF traditional restaurant. The balance of the southern pad is proposed to be improved with an approximately 2,054 SF space for a “traditional” restaurant, retail or personal service use (“Tenant-C”) and 187 SF of landlord utility room and corridor. The “northern” pad is proposed to be developed with an approximately 2,556 SF building that could be used for all restaurant types or a retail or personal service use. Together, Tenants A, B and C total in the aggregate 1,604 SF less than the two buildings previously approved by this Board and the Planning Board on the two pads.

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<sup>3</sup> The Shops approval included up to 5,000 SF. for restaurant use.

<sup>4</sup> Items 2 and 3 are provided to inform your Members how the Chipotle Restaurant and other commercial uses would be situated, function and appear on the Property and relate to the existing and approved uses. We recognize that following favorable action by your Board on these applications, we must also obtain amended approvals from the Planning Board and the Architecture and Community Appearance Board of Review.

<sup>5</sup> The Full Environmental Assessment Form has been prepared as if the amendment has been granted and the site is developed for a Chipotle Restaurant, a “traditional” restaurant/retail/personal service use and a restaurant/retail/personal service use with a drive through.

<sup>6</sup> At the appropriate time before the public hearing, we will provide the Board with stamped, addressed envelopes for the public hearing notices.

Hon. Teresa M. Kenny, Esq., Supervisor  
and Members of the Town Board  
April 20, 2023  
Page 3

We believe the proposed amendment is consistent with the purposes and objective of the Mixed Use Development regulations, which “are to facilitate the development of a plan for a large-scale site development that combines several economically viable, nonresidential uses, planned as an integrated whole. The site plan shall provide for adequate vehicular and pedestrian access, traffic circulation, parking and loading for each individual use. The site and building designs shall recognize the importance of the interchange location and the proximity to Palisades Interstate Parkway, and shall provide sufficient landscaping, buffers and other design treatments in recognition of said location.” Town Code Section 4.32(O)ii(b). Orangeburg Commons will continue to be “a large-scale site development that combines several economically viable, nonresidential uses, planned an integrated whole.” The Chipotle Restaurant represents a substantial investment in the Property, will expand food options in the vicinity of the Route 303 corridor and on-site and will support the existing hotel which has no food service for its guests, all in furtherance of the economic success of the Center.

Review of the Environmental Assessment Form (“EAF”), Concept Plan and zoning data table (on the Concept Plan) demonstrates that the amendment and resulting potential mix of uses will not adversely affect vehicle and pedestrian access, traffic circulation, parking or loading. According to the Trip Generation Analysis performed by Colliers’ Engineering (formerly Maser Consulting, formerly John Collins Engineers), the newly proposed mix of uses is not expected to have an adverse impact on the operation of surrounding roadways or internal driveways. While a net increase in Weekday Peak PM Hour and Saturday Peak hour trips is expected (20 and 84 trips, respectively), the surrounding intersections and road network can absorb the additional trips without any adverse effect. This is due, in part, to the fact that the actual number of trips generated by the Stop & Shop and Residence Inn is considerably less than was projected for the food market and hotel in the original traffic study. According to traffic counts recently collected on the Applicant’s behalf on Tuesday, March 28, 2023 and Saturday, March 25, 2023, the number of trips actually generated during the Weekday Peak PM hour is approximately 41% less than was originally projected for the approved, existing food market and hotel (383 actual trips vs. 647 projected trips) during the Weekday Peak PM hour and the number generated during the Saturday Peak hour period is approximately 58.5% less than was projected (284 actual trips vs. 684 projected trips). Thus, Colliers concludes, “the current development plan is not anticipated to have a significant impact on the area roadways.” (The Colliers Trip Generation Analysis is annexed to the EAF.)

Colliers further notes that the number of cars accommodated in the drive-through queues provided for Chipotle (i.e. Tenant-B) (11 vehicles) and Tenant-A (9 vehicles) is commensurate with the rates of use published in the Institute of Transportation Engineers (ITE) Transportation and Land Development Handbook.

As the zoning table indicates, the proposed mix of uses requires 700 parking spaces; 701 spaces are provided, which include 89 spaces proposed to be landbanked until such time as they are needed (if ever). The existing and proposed uses will comply with all area, dimensional and other requirements applicable to Mixed Use and Mixed Use Expansion developments.<sup>7</sup>

At the time Orangeburg Commons was undergoing its original review, considerable attention was devoted to landscaping, buffers, lighting, signage and other design considerations because of the development’s proximity to the Palisades Interstate Parkway. Controls related to those considerations were incorporated into the site design,

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<sup>7</sup> An attachment to the EAF also addresses the capacity of existing utilities and stormwater management facilities and systems to meet the needs of the proposed mix of uses.

Hon. Teresa M. Kenny, Esq., Supervisor  
and Members of the Town Board  
April 20, 2023  
Page 4

have been implemented and have been maintained throughout subsequent reviews of Orangeburg Commons and the related Shops Mixed Use Expansion next door. No material change to such conditions will be required to develop the proposed mix of uses shown on the amended Concept Plan.

The proposed amendment to permit all restaurant types in Orangeburg Commons is also consistent with and will promote the policies for development in the Route 303 Corridor, which discourage large scale retail development in the Route 303 Corridor (Comprehensive Plan, pages iv-19-20), encourage upscale development such as hotel and conference uses (Comprehensive Plan, page iv-6) and favor buffers to the Palisades Interstate Parkway (Comprehensive Plan, page iv-21). Development on the Property has been stagnant for several years. We hope that the investment required to bring Chipotle to the Property will stimulate other activity on the Property (and, by extension, The Shops Parcel), such as construction of the approved dual brand hotel and other restaurant, retail and/or personal service uses, so that the Town Board's vision for the Mixed Use Development in the Route 303 Corridor can be fully realized.

Kindly schedule this matter for discussion at the Board's May 9, 2023 meeting, at which time we would like to make a presentation of the proposed amended Concept Plan and have your Board refer the Petition and Amended Special Permit application to the required agencies, declare the Board's intent to be lead agency of the environmental review under SEQRA, circulate the FEAF to the involved agencies and schedule a public hearing.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

By:   
Geraldine N. Tortorella

GNT:hc

Enclosures

cc: *(via electronic mail with enclosures)*  
Jane Slavin, R.A. Director of the Office of Buildings,  
Zoning, Planning, Administration and Enforcement  
Robert Magrino, Esq., Town Attorney  
Mr. Richard Birdoff  
Alfred Rossi, P.E.  
Mr. Michael Rossi  
Mr. Jordan Goldblum  
Chirag V. Thakkar, P.E., LEED AP  
A. Peter Russillo, P.E., PTOE  
Ronald P. Rieman, Project Manager  
Mr. Todd Nagy

STATE OF NEW YORK  
TOWN OF ORANGETOWN TOWN BOARD

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Petition of  
FB GREENBUSH LLC,  
FB ORANGETOWN RETAIL LLC,  
FB ORANGETOWN RETAIL TWO LLC,  
FB ORANGETOWN RETAIL THREE LLC,  
FB ORANGETOWN HOTEL TWO LLC, and  
FB ORANGETOWN HOTEL LLC

**ZONING  
PETITION**

to amend Chapter 43, Zoning, of the Code of the Town  
of Orangetown to add “Fast-Food Restaurants”  
(i.e. “Restaurant, Fast Food”) to the list  
of uses permitted in “Mixed Use Developments”  
and, by extension, “Mixed Use Expansions”

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**WHEREAS**, FB ORANGETOWN RETAIL LLC, FB ORANGETOWN RETAIL TWO LLC, FB ORANGETOWN RETAIL THREE LLC, FB ORANGETOWN HOTEL TWO LLC, FB ORANGETOWN HOTEL LLC (collectively, the “FB Orangetown Entities”) are the owners of the five condominium units commonly known as Orangeburg Commons, which is approved as a Mixed Use Development pursuant to Section 4.32(O) of the Town of Orangetown Zoning Ordinance (Chapter 43 of the Town of Orangetown Code), designated on the Town of Orangetown Tax Map as Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5, and located in the LI Zoning District (collectively, the “Commons Parcel”); and

**WHEREAS**, FB GREENBUSH LLC (“FB Greenbush”) is the ground lessee of an approximately .98-acre parcel of real property in the Town of Orangetown, designated on the Town of Orangetown Tax Map as Section 74.15, Block 1, Lot 22, which is approved as a Mixed Use Expansion pursuant to Section 4.32(P) of the Town of Orangetown Zoning Ordinance (Chapter 43 of the Town of Orangetown Code) and is located in the LI Zoning District (the “Shops Parcel”)(FB

Greenbush LLC and the FB Orangetown Entities, collectively, “Petitioners”); and

**WHEREAS**, the Commons Parcel and the Shops Parcel have been approved for development as a single, functionally-integrated commercial center sharing certain facilities and infrastructure; and

**WHEREAS**, the purpose of the Mixed Use Development is to “facilitate the development of a plan for a large-scale site development that combines several economically viable, nonresidential uses planned as an integrated whole,” with the proposed mix of uses being subject to review and approval by your Town Board pursuant to Sections 4.32(O)(ii), (iv) of the Town’s Code; and

**WHEREAS**, at present “Restaurant” as that term is defined in Section 11.2 of the Town’s Code is a permitted use in Mixed Use Developments or, by extension, a Mixed Use Expansion, but “Restaurant, Fast Food”, also defined in Town Code Section 11.2, is not; and

**WHEREAS**, the approved plan for the Commons Parcel and the Shops Parcel includes the development of restaurant, retail and bank uses; and

**WHEREAS**, despite Petitioners’ best efforts to lease the smaller commercial locations on the Commons Parcel and the Shops Parcel for several years, they remain undeveloped for want of suitable tenants for the permitted uses; and

**WHEREAS**, Petitioners have received inquiries from fast casual restaurants interested in establishing their business on the Commons Parcel; and

**WHEREAS**, the Town Code contains only two classes of restaurants – “Restaurant” and “Restaurant, Fast Food” (also referred to as “fast-food restaurants” in the Town Code); and

**WHEREAS**, fast casual restaurants technically fall within the broad definition of



“Restaurant, Fast Food” in Section 11.2 of the Town Code; and

**WHEREAS**, in light of the above-described circumstances, Petitioners hereby respectfully request that your Board amend Section 4.32(O)(iii) (Mixed Use Developments; Permitted Uses) to include “fast-food restaurants”; and

**WHEREAS**, expanding the list of permitted uses as proposed will provide Petitioners with greater flexibility to obtain suitable tenants for their properties and is consistent with the stated goal of the Mixed Use Development regulations to facilitate the full development of a non-residential large scale project that combines several economically viable uses. *See* Town Code §4.32(O)(ii)(b).

**NOW, THEREFORE**, Petitioners hereby petition the Town Board of the Town of Orangetown to amend Section 4.32(O)(iii) of the Town of Orangetown Zoning Ordinance as follows:

**DELETE THE EXISTING TEXT OF SECTION 4.32(O)(iii)(h) AND REPLACE IT WITH THE FOLLOWING TEXT:**

(h) Restaurants, including fast-food restaurants (*see* “Restaurant, Fast Food” in Section 11.2), subject to the standards of Section 4.32(O). (The provisions of Section 8.13 of the Town Code shall not apply to fast-food restaurants under this Section 4.32(O)(iii)(h).)

Dated: New York, New York  
March 30, 2023

[Signature Page Follows]

FB ORANGETOWN RETAIL LLC

By:   
Richard Birdoff, Manager

FB ORANGETOWN RETAIL TWO LLC

By:   
Richard Birdoff, Manager

FB ORANGETOWN RETAIL THREE LLC

By:   
Richard Birdoff, Manager

FB ORANGETOWN HOTEL TWO LLC

By:   
Richard Birdoff, Manager

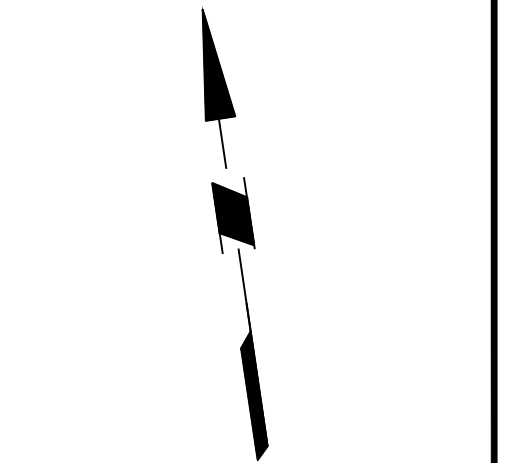
FB ORANGETOWN HOTEL LLC

By:   
Richard Birdoff, Manager

Sworn to before me this  
30 day of March, 2023.

  
Notary Public

MYRA PADRON  
Notary Public, State of New York  
No. 01PA6188217  
Qualified in Nassau County  
Commission Expires June 2, 2024



**NOTES:**

1. BASE SURVEY INFORMATION SHOWN ON THIS PLAN IS BASED ON SURVEY CAD FILE PROVIDED BY JAY A. GREENWELL, P.L.S.
2. PROPOSED COURTYARD BY MARRIOTT LAYOUT IS BASED ON CAD FILE PROVIDED BY RD MANAGEMENT ON 04/03/2023.
3. THE PROPOSED "THE SHOPS" LAYOUT, THE OVERALL SITE AREA AND SHOP & STOP SQUARE FOOTAGES HAVE BEEN OBTAINED FROM PREVIOUSLY APPROVED PLAN SET TITLED "SHOPS AT ORANGEBURG COMMONS" PREPARED BY LEONARD JACKSON ASSOCIATES, LAST REVISED 02/17/16.

50 0 25 50  
 SCALE IN FEET

Project  
**ORANGEBURG**  
 TOWN OF ORANGETOWN  
 ROCKLAND COUNTY NEW YORK  
 Drawing Title

**CONCEPT PLAN**

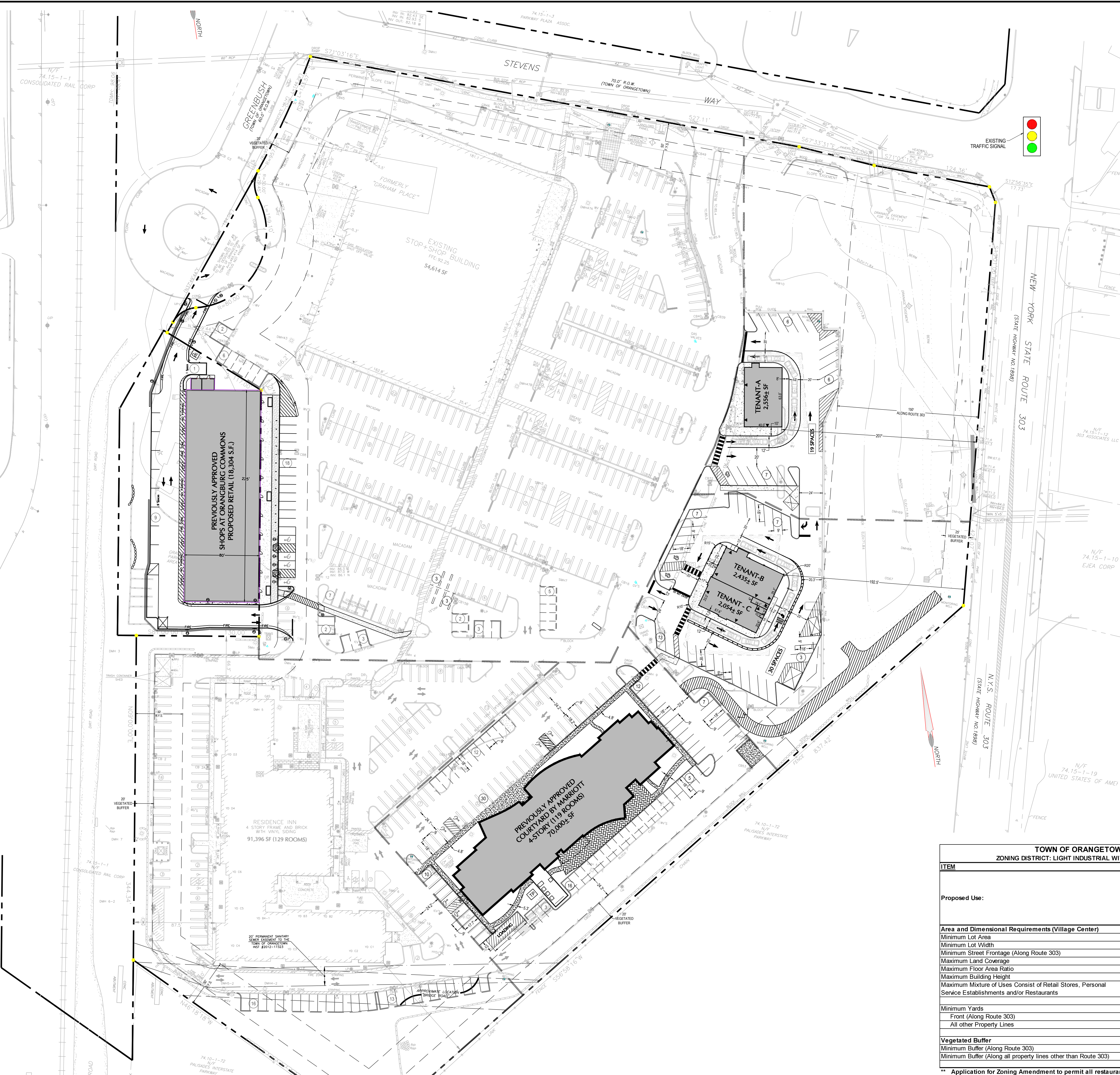
AMAND AJAY BHATT  
 PROFESSIONAL ENGINEER  
 NEW YORK LIC. NO. 095707


04/11/23	REVISED PLANS	1.
DATE	COMMENTS	NO.

REVISIONS

Project No.	230002801
Date	APRIL 05, 2023
Scale	1" = 50'
Drawn By	AG
Checked By	CT

Drawing No.  
**CP 16**



**MAXIMUM DEVELOPMENT COVERAGE:**  
 SITE AREA = 729,848 SF  
 IMPERVIOUS AREA = 510,901 SF  
 DEVELOPMENT COVERAGE = 510,901 SF / 729,848 SF = 70%

**FLOOR AREA RATIO:**  
 SITE AREA = 729,848 SF  
 TOTAL FLOOR AREA = 241,359 SF  
 FLOOR AREA RATIO = 241,359 SF / 729,848 SF = 0.33 < 0.40

**PERCENTAGE OF USES CONSISTING OF RETAIL STORES, PERSONAL SERVICE ESTABLISHMENTS, AND RESTAURANTS: (EXCLUDES "THE SHOPS" PARCEL)**

**PHASE 1:**  
 STOP&SHOP + TENANT-A + TENANT-B + TENANT-C  
 STOP&SHOP + TENANT-A + TENANT-B + TENANT-C + RESIDENCE INN  
 61,659 SF / 153,055 SF = 40.3% < 45%

**PHASE 2:**  
 STOP&SHOP + TENANT-A + TENANT-B + TENANT-C  
 STOP&SHOP + TENANT-A + TENANT-B + TENANT-C + RESIDENCE INN + COURTYARD  
 61,659 SF / 223,055 SF = 27.6% < 35%

**LOADING BERTHS:**

STOP&SHOP (54,614 SF)	REQUIRED: 3 BERTHS (1 PER 25,000 SF)
TENANT - A (2,556 SF)	REQUIRED: NONE (LESS THAN 8,000 SF)
TENANT - B (2,435 SF)	REQUIRED: NONE (LESS THAN 8,000 SF)
TENANT-C (2,054 SF)	REQUIRED: NONE (LESS THAN 8,000 SF)
RESIDENCE INN (129 ROOMS)	REQUIRED: 1 BERTH (1 PER 200 ROOMS)
COURTYARD (119 ROOMS)	REQUIRED: 1 BERTH (1 PER 200 ROOMS)
THE SHOPS (18,304 SF)	REQUIRED: 1 BERTHS (1 PER 25,000 SF)

**OFF-STREET PARKING REQUIREMENTS**

USE	REQUIRED	EXISTING
Existing Retail Store (Stop&Shop)	54,614 SF	1 Space / 200 SF of GFA
Required:	273.1 Spaces	
Existing Hotel (Residence Inn)	129 Rooms	1 Space / Room
Required:	129 Spaces	
Proposed Hotel (Courtyard by Marriott)	119 Rooms	1 Space / Room
Required:	119 Spaces	
Proposed Tenant - A (Restaurant/Retail/Personal Service)	2,556 SF	1 Space / 75 SF of GFA
Required: (Based on Restaurant Use - Fast-food)	34.1 Spaces	
Proposed Tenant - B (Chipotle)	2,435 SF	1 Space / 75 SF of GFA
Required:	32.5 Spaces	
Proposed Tenant - C (Restaurant/Retail/Personal Service)	2,054 SF	1 Space / 100 SF of GFA
Required: (Based on Restaurant Use)	20.5 Spaces	
Proposed Retail Stores (The Shops)	18,304 SF	1 Space / 200 SF of GFA
Required:	91.5 Spaces	
<b>Total Required Parking Spaces</b>	<b>699.7 Spaces</b>	
<b>Total Proposed Parking Spaces</b>	<b>701 Spaces</b>	

NOTE: TOTAL PROPOSED PARKING INCLUDES THE 89 LANDBANK SPACES

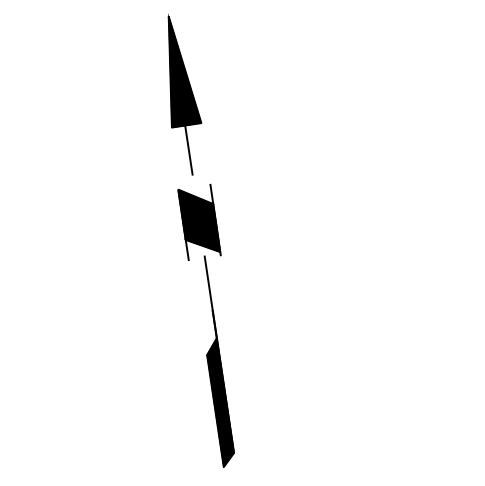
**TOWN OF ORANGETOWN ZONING DATA TABLE**  
 ZONING DISTRICT: LIGHT INDUSTRIAL WITHIN THE DISTRICT, ROUTE 303 OVERLAY

ITEM	REQUIRED/PERMITTED	PROPOSED	SECTION
<b>Proposed Use:</b>	Mixed-Use Development & Mixed Use Expansion including Hotels, Retail, Restaurants	Mixed-Use Development & Mixed Use Expansion including Hotels, Retail, Personal Services and Restaurants (All Types) **	Section 4.32.(O).iii.
<b>Area and Dimensional Requirements (Village Center)</b>			
Minimum Lot Area	10 AC.	15.77 AC.	Section 4.32.(O).v.(b)
Minimum Lot Width	300 FT	1,405 FT	Section 4.32.(O).v.(c)
Minimum Street Frontage (Along Route 303)	150 FT	1,540.9 FT	Section 4.32.(O).v.(d)
Maximum Land Coverage	70%	70.0%	Section 4.32.(O).v.(h)
Maximum Floor Area Ratio	0.40	0.33	Section 4.32.(O).v.(a)
Maximum Building Height	4-Stories, but no higher than 50 FT	49' - 8"	Section 4.32.(O).v.(g)
Maximum Mixture of Uses Consist of Retail Stores, Personal Service Establishments and/or Restaurants	35%	27.6%	Section 4.32.(O).iv.(b)
<b>Minimum Yards</b>			
Front (Along Route 303)	150 FT	192.5 FT	Section 4.32.(O).v.(e)
All other Property Lines	50 FT	50 FT	Section 4.32.(O).v.(f)
<b>Vegetated Buffer</b>			
Minimum Buffer (Along Route 303)	25 FT	25 FT	Section 4.32.(O).vi.
Minimum Buffer (Along all property lines other than Route 303)	20 FT	20 FT	Section 4.32.(O).vi.

\*\* Application for Zoning Amendment to permit all restaurant types is pending.



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 Doylestown, PA 18901  
 T: 215.766.8280  
 F: 215.434.5280



NOTES:  
 1. BASE SURVEY INFORMATION SHOWN ON THIS PLAN IS BASED ON SURVEY CAD FILE PROVIDED BY JAY A. GREENWELL, P.L.S.  
 2. PROPOSED COURTYARD BY MARRIOTT LAYOUT IS BASED ON CAD FILE PROVIDED BY RD MANAGEMENT ON 04/03/2023.  
 3. THE PROPOSED "THE SHOPS" LAYOUT, THE OVERALL SITE AREA AND SHOP & STOP SQUARE FOOTAGES HAVE BEEN OBTAINED FROM PREVIOUSLY APPROVED PLAN SET TITLED "SHOPS AT ORANBURG COMMONS" PREPARED BY LEONARD JACKSON ASSOCIATES, LAST REVISED 02/17/16.



Project  
**ORANBURG**

TOWN OF ORANGETOWN  
 ROCKLAND COUNTY NEW YORK

Drawing Title  
**CONCEPT PLAN**

ANAND AJAY BHATT  
 PROFESSIONAL ENGINEER  
 NEW YORK LIC. No. 095707

DATE	REVISIONS	NO.
04/12/23	REVISED PLANS	1.

REVISIONS	
Project No.	230002801
Date	APRIL 05, 2023
Scale	1" = 40'
Drawn By	AG
Checked By	CT
Drawing No.	

**CP-16A**















WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION







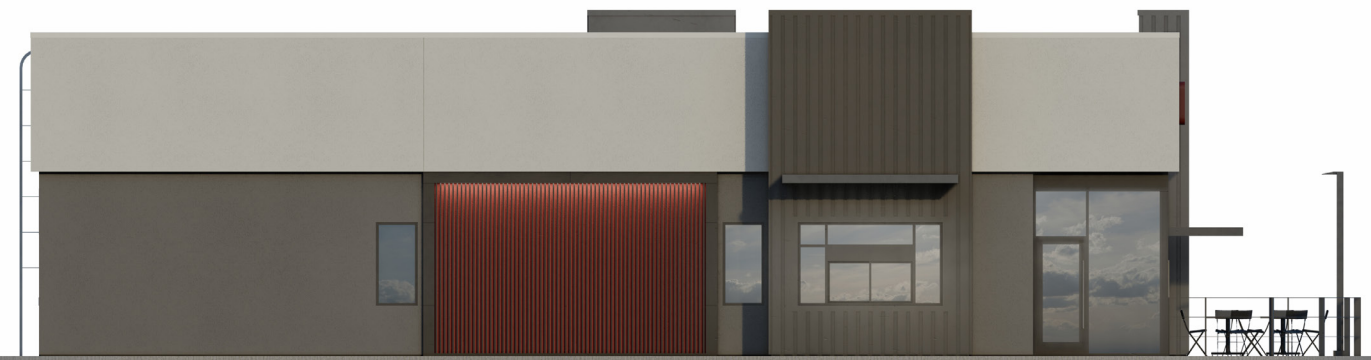
WEST ELEVATION



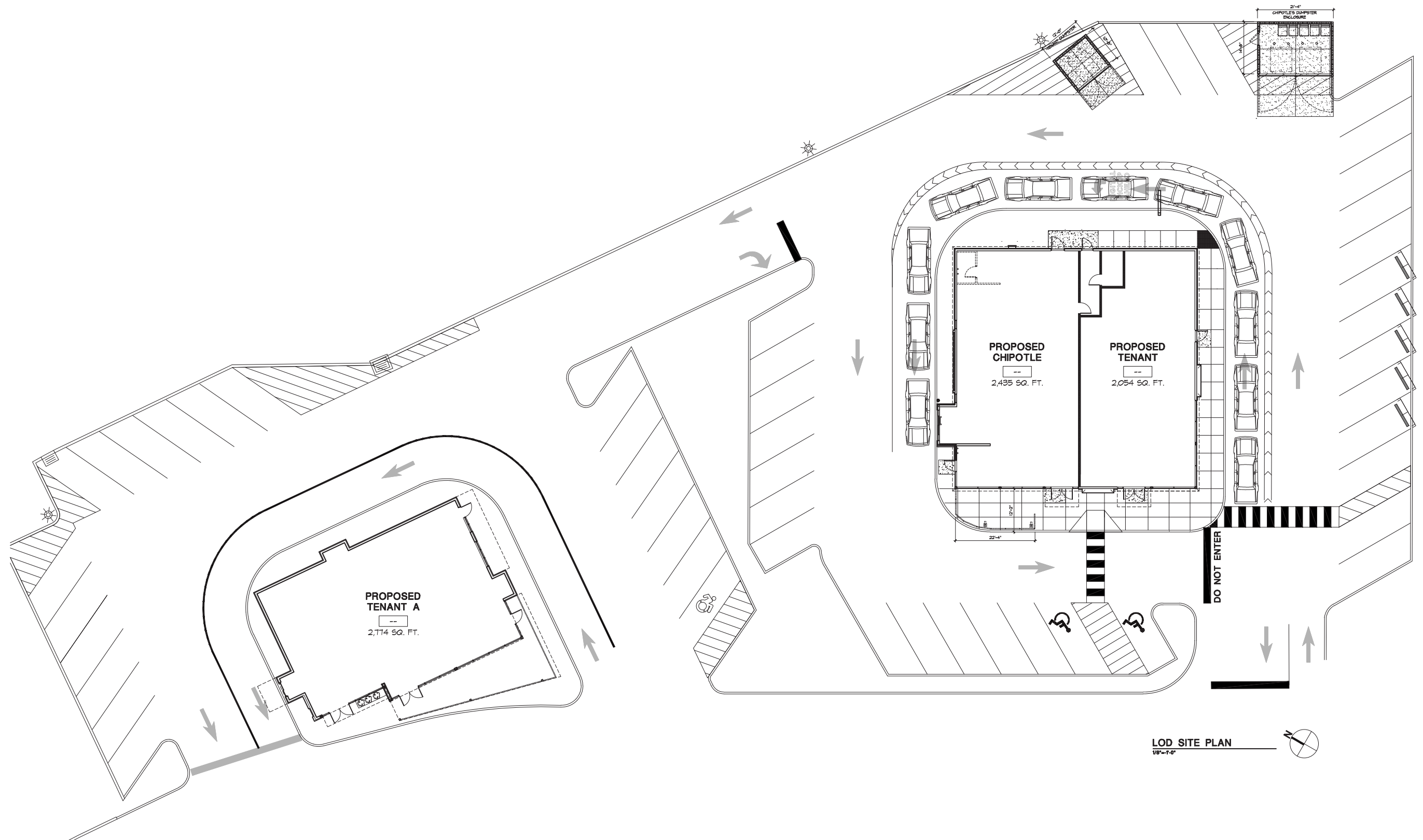
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



**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:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**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 Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input 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?  Yes  No

- **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?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  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?)  Yes  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?  Yes  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?

\_\_\_\_\_

\_\_\_\_\_

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? \_\_\_\_\_

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

a. In what school district is the project site located? \_\_\_\_\_

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

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details** **ALL RESPONSES IN THIS SECTION D PERTAINS TO ACTION (2)**

**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)?  
\_\_\_\_\_

b. 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

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: \_\_\_\_\_ 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	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

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: \_\_\_\_\_

*ii.* If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

*iii.* If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

*iv.* Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

*v.* Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

*i.* What is the purpose of the excavation or dredging? \_\_\_\_\_

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

*iv.* Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

*v.* What is the total area to be dredged or excavated? \_\_\_\_\_ acres

*vi.* What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

*vii.* What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

*viii.* Will the excavation require blasting?  Yes  No

*ix.* Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

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

If Yes:

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

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

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: \_\_\_\_\_ gallons/day (per original estimate by LJA. See attachment)

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: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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: \_\_\_\_\_ 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): \_\_\_\_\_

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

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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 \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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

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

If Yes:

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

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

---

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

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

---

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

If Yes:

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

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

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

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

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

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

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

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

---

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

If Yes:

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

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

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

---

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

---

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 ALL RESPONSES IN THIS SECTION E PERTAINS TO ACTION (2)**

**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 coverytypes on the project site.

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

---

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? \_\_\_\_\_ 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: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

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

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % 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 \_\_\_\_\_ Approximate Size \_\_\_\_\_
- 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: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: <u>Palisades Interstate Parkway</u>	
<i>iii.</i> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Palisades Interstate Parkway</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Viewshed</u>	
<i>iii.</i> Distance between project and resource: _____ <u>0.1</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> 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.

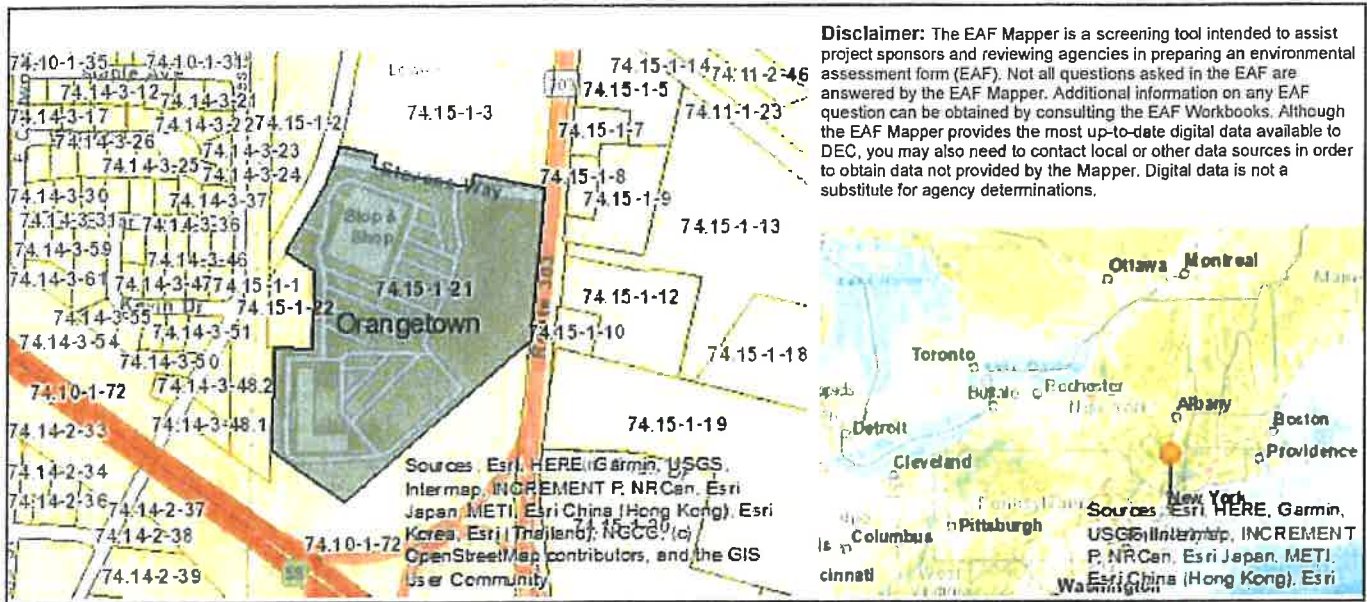
**Please see attachments: (i) Trip Generation Analysis prepared by Colliers Engineering, dated 4/14/23, (ii) amended Fiscal Impact Analysis and (iii) Sewer and Stormwater Statement prepared by Bhatt Thakkar Engineering, DPC, dated 4/18/23**

**G. Verification**

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

Applicant/Sponsor Name FB Orangetown Entities Date April 19, 2023

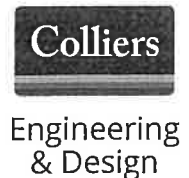
Signature  Title Authorized Signatory



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:V00579, Remediation Sites:C344073
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	V00579, C344073
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00579, V00343, C344073, C344078, C344066
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
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.iv [Surface Water Features - Stream Name]	856-17
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters

E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
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]	No
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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Palisades Interstate Parkway
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

400 Columbus Avenue  
Suite 180E  
Valhalla New York 10595  
Main: 877 627 3772  
colliersengineering.com



April 14, 2023

Ms. Geraldine N. Tortorella, Esq.  
Hocherman Tortorella & Wekstein. LLP  
One North Broadway, Suite 400  
White Plains, New York 10601

Orangeburg Commons  
Colliers Engineering & Design Project No. 23002638A

Dear Geraldine,

It is our understanding that the Applicant would like to amend the permitted uses to allow all restaurant types at the Orangeburg Commons Mixed Use Development. Orangeburg Commons currently consists of Stop & Shop and Residence Inn and has approval for a 3,669 s.f. drive-in bank for the northern pad, a 5,167 s.f. "traditional" restaurant for the southern pad, and hotel (119 Rooms) as part of the original approvals. The Shops at Orangeburg Commons has approval for an 18,304 s.f. retail building.

Colliers Engineering & Design (formerly Maser Consulting, formerly John Collins Engineers) conducted a Traffic Impact Study for the original approval outlined above as well as subsequent traffic evaluations and trip generation comparisons for the existing and approved Mixed Use Site.

As requested, Colliers Engineering & Design has provided a comparison of the previously projected and analyzed trip generation for the remaining approved uses and the anticipated trip generation for the current development plan and potential impacts on the area roadways.

#### **1. APPROVED TRIP GENERATION (Table No. 1)**

As discussed above, Orangeburg Commons currently consists of a Stop & Shop and Residence Inn. Based on recent traffic counts conducted at the Site driveways (Tuesday, March 28, 2023 and Saturday, March 25, 2023), Orangeburg Commons is currently generating a total of 383 entering/exiting trips during the Weekday Peak PM Hour and a total of 284 entering/exiting trips during the Saturday Peak Hour which is significantly less than what was previously projected and analyzed for the approved Foodmarket and Hotel (a total of 647 entering/exiting trips during the Weekday Peak PM Hour and a total of 684 trips during the Saturday Peak Hour.

The Table below shows the remaining approved uses and the previously approved Trip Generation.



**TABLE NO. 1  
 APPROVED DEVELOPMENT PLAN**

Remaining Mixed Use Development (Approved Development Plan)	Entry		Exit		Total	
	HTGR	Volume	HGTR	Volume	HGTR	Volume
<u>Restaurant – 5,167 S.F. (1)</u>						
Weekday Peak PM Highway Hour	6.58	34	4.57	24	11.15	58
Saturday Peak Hour	7.46	39	6.61	34	14.07	73
<u>Drive-In Bank – 3,669 S.F. (2)</u>						
Weekday Peak PM Highway Hour	12.91	47	12.91	47	25.82	94
Saturday Peak Hour	13.80	51	12.73	47	26.53	98
<u>Hotel – 119 Rooms (3)</u>						
Weekday Peak PM Highway Hour	0.31	37	0.28	33	0.59	70
Saturday Peak Hour	0.40	48	0.32	38	0.72	86
<u>The Shops at Orangeburg Commons 18,304 S.F. (4)</u>						
Weekday Peak PM Highway Hour	3.295	60	3.295	60	6.59	120
Saturday Peak Hour	3.34	61	3.23	59	6.57	120
<u>Total</u>						
Weekday Peak PM Highway Hour	-	178	-	164	-	342
Saturday Peak Hour	-	199	-	178	-	377
<u>New Trips (5)</u>						
<b>Weekday Peak PM Highway Hour</b>	-	<b>125</b>	-	<b>113</b>	-	<b>238</b>
<b>Saturday Peak Hour</b>	-	<b>141</b>	-	<b>122</b>	-	<b>263</b>

THE ABOVE HOURLY TRIP GENERATION RATES ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 8TH EDITION, 2008

(1) LAND USE 932 – HIGH TURNOVER (SIT DOWN) RESTAURANT ; (2) LAND USE 912 – DRIVE-IN BANK ; (3) LAND USE 310 – HOTEL  
 (4) LAND USE 822 – STRIP RETAIL PLAZA < 40k

(5) IT CAN BE EXPECTED THAT A SIGNIFICANT PORTION OF THE MIXED-USE DEVELOPMENT GENERATED TRIPS WOULD BE TRAFFIC FROM THE EXISTING TRAFFIC STREAM AS PASS-BY TRAFFIC. A CONSERVATIVE 25% PASS-BY CREDIT WAS USED FOR THE RESTAURANT AND BANK USE. IN ADDITION, A 10% INTERPLAY CREDIT WAS UTILIZED BETWEEN USES

As shown above, the anticipated Trip Generation for the previously approved uses resulted in a total of 238 “new” trips (125 entering trips and 113 exiting trips) during the Weekday Peak PM Hour and a total of 263 “new” trips (141 entering trips and 122 exiting trips) during the Saturday Peak Hour.

**2. CURRENT DEVELOPMENT PLAN TRIP GENERATION (Table No. 2)**

The current development is now proposed for a 2,556 s.f. restaurant with drive-through for the northern pad (former approved bank with drive-through) with the southern pad for a 2,054 s.f. “traditional” restaurant and a proposed 2,435 s.f. Chipotle Restaurant with drive-through.

Table No. 2 below shows the anticipated Trip Generation based on current industry standards as contained in the latest Institute of Transportation Engineers (ITE) - Trip Generation Manual, 11<sup>th</sup> Edition, 2021.



**TABLE NO. 2  
 CURRENT DEVELOPMENT PLAN**

Remaining Mixed Use Development (Current Development Plan)	Entry		Exit		Total	
	HTGR	Volume	HGTR	Volume	HGTR	Volume
<u>Restaurant w/ Drive-Through</u> 2,556 S.F. <sup>(6)</sup>						
Weekday Peak PM Highway Hour	17.18	43	15.85	41	33.03	84
Saturday Peak Hour	28.18	72	27.07	69	55.25	141
<u>Restaurant w/ Drive-Through</u> <sup>(6)</sup> 2,435 S.F.						
Weekday Peak PM Highway Hour	17.18	42	15.85	39	33.09	81
Saturday Peak Hour	28.18	69	27.07	66	55.25	135
<u>Restaurant - 2,054 S.F.</u> <sup>(1)</sup>						
Weekday Peak PM Highway Hour	5.52	11	3.53	8	9.05	19
Saturday Peak Hour	5.71	12	5.48	11	11.19	23
<u>Hotel - 119 Rooms</u> <sup>(3)</sup>						
Weekday Peak PM Highway Hour	0.31	37	0.28	33	0.59	70
Saturday Peak Hour	0.40	48	0.32	38	0.72	86
<u>The Shops at Orangeburg Commons</u> 18,304 S.F. <sup>(4)</sup>						
Weekday Peak PM Highway Hour	3.295	60	3.295	60	6.59	120
Saturday Peak Hour	3.34	61	3.23	59	6.57	120
<u>Total</u>						
Weekday Peak PM Highway Hour	-	193	-	181	-	374
Saturday Peak Hour	-	262	-	243	-	505
<u>New Trips</u> <sup>(5)</sup>						
<b>Weekday Peak PM Highway Hour</b>	-	<b>134</b>	-	<b>124</b>	-	<b>258</b>
<b>Saturday Peak Hour</b>	-	<b>182</b>	-	<b>165</b>	-	<b>347</b>

THE ABOVE HOURLY TRIP GENERATION RATES ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 11TH EDITION, 2021

(1) LAND USE 932 - HIGH TURNOVER (SIT DOWN) RESTAURANT : (3) LAND USE 310 - HOTEL

(6) LAND USE 934 - FAST FOOD WITH DRIVE THROUGH WINDOW

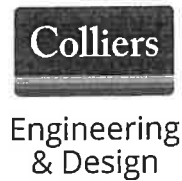
(4) LAND USE 822 - STRIP RETAIL PLAZA < 40k

(5) IT CAN BE EXPECTED THAT A SIGNIFICANT PORTION OF THE MIXED-USE DEVELOPMENT GENERATED TRIPS WOULD BE TRAFFIC FROM THE EXISTING TRAFFIC STREAM AS PASS-BY TRAFFIC. A CONSERVATIVE 25% PASS-BY CREDIT WAS USED FOR THE RESTAURANT USES. IN ADDITION, A 10% INTERPLAY CREDIT WAS UTILIZED BETWEEN USES

A COPY OF THE CURRENT ITE TRIP GENERATION RATES ARE CONTAINED IN ATTACHMENT A

As shown above, the anticipated Trip Generation for the current development plan would result in a total of 258 "new" trips (134 entering trips and 124 exiting trips) during the Weekday Peak PM Hour and a total of 347 "new" trips (182 entering trips and 165 exiting trips) during the Saturday Peak Hour.





**3. CHANGE IN ANTICIPATED TRIP GENERATION** (Table No. 3)

Table No. 3 below shows the "Net" Traffic of the current development plan including proposed Chipotle Restaurant with drive- through.

**TABLE NO. 3 - "NET" TRAFFIC**

"NET" TRAFFIC	Entry		Exit		Total	
	HTGR	Volume	HGTR	Volume	HGTR	Volume
<b>"New" Trips</b>						
<b>Weekday Peak PM Highway Hour</b>	-	+9	-	+11	-	+20
<b>Saturday Peak Hour</b>	-	+41	-	+43	-	+84


**4. TRAFFIC SUMMARY AND CONCLUSION**


As outlined in Section 1 based on recent traffic counts conducted at the Site driveways, the existing Stop & Shop and Residence Inn Hotel are generating significantly less traffic than was previously projected (264 less vehicles during the Weekday Peak PM Hour and 400 less vehicles during the Saturday Peak Hour). With the above trip generation for the current development plan, Orangeburg Commons will generate significantly less traffic than was previously approved and analyzed for. Therefore, the current development plan is not anticipated to have a significant impact on the area roadways.

**5. DRIVE-THROUGH QUEUING**

As shown on the Site Plan, the proposed Restaurant with Drive-Through (Tenant-A) has space for 9 vehicles to queue in the drive-through and the proposed Restaurant with Drive-Through (Tenant-B) has space for 11 vehicles to queue in the drive-through. According to the Institute of Transportation Engineers (ITE) Transportation and Land Development Handbook (2nd Edition, 2006), there is a 95% probability drive-through queues will not exceed 10 vehicles and an 80% probability queues will not exceed 8 vehicles. It should be noted that this research was published before the advent of online/mobile ordering which tends to decrease the service time.

Sincerely,  
 Colliers Engineering & Design CT, P.C.  
 (DBA Maser Consulting Engineering & Land Surveying)

  
 Ronald P. Rieman, Project Manager

  
 A. Peter Russillo, P.E., PTOE  
 Senior Project Manager



Engineering  
& Design

Traffic Attachment A

ITE Trip Generation Rates

DATA STATISTICS

**Land Use:**

Fast-Food Restaurant with Drive-Through Window (934) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GFA

**Time Period:**

Weekday

Peak Hour of Adjacent Street Traffic

One Hour Between 4 and 6 p.m.

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

190

**Avg. 1000 Sq. Ft. GFA:**

3

**Average Rate:**

33.03

**Range of Rates:**

8.77 - 117.22

**Standard Deviation:**

17.59

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

52% entering, 48% exiting

**Calculated Trip Ends:**

Average Rate: 84 (Total), 44 (Entry), 40 (Exit)

DATA STATISTICS

**Land Use:**

Fast-Food Restaurant with Drive-Through Window (934) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GFA

**Time Period:**

Saturday

Peak Hour of Generator

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

53

**Avg. 1000 Sq. Ft. GFA:**

4

**Average Rate:**

55.25

**Range of Rates:**

11.25 - 122.92

**Standard Deviation:**

24.62

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

51% entering, 49% exiting

**Calculated Trip Ends:**

Average Rate: 141 (Total), 72 (Entry), 69 (Exit)

DATA STATISTICS

**Land Use:**

Fast-Food Restaurant with Drive-Through Window (934) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GFA

**Time Period:**

Weekday

Peak Hour of Adjacent Street Traffic

One Hour Between 4 and 6 p.m.

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

190

**Avg. 1000 Sq. Ft. GFA:**

3

**Average Rate:**

33.03

**Range of Rates:**

8.77 - 117.22

**Standard Deviation:**

17.59

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

52% entering, 48% exiting

**Calculated Trip Ends:**

Average Rate: 81 (Total), 42 (Entry), 39 (Exit)

DATA STATISTICS

**Land Use:**

Fast-Food Restaurant with Drive-Through Window (934) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GFA

**Time Period:**

Saturday

Peak Hour of Generator

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

53

**Avg. 1000 Sq. Ft. GFA:**

4

**Average Rate:**

55.25

**Range of Rates:**

11.25 - 122.92

**Standard Deviation:**

24.62

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

51% entering, 49% exiting

**Calculated Trip Ends:**

Average Rate: 135 (Total), 69 (Entry), 66 (Exit)

DATA STATISTICS

**Land Use:**

High-Turnover (Sit-Down) Restaurant (932) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GFA

**Time Period:**

Weekday

Peak Hour of Adjacent Street Traffic

One Hour Between 4 and 6 p.m.

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

104

**Avg. 1000 Sq. Ft. GFA:**

6

**Average Rate:**

9.05

**Range of Rates:**

0.92 - 62.00

**Standard Deviation:**

6.18

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

61% entering, 39% exiting

**Calculated Trip Ends:**

Average Rate: 19 (Total), 11 (Entry), 8 (Exit)

DATA STATISTICS

**Land Use:**

High-Turnover (Sit-Down) Restaurant (932) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GFA

**Time Period:**

Saturday

Peak Hour of Generator

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

22

**Avg. 1000 Sq. Ft. GFA:**

5

**Average Rate:**

11.19

**Range of Rates:**

1.63 - 50.40

**Standard Deviation:**

8.30

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

51% entering, 49% exiting

**Calculated Trip Ends:**

Average Rate: 23 (Total), 12 (Entry), 11 (Exit)



Hotel - 119 rooms

DATA STATISTICS

**Land Use:**

Hotel (310) [Click for Description and Data Plots](#)

**Independent Variable:**

Rooms

**Time Period:**

Weekday

Peak Hour of Adjacent Street Traffic

One Hour Between 4 and 6 p.m.

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

31

**Avg. Num. of Rooms:**

186

**Average Rate:**

0.59

**Range of Rates:**

0.26 - 1.06

**Standard Deviation:**

0.22

**Fitted Curve Equation:**

$T = 0.74(X) - 27.89$

**R<sup>2</sup>:**

0.78

**Directional Distribution:**

51% entering, 49% exiting

**Calculated Trip Ends:**

Average Rate: 70 (Total), 36 (Entry), 34 (Exit)

DATA STATISTICS

**Land Use:**

Hotel (310) [Click for Description and Data Plots](#)

**Independent Variable:**

Rooms

**Time Period:**

Saturday

Peak Hour of Generator

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

10

**Avg. Num. of Rooms:**

192

**Average Rate:**

0.72

**Range of Rates:**

0.49 - 1.23

**Standard Deviation:**

0.20

**Fitted Curve Equation:**

$T = 0.69(X) + 5.95$

**R<sup>2</sup>:**

0.80

**Directional Distribution:**

56% entering, 44% exiting

**Calculated Trip Ends:**

Average Rate: 86 (Total), 48 (Entry), 38 (Exit)

DATA STATISTICS

**Land Use:**

Strip Retail Plaza (<40k) (822) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GLA

**Time Period:**

Weekday

Peak Hour of Adjacent Street Traffic

One Hour Between 4 and 6 p.m.

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

25

**Avg. 1000 Sq. Ft. GLA:**

21

**Average Rate:**

6.59

**Range of Rates:**

2.81 - 15.20

**Standard Deviation:**

2.94

**Fitted Curve Equation:**

$\ln(T) = 0.71 \ln(X) + 2.72$

**R<sup>2</sup>:**

0.56

**Directional Distribution:**

50% entering, 50% exiting

**Calculated Trip Ends:**

Average Rate: 120 (Total), 60 (Entry), 60 (Exit)

DATA STATISTICS

**Land Use:**

Strip Retail Plaza (<40k) (822) [Click for Description and Data Plots](#)

**Independent Variable:**

1000 Sq. Ft. GLA

**Time Period:**

Saturday

Peak Hour of Generator

**Setting/Location:**

General Urban/Suburban

**Trip Type:**

Vehicle

**Number of Studies:**

12

**Avg. 1000 Sq. Ft. GLA:**

27

**Average Rate:**

6.57

**Range of Rates:**

1.88 - 14.23

**Standard Deviation:**

3.45

**Fitted Curve Equation:**

Not Given

**R<sup>2</sup>:**

\*\*\*\*

**Directional Distribution:**

51% entering, 49% exiting

**Calculated Trip Ends:**

Average Rate: 120 (Total), 61 (Entry), 59 (Exit)

**Restaurant Pad Development  
Orangeburg Commons  
Fiscal Impact  
March 31, 2023**

**1. Existing Tax Revenue:**

The Orangeburg Commons development currently generates revenues in the amount of approximately \$700,000 to the Town of Orangetown, Rockland County, New York State, the South Orangetown School District, the Orangeburg Fire District, the South Orangetown Ambulance District, the South Orangetown Library, Tappan Library, and the Paramedics. These taxes are based on five (5) separately assessed Condominium Parcels of which, the Restaurant Pad parcels generate approximately \$8,500 in taxes.

**2. Proposed Project:**

The proposed project consists of constructing restaurants on the two (2) condominium pad sites.

**3. Proposed Tax Revenue:**

To determine the amount of tax revenue the restaurant pad development project will generate, the market value of the buildings was estimated at approximately \$1,058,000. Based on the Town of Orangetown's Common Level Ratio (CLR) of 37.48%, the Taxable Assessed Value of this project is \$397,000.

The below table illustrates the added revenues the restaurant development project will likely generate to the various Tax Jurisdictions annually after its completion.

**Table 1 - Estimated Future Tax Revenue**

<b>Tax Jurisdiction</b>	<b>Estimated Assessed Value</b>	<b>2022/2023 Tax Rate/\$1,000</b>	<b>2022/2023 Estimated Tax Revenues</b>
State and Country	\$397,000	7.23752	\$2,873
Townwide Services	\$397,000	4.55241	\$1,807
Town Building Services	\$397,000	0.87111	\$346
Town Outside Highway	\$397,000	3.02386	\$1,200
Town and Nyack Police	\$397,000	10.0076	\$3,973
So O'town Ambulance	\$397,000	0.232833	\$92
Orangeburg Fire	\$397,000	4.70737	\$1,869
Tappan Library	\$397,000	1.6137	\$641
Paramedic	\$397,000	0.398682	\$158
Sewer Debt Service	\$397,000	0.70781	\$281
S Orangetown CSD	\$397,000	72.833393	\$28,915
S Orangetown Library	\$397,000	0.508198	\$202
Orangeburg Hydrant	\$397,000	0.6769	\$269
RC Solid Waste	non-ad valorem		\$65
<b>Total</b>			<b>\$42,626</b>

As noted, the total estimated additional tax revenues for the proposed restaurant pad development project is approximately \$34,100 per year.

It is not likely that development on the two (2) restaurant pad sites will require any significant service increases from the Town, County or New York State. The restaurant buildings will have internal fire suppressors systems and security systems, thereby reducing the potential need for fire and police protection. Further and since there is no residential aspect of the Proposed Action, the School District revenue would be a net revenue increase of approximately \$29,000 per year.

# BHATT THAKKAR ENGINEERING DPC

1456 Ferry Road, Suite 603  
Doylestown, PA 18901  
P. 215.766.8280  
F. 215.434.5280

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April 19, 2023

Geraldine N. Tortorella, Esq.  
Hocherman, Tortorella & Wekstein LLP  
One North Broadway, Suite 400  
White Plains, New York 10601

**RE: Stormwater/Sewer Statement for Amended Site Plan for Orangeburg Commons – proposed Two pad sites – Concept Plan CP-16 & CP-16A prepared by Bhatt Thakkar Engineering, DPC, last revised 4/12/23. ARNA Project - 230002801**

Dear Ms. Tortorella:

We have prepared the above referenced Concept Plans based on the approved Shops at Orangeburg Commons project, and as requested have evaluated potential stormwater and sanitary sewer related impacts due to the proposed site plan changes.

Reference is made to the fully approved Shops at Orangeburg Commons Site Plan set (Rev.#11, 2/17/16) for comparison. Said plan set was modified for the current Concept Plan CP-16, last revised 4/12/23.

The summary table below includes the stormwater and sanitary sewer related statistics to facilitate the evaluation by comparison.

Items:	Site Plan		Reduction
	Shops @ Orangeburg Commons	Concept Plan CP-16	
Impervious Coverage	478,002 SF	476,508 SF	1,494 SF
Development Coverage	65.5%	65.29%	0.21%
Total Floor Area	243,150 SF	241,359 SF	1,791 SF
Floor Area Ratio	0.333	0.330	0.003
Sewer Usage	51,000 GPD	≤ 51,000 GPD	-

Based on the above summary, a reduction of impervious coverage allows the project to maintain the existing SWPPP. The NYDEC stormwater water quality/quantity requirements have been met.

The proposed mix of uses and their respective sizes shown on Concept Plan CP-16 is not anticipated to exceed the previously estimated sewer usage of 51,000 GPD for Orangeburg Commons.

## BHATT THAKKAR ENGINEERING DPC

1456 Ferry Road, Suite 603

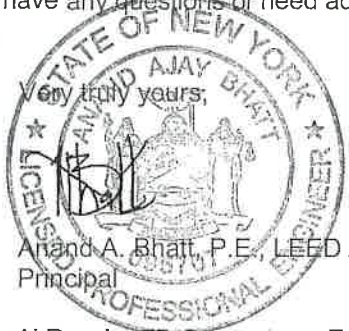
Doylestown, PA 18901

P. 215.766.8280

F. 215.434.5280

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If you have any questions or need additional information, please do not hesitate to call us at (267) 733-7840.



Ajay A. Bhatt, P.E., LEED AP  
Principal

Cc: Al Rossi – FB Orangetown Entities

P:\Accounting\23000280\Office Data\Correspondence\2023-04-19\_Stormwater & Sewer Statement.docx



Clerk of Boards Review:  
Date: \_\_\_\_\_ Initials: \_\_\_\_\_

Building Dept. (Accepted By):  
Date: \_\_\_\_\_ Initials: \_\_\_\_\_

**ENTITY DISCLOSURE FORM**

TOWN OF ORANGETOWN  
Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE)  
20 Greenbush Road  
Orangeburg, New York 10962  
Tel: (845) 359-8410  
Website: [www.orangetown.com](http://www.orangetown.com)

**THIS FORM MUST ACCOMPANY ALL LAND USE APPLICATIONS SUBMITTED BY AN ENTITY AS DEFINED IN CHAPTER 43, ARTICLE 16 OF THE TOWN CODE OF THE TOWN OF ORANGETOWN.**

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PROJECT NAME: (1) Petition for Zoning Text Amendment & (2) Amended Special Permit for Orangeburg Commons

PROPERTY ADDRESS: Orangeburg Commons, NYS Route 303 & Stevens Way & The Shops at Orangeburg Commons, Greenbush Road

TAX LOT ID: 74.15-1-21./1, 21./2, 21./3, 21./4, 21./5, 22

NAME OF APPLICANT: FB Orangetown Retail LLC, FB Orangetown Retail Two LLC, FB Orangetown Retail Three LLC, FB Orangetown Hotel LLC, FB Orangetown Hotel Two LLC (Collectively, the "FB Orangetown Entities") and FB Greenbush LLC

OWNER OF PROPERTY: Same as Applicant

Land Use Application/Brief Description of Project: (1) Zoning Text Amendment Related to Mixed Use Developments, 4.32(O)(iii)(h)  
(2) Amendment of Special Permit for Restaurant (Chipotle) and other commercial space in Orangeburg Commons

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**PART ONE:**

1. Pursuant to Section Chapter 43, Article 16 of the Town Code, the disclosure of the names and address of all persons or entities owning any interest or controlling position of any limited liability company, limited liability partnership, general or limited partnership, professional corporation, joint venture, doing business as name or venture, association, business trust, or non-publically traded corporation, (hereinafter referred to as the "Entity") is required when filing a land-use application.
2. Set forth the names of all members, officers, shareholders, directors, partners or other authorized persons of the Entity for the past year from the date of filing of any land-use board application.
3. Attach a copy of all Entity documents filed with the NYS Secretary of State, or in any other State of formation, including:
  - a. All records regarding membership interests in the Entity;
  - b. Records regarding the transfer of membership interests since the date of formation.
4. If a member of the Entity is not a natural person, please provide the name(s) and address(es) for the of the non-natural person member of that Entity, and provide the formation filing documents for such Entity.
5. Provide supplemental sheets if the information does not fit below; (kindly label the supplemental sheets).

Name of Entity:	The FB Orangetown Entities (the Restaurant will be constructed on Orangeburg Commons Condo Unit 2, which is owned by FB Orangetown Retail Three LLC) and FB Greenbush LLC
Address:	c/o RD Management, 810 Seventh Avenue, 10th Floor, New York, New York 10019
Telephone Number:	(212) 265-6500 x305
E-Mail Address:	arossi@rdmanagement.com
State/Date of Formation:	New York (all entities); Date: 1/19/12 (all FB Orangetown Entities except FB Orangetown Hotel LLC). FB Orangetown Hotel LLC 12/12/11.
Contact Person:	Alfred Rossi, P.E.

**PART TWO:**

6. Please list all persons, officers, limited or general partners, directors, members, shareholders, managers, authorized persons, beneficial owners, and any others with any interest in or with the above referenced entity.
7. Please NOTE that an "authorized person" means an individual or entity, whether or not a shareholder, member, officer or director, or person identified by any other title, who is authorized to act, solely or in conjunction with others, on behalf of or for the Entity.
8. List all persons with a membership or voting interest or controlling position in the Entity. Please provide that parties' business or personal address and telephone number, email address and other contact information.
9. Provide supplemental sheets if the information does not fit below; (kindly label the supplemental sheets).

<u>Name of Individual</u>	<u>Address</u>	<u>Telephone</u>	<u>Email</u>	<u>Interest or Role in Entity</u>
1. See Supplemental Sheet attached.				
2.				
3.				
4.				
5.				
6.				



**Supplemental Sheet – Part Two – Entity Disclosure Form for  
FB Orangetown Entities & FB Greenbush LLC**

<b>Name of Individual</b>	<b>Address</b>	<b>Telephone</b>	<b>Email (contact of counsel)</b>	<b>Role in Entity</b>
Richard Birdoff	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MFB Realty LLC; Manager - FB Orangetown Entities and FB Greenbush LLC
Michael M. Ades	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner FB Orangetown LLC and ADSON Group LLC
Joseph A. Ades	c/o Michael M. Ades RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner FB Orangetown LLC
Joseph R. Ades	c/o Michael M. Ades RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner ADSON Group, LLC
R. David Ades	c/o Michael M. Ades RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner ADSON Group, LLC
Billy A. Ades	c/o Michael M. Ades RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner ADSON Group, LLC
The Estate of Jay M. Furman	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MFB Realty LLC; MF Est. LLC
Jason Furman	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC
Jesse Furman	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC
Robert P. Murray	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC
Barbara Murray	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC
Bruce Murray	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC
Erica Sue Murray	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC
Vicki Birdoff	c/o RD Management LLC 810 7 <sup>th</sup> Ave, 10 <sup>th</sup> floor NY, NY 10019	212-265-6600	g.tortorella@htwlegal.com	Owner MF Est. LLC

***STATE OF NEW YORK***

***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on January 4, 2013.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro  
First Deputy Secretary of State

111212000 480

**ARTICLES OF ORGANIZATION**

**OF**

**FB ORANGETOWN HOTEL LLC**

**Under Section 203 of the New York Limited Liability Company Law**

**First:** The name of the limited liability company is **FB Orangetown Hotel LLC**

**Second:** The county within this state in which the office of the limited liability company is to be located is **[Suffolk]**.

**Third:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is **c/o RD Management LLC, 810 Seventh Ave., 10<sup>th</sup> Floor, New York, NY 10019.**

**Fourth:** The effective date of the Articles of Organization shall be the date of the filing.

**Fifth:** The limited liability company is to be managed by (check appropriate selection):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers

Dated: December 12, 2011

Steven Z. Nachman  
Steven Z. Nachman, Organizer

111212000480

MSOC

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2011 DEC 12 AM 11:06

Articles of Organization  
of

**FB ORANGETOWN HOTEL LLC**

(List Entity Name)

Under Section 203 of the Limited Liability Company Law

Filed by:

Steven Nachman

(Name)

c/o RD Management LLC

810 Seventh Avenue, 10<sup>th</sup> Floor

(Mailing address)

New York, NY 10019

(City, State and Zip Code)

FILED

2011 DEC 12 PM 12:26

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED DEC 12 2011  
TAXS  
BY: [Signature]

547

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the  
Department of State, at the City of Albany, on  
May 3, 2017.

A handwritten signature in black ink, appearing to read "B. Fitzgerald", written over a horizontal line.

Brendan Fitzgerald  
Executive Deputy Secretary of State



120119000 381

ARTICLES OF ORGANIZATION

OF

FB ORANGETOWN HOTEL TWO LLC

Under Section 203 of the New York Limited Liability Company Law

**First:** The name of the limited liability company is FB Orangetown Hotel Two LLC

**Second:** The county within this state in which the office of the limited liability company is to be located is New York.

**Third:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is c/o RD Management LLC, 810 Seventh Avenue, 10<sup>th</sup> Floor, New York, NY 10019.

**Fourth:** The effective date of the Articles of Organization shall be the date of the filing.

**Fifth:** The limited liability company is to be managed by (check appropriate selection):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers

Dated: January 18, 2012

Steven Z. Nachman  
Steven Z. Nachman, Organizer

120119000 381

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2012 JAN 19 AM 10:06

Articles of Organization  
of

FB ORANGETOWN HOTEL TWO LLC

(List Entity Name)

Under Section 203 of the Limited Liability Company Law

Filed by: Steven Nachman  
(Name)  
c/o RD Management LLC  
810 Seventh Avenue, 10<sup>th</sup> Floor  
(Mailing address)  
New York, NY 10019  
(City, State and Zip Code)

2012 JAN 19 AM 11:16

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STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED JAN 19 2012  
TAXS \_\_\_\_\_  
BY: ja

ja

408

BARBARA SILBERBERG  
RD MANAGEMENT LLC  
810 SEVENTH AVE., 10TH FL.  
NEW YORK NY 10019

CUST REF: FED779048858299

Enclosed is the information you requested. Your payment of  
\$35.00 is hereby acknowledged.

If the name on the enclosed document(s) does not match exactly  
with the name of the entity you requested, this office does not  
have a record of the exact name you requested. The document(s)  
provided appear(s) to be of sufficient similarity to be the  
entity requested.

**State of New York**  
**Department of State** } **ss:**

I hereby certify, that FB ORANGETOWN RETAIL LLC a NEW YORK Limited Liability Company filed Articles of Organization pursuant to the Limited Liability Company Law on 01/19/2012, and that the Limited Liability Company is existing so far as shown by the records of the Department.



\*\*\*

*WITNESS my hand and the official seal  
of the Department of State at the City of  
Albany, this 16th day of July two  
thousand and fourteen.*

*Anthony Scardino*

*Executive Deputy Secretary of State*

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on July 17, 2014.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

120119000384

**ARTICLES OF ORGANIZATION**

**OF**

**FB ORANGETOWN RETAIL LLC**

**Under Section 203 of the New York Limited Liability Company Law**

**First:** The name of the limited liability company is **FB Orangetown Retail LLC**

**Second:** The county within this state in which the office of the limited liability company is to be located is **New York**.

**Third:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is **c/o RD Management LLC, 810 Seventh Avenue, 10<sup>th</sup> Floor, New York, NY 10019**.

**Fourth:** The effective date of the Articles of Organization shall be the date of the filing.

**Fifth:** The limited liability company is to be managed by (check appropriate selection):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers

Dated: January 18, 2012

Steven Z. Nachman  
Steven Z. Nachman, Organizer

120119000.384

RECEIVED  
2012 JAN 19 AM 10:06

Articles of Organization

of

**FB ORANGETOWN RETAIL LLC**

(List Entity Name)

Under Section 203 of the Limited Liability Company Law

Filed by:

Steven Nachman

(Name)

c/o RD Management LLC

810 Seventh Avenue, 10<sup>th</sup> Floor

(Mailing address)

New York, NY 10019

(City, State and Zip Code)

100  
STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED JAN 19 2012

TAXS \_\_\_\_\_  
BY: LSL

2012 JAN 19 AM 11:49

LSL-0

413

***STATE OF NEW YORK***

***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on January 4, 2013.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro  
First Deputy Secretary of State



120119000

346

**ARTICLES OF ORGANIZATION**

**OF**

**FB ORANGETOWN RETAIL THREE LLC**

**Under Section 203 of the New York Limited Liability Company Law**

**First:** The name of the limited liability company is **FB Orangetown Retail Three LLC**

**Second:** The county within this state in which the office of the limited liability company is to be located is **New York.**

**Third:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is **c/o RD Management LLC, 810 Seventh Avenue, 10<sup>th</sup> Floor, New York, NY 10019.**

**Fourth:** The effective date of the Articles of Organization shall be the date of the filing.

**Fifth:** The limited liability company is to be managed by (check appropriate selection):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers

Dated: January 18, 2012

Steven Z. Nachman  
Steven Z. Nachman, Organizer

120119000

344

Articles of Organization  
of

**FB ORANGETOWN RETAIL THREE LLC**

(List Entity Name)

Under Section 203 of the Limited Liability Company Law

Handwritten scribble

RECEIVED  
2012 JAN 19 AM 10:06  
Filed by:

Steven Nachman  
(Name)

c/o RD Management LLC  
810 Seventh Avenue, 10<sup>th</sup> Floor  
(Mailing address)

New York, NY 10019  
(City, State and Zip Code)

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED

JAN 19 2012

TAX \$ \_\_\_\_\_

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

Handwritten signature

2012 JAN 19 AM 10:46

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***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on January 4, 2013.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro  
First Deputy Secretary of State

120119000360

**ARTICLES OF ORGANIZATION**

**OF**

**FB ORANGETOWN RETAIL TWO LLC**

**Under Section 203 of the New York Limited Liability Company Law**

**First:** The name of the limited liability company is **FB Orangetown Retail Two LLC**

**Second:** The county within this state in which the office of the limited liability company is to be located is **New York**.

**Third:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is **c/o RD Management LLC, 810 Seventh Avenue, 10<sup>th</sup> Floor, New York, NY 10019**.

**Fourth:** The effective date of the Articles of Organization shall be the date of the filing.

**Fifth:** The limited liability company is to be managed by (check appropriate selection):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers

Dated: January 18, 2012

Steven Z. Nachman  
Steven Z. Nachman, Organizer

120119000 360

RECEIVED  
2012 JAN 19 AM 10:06

Articles of Organization  
of

**FB ORANGETOWN RETAIL TWO LLC**

(List Entity Name)

Under Section 203 of the Limited Liability Company Law

Filed by: Steven Nachman  
(Name)  
c/o RD Management LLC  
810 Seventh Avenue, 10<sup>th</sup> Floor  
(Mailing address)  
New York, NY 10019  
(City, State and Zip Code)

2012 JAN 19 PM 12:24

1cc  
STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED JAN 19 2012

TAX S: \_\_\_\_\_

BY: LWC

382

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "MFB REALTY LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF FORMATION, FILED THE THIRTIETH DAY OF MAY, A.D. 2000, AT 9 O'CLOCK A.M.

CERTIFICATE OF AMENDMENT, FILED THE FOURTEENTH DAY OF JULY, A.D. 2005, AT 4:05 O'CLOCK P.M.

CERTIFICATE OF AMENDMENT, FILED THE TWELFTH DAY OF FEBRUARY, A.D. 2008, AT 8 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY, "MFB REALTY LLC".



  
Jeffrey W. Bullock, Secretary of State

3236397 8100H  
SR# 20181492993

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 202231980  
Date: 02-28-18

CERTIFICATE OF FORMATION  
OF  
MFB REALTY LLC

The undersigned, an authorized person for the purpose of forming a limited liability company under the provisions and subject to the requirements of the State of Delaware (particularly Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

FIRST: The name of the limited liability company (hereinafter called the "limited liability company") is MFB REALTY LLC.

SECOND: The address of the registered office and the name and the address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are: Corporation Service Company, 1013 Centre Road, Wilmington, Delaware 19805-1297.

Executed on May 30, 2000.

  
Eric S. Schoenfeld, Authorized Person

STATE OF DELAWARE  
CERTIFICATE OF AMENDMENT

1. Name of Limited Liability Company: MFB REALTY LLC
  
2. The Certificate of Formation of the limited liability company is hereby amended as follows: Paragraph SECOND is deleted in its entirety, and replaced with the following: The address of the registered office and the name and the address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are: Clark Minker, 710 Yorklyn Road, Hockessin, DE 19707

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 14th day of July, A.D. 2005.

By:   
Authorized Person(s)

Name: Jay Furman  
Print or Type

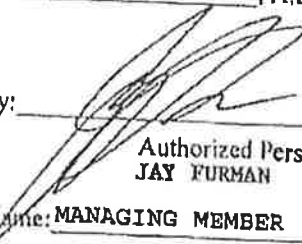


STATE OF DELAWARE  
CERTIFICATE OF AMENDMENT

1. Name of Limited Liability Company: MFB REALTY LLC
2. The Certificate of Formation of the limited liability company is hereby amended as follows:

THE REGISTERED AGENT RECORD HAS CHANGED: FROM CLARK MINKER, 710 YORKLYN ROAD, HOCKESSIN, DELAWARE 19707 TO: CORPORATION SERVICE COMPANY, 2711 CENTERVILLE ROAD SUITE 400, WILMINGTON, DE 19808

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 6 day of DECEMBER, A.D. 2007.

By:   
Authorized Person(s)  
JAY FURMAN  
Name: MANAGING MEMBER  
Print or Type

*STATE OF NEW YORK*  
*DEPARTMENT OF STATE*

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of  
the Department of State, at the City of  
Albany, on January 4, 2013.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro  
First Deputy Secretary of State

99122800057

ARTICLES OF ORGANIZATION

GSC 45

OF

FB ORANGETOWN LLC

Under Section Two Hundred Three of the Limited Liability Company Law

The undersigned person, acting as an organizer of the limited liability company hereinafter named, sets forth the following statements.

FIRST: The name of the limited liability company (the "Company") is FB Orangetown LLC.

SECOND: The county within the State of New York in which the office of the Company is to be located is the County of New York.

THIRD: The Company is not to have a specific date of dissolution in addition to the events of dissolution set forth in Section 701 of the New York Limited Liability Company Law.

FOURTH: The Secretary of State of the State of New York is designated as agent of the Company upon whom process against it may be served. The post office address within or without the State of New York to which the Secretary of State of the State of New York shall mail a copy of any process against the Company served upon him is c/o RD Management Corp. 810 Saynath Avenue, 28<sup>th</sup> Floor, New York, New York 10019, Attention: Richard J. Birdoff.

Signed on December 27, 1999.

*Jeanette C. Luoh*  
Jeanette C. Luoh, Organizer

991228000587

CSC 45

ARTICLES OF ORGANIZATION

OF

FB ORANGETOWN LLC

Under Section Two Hundred Three of the Limited Liability Company Law

Dec 29 12:56 PM '99  
FILED

RECEIVED

Dec 28 12:19 PM '99

STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED DEC 28 1999

MXS  
BY: *[Signature]* a.B.

Filed by

Buer Marks & Upham LLP  
805 Third Avenue  
New York, New York 10022  
Cust Perf# 530413G5T

991228000609

Drawdown

*[Handwritten mark]*

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DEC 28 1999 12:56 PM

*STATE OF NEW YORK*

*DEPARTMENT OF STATE*

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of  
the Department of State, at the City of  
Albany, on June 22, 2011.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro  
First Deputy Secretary of State

GW-13  
F990.809.000.430

ARTICLES OF ORGANIZATION  
OF  
ADSON GROUP, LLC

Under Section 203 of the Limited Liability Company Law:

FIRST: The name of the limited liability company is ADSON GROUP, LLC.

SECOND: The county within the state in which the office of the limited liability company is to be located is Nassau.

THIRD: The latest date on which the limited liability company is to dissolve is December 31, 2040.

FOURTH: The Secretary of State is designated, as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served-upon him or her is:

Robert Ades  
33 Pond Park Road  
Grant Neck, New York 11023

FIFTH: The effective date of the Articles of Organization shall be the date of filing with the Secretary of State.

SIXTH: The limited liability company is to be managed by 1 or more members.

IN WITNESS WHEREOF, this certificate has been subscribed to  
this 9th day of August, 1999 by the undersigned who affirms that the  
statements made herein are true under the penalties of perjury.

*Lawrence A. Kirsch*

Lawrence A. Kirsch, Attorney in Fact

GW13

990809000430

ARTICLES OF ORGANIZATION

OF

ADSON GROUP, LLC

STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED AUG 09 1999

TAX \$

BY:

PEM

RECEIVED

Filed by:

Aug 9 1 01 PM '99

Martin Bergstein  
450 Seventh Avenue,  
Suite 2906  
New York, New York 10123

3

990809000451



***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on March 25, 2016.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

New York State  
Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
41 State Street  
Albany, NY 12231  
www.dos.state.ny.us

140115000 415

CERTIFICATE OF AMENDMENT  
OF  
ARTICLES OF ORGANIZATION  
OF  
MF EST. LLC

*(Insert Name of Domestic Limited Liability Company)*

Under Section 211 of the Limited Liability Company Law

FIRST: The name of the limited liability company is: MF Est. LLC

If the name of the limited liability company has been changed, the name under which it was organized is: FMB Family Limited Liability Company.

SECOND: The date of filing of the articles of organization is: February 4, 1999.

THIRD: The amendment effected by this certificate of amendment is as follows: (Set forth each amendment in a separate paragraph providing the subject matter and full text of each amended paragraph. For example, an amendment changing the name of the limited liability company would read as follows: Paragraph First of the Articles of Organization relating to the limited liability company name is hereby amended to read as follows: *First: The name of the limited liability company is ... (new name) ...*)

Effective January 1, 2014, Paragraph SIXTH of the Articles of Organization relating to management of the entity is hereby deleted in its entirety and replaced with the following:

SIXTH: The limited liability company is to be managed by (check appropriate box):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers.

X Barbara Silberberg  
(Signature)

Barbara Silberberg  
(Type or print name)

Authorized Signer  
(Title of signor)

DOS-1358 (Rev. 6/06)

415

CERTIFICATE OF AMENDMENT  
OF  
ARTICLES OF ORGANIZATION  
OF  
MF EST. LLC

Under Section 211 of the Limited Liability Company Law

Filed by: Barbara Silberberg  
(Name)  
c/o RD Management LLC  
810 Seventh Avenue, 10<sup>th</sup> Floor  
(Mailing address)  
New York, NY 10019  
(City, State and Zip Code)

*Ida*  
STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED JAN 15 2014  
TAXS 0  
FEE 2  
2014 JAN 15 PM 1:00  
FILED

RECEIVED  
2014 JAN 15 AM 10:07

442

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on March 25, 2016.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

110630000 099

New York State  
Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231  
www.dos.state.ny.us

CERTIFICATE OF CHANGE  
OF

MF EST. LLC

(Insert Name of Domestic Limited Liability Company)

Under Section 211-A of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

MF EST. LLC

If the name of the limited liability company has been changed, the name under which it was organized is:

SECOND: The date of filing of the articles of organization is: FEBRUARY 4, 1999

THIRD: The change(s) effected hereby are: [Check appropriate statement(s)]

The county location, within this state, in which the office of the limited liability company is located, is changed to:

The address to which the Secretary of State shall forward copies of process accepted on behalf of the limited liability company is changed to read in its entirety as follows: Jay Furman  
C/O RD MANAGEMENT LLC, 810 SEVENTH AVE, 10TH FLOOR, NEW YORK, NY 10019

The limited liability company hereby: [check one]

Designates \_\_\_\_\_  
as its registered agent upon whom process against the limited liability company may be served.  
The street address of the registered agent is:

Changes the designation of its registered agent to: \_\_\_\_\_  
The street address of the registered agent is:

Changes the address of its registered agent to: \_\_\_\_\_

Revokes the authority of its registered agent.

X   
(Signature)  
JAY FURMAN  
(Type or print name)  
MEMBER  
(Title of signer)

110630000099

CERTIFICATE OF CHANGE  
OF

MF EST. LLC

*(Insert Name of Domestic Limited Liability Company)*

Under Section 211-A of the Limited Liability Company Law

Filed by: STANLEY TANZER  
*(Name)*  
810 SEVENTH TH AVE, 10FL  
*(Mailing address)*  
NEW YORK, NY, 10019  
*(City, State and ZIP code)*

NOTE: This form was prepared by the New York State Department of State for filing a certificate of change by a domestic limited liability company. You are not required to use this form. You may draft your own form or use forms available at legal supply stores. The Department of State recommends that legal documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$30 filing fee made payable to the Department of State.

*(For office use only)*

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED JUN 30 2011  
TAXS  
BY: MBL

096

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on March 25, 2016.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

CSC 45

F990204000600

ARTICLES OF ORGANIZATION

OF

FMB FAMILY-LIMITED LIABILITY COMPANY

Under Section 203 of the New York Limited Liability Company Law

FIRST. The name of the limited liability company is FMB FAMILY LIMITED LIABILITY COMPANY.

SECOND. The county within this state in which the office of the limited liability company is to be located is Nassau.

THIRD. The latest date on which the limited liability company is to dissolve is December 31, 2050.

FOURTH. The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is c/o Barbara Murray, 115 Cedar Avenue, Hewlett Bay Park, NY 11557.

FIFTH. The effective date of the Articles of Organization shall be the date of filing.

SIXTH. The limited liability company is to be managed by (check appropriate box)

1 or more members

A class or classes of members

1 or more managers

A class or classes of managers

IN WITNESS WHEREOF, this certificate has been subscribed this 4th day of February 1999, by the undersigned who affirms that the statements made herein are true under the penalties of perjury.

*Karl Wagner*  
Karl Wagner, Organizer



F990204000600

CSC 45

ARTICLES OF ORGANIZATION

OF

FMB FAMILY LIMITED LIABILITY COMPANY

UNDER SECTION 203 OF THE NEW YORK LIMITED LIABILITY COMPANY LAW

FILED

FEB 4 3 40 PM '99

1cc

STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED FEB 04 1999

TAXS

BY: pal

pal

Filed By

NEWMAN TANNENBAUM HELPERN  
SYRACUSE & HIRSCHTRITZ LLP  
900 Third Avenue  
New York, New York 10022  
(212) 308-6700

123 926596

2

990204000634

***STATE OF NEW YORK***

***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on March 25, 2016.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

F 990709 0 00 438  
Affidavit of Publication

County of Nassau, }  
State of New York. } SS:

AMEL JOHNSON being duly sworn, deposes and says that she is the Principal Clerk of The Publisher of

The ~~Wanted~~ Wanted ~~Seaforu~~ Seaforu Citizen

a weekly newspaper published at WANTAGU in the County of Nassau, in the State of New York, and that a notice, a printed copy of which is hereto annexed, has been published in said newspaper once in each week for

Six (6) weeks viz:

4/22/29/1999

5/6/13/20/27/1999

WDC#314

Sworn to before me this 27<sup>th</sup> day of MAY 19 99

*Marie Taylor*  
Notary Public, State of New York

MARIE TAYLOR  
NOTARY PUBLIC, State of New York  
No. 017A5075210  
Qualified in Nassau County  
My Commission Expires 3/31/01

Notice of LLC: First Family Limited Liability Company, Arts of Org. filed NY Sec. of State on 02/24/99, Filing of, Inc. in Nassau Co. Sec. of State. If you are a member of LLC upon this notice, please contact me by e-mail or by phone. My e-mail address is: jay@firstfamily.com or by phone to: 516-338-1111. My office is located at: 15-51-3080, Purpose of LLC: to purchase, own, develop, lease, finance, manage, and sell real estate and to acquire and manage other assets.  
WDC 22164 A/22, 28, 5/A, 13, 20, 27

F 990709 0.00 438

**AFFIDAVIT OF PUBLICATION**

**FOR**

**FMB FAMILY LIMITED LIABILITY COMPANY**

*Pursuant to Section 206 of the New York Limited Liability Company Law*

1cc  
STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED JUL 0 9 1999  
TAX S \_\_\_\_\_  
BY: LAS

**Filer: Newman Tannenbaum Helpert Syracuse & Hirschtritt  
900 Third Avenue  
New York, New York 10022-4775**

2  
**DRAWDOWN**

990709 0 00 467  
**NCR**

-26

***STATE OF NEW YORK***

***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on March 25, 2016.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

Affidavit of Publication

F 990709 0 00 443

STATE OF NEW YORK }  
COUNTY OF NASSAU, }

Joyce MacMonagle  
being duly sworn deposed and say that she is the Principal Clerk of THE LEADER: a weekly newspaper published in Freeport, New York, in the County of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, was published in said newspaper once for (....six.....) successive weeks, viz:

April 22, 29, May 6, 13, 20 & 27, 1999

Name of LLC: FMB Family Limited Liability Company, A/C of C/O. Inc. NY Sec. of State on 02-04-99. Princ. off. loc. in Nassau Co. Sec. of State designated as off. of LLC operations. process required if any be served. Sec. of State shall mail copy of any process to c/o Business Mgmt. 115 Cedar Avenue, Hempstead Harbor, NY 11557. Latest date upon which the LLC is to dissolve: 12-31-2000. Purpose of LLC: to develop, own, finance, manage, operate and sell real estate and to acquire and manage business assets.  
B. E. 608 of 4/22/29, 5/6, 13, 20, 27

*Joyce MacMonagle*

Sworn to before me this 27th day

of May, 19 99.

*Erin E. Groder*  
Notary Public Nassau County, N.Y.

E. ANNE CRODER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01GR5974442  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES 07/24/01

1

F990709 0 00 443

**AFFIDAVIT OF PUBLICATION**

**FOR**

**FMB FAMILY LIMITED LIABILITY COMPANY**

*Pursuant to Section 206 of the New York Limited Liability Company Law*

*lee*  
STATE OF NEW YORK  
DEPARTMENT OF STATE

FILED JUL 09 1999

TAX S

BY:

LAS

**Filer: Newman Tannenbaum Helpern Syracuse & Hirschtritt  
900 Third Avenue  
New York, New York 10022-4775**

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990709 0 00 472

**DRAWDOWN**

**NCR -26**

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

WITNESS my hand and official seal of the  
Department of State, at the City of Albany,  
on March 25, 2016.



*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State



f 010209000 508

CSC 45

**CERTIFICATE OF AMENDMENT  
OF  
ARTICLES OF ORGANIZATION  
OF  
FMB FAMILY LIMITED LIABILITY COMPANY**

Under Section 211 of the Limited Liability Company Law

**FIRST:** The name of the limited liability company is: FMB Family Limited Liability Company.

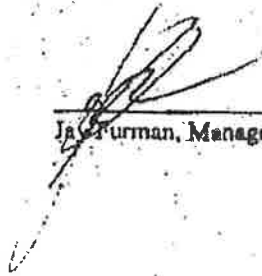
**SECOND:** The date of filing of the Articles of Organization is: February 4, 1999.

**THIRD:** The amendment effected by this Certificate of Amendment is as follows:

✓ Paragraph First of the Articles of Organization relating to the name of the limited liability company is hereby amended to read as follows:

"The name of the limited liability company is MF Est. L.L.C."

**IN WITNESS WHEREOF**, the undersigned has subscribed this Amendment this 7<sup>th</sup> day of February, 2001.

  
\_\_\_\_\_  
Jay Furman, Manager

C:\CertOfAmend-ArtOfOrg-fmb.wpd

010209000 568

CERTIFICATE OF AMENDMENT

OF

FME FAMILY LIMITED LIABILITY COMPANY

Under Section 211 of the Limited Liability Company Law

CSC 45

FILED BY:- R.D. MANAGEMENT CORP.  
810 Seventh Avenue  
28th Floor  
New York, NY 10019  
Cust. Ref#998261CST

DRAWDOWN

10 11 11 01

STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED FEB 10 2008  
TAXS  
BY: S.B.

010209000 593

2

***STATE OF NEW YORK***  
***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on November 5, 2013.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

131105000451

ARTICLES OF ORGANIZATION

OF

FB GREENBUSH LLC

Under Section 203 of the New York Limited Liability Company Law

**First:** The name of the limited liability company is FB Greenbush LLC.

**Second:** The county within this state in which the office of the limited liability company is to be located is New York.

**Third:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The post office address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is c/o RD Management LLC, 810 Seventh Avenue, 10<sup>th</sup> Floor, New York, NY 10019.

**Fourth:** The effective date of the Articles of Organization shall be the date of the filing.

**Fifth:** The limited liability company is to be managed by (check appropriate selection):

- 1 or more members
- A class or classes of members
- 1 or more managers
- A class or classes of managers

Dated: November 4, 2013.

Barbara Silberberg  
Barbara Silberberg, Organizer

451

Articles of Organization  
of

**FB GREENBUSH LLC**

(List Entity Name)

Under Section 203 of the Limited Liability Company Law

Filed by: Barbara Silberberg  
(Name)  
c/o RD Management LLC  
810 Seventh Avenue, 10<sup>th</sup> Floor  
(Mailing address)  
New York, NY 10019  
(City, State and Zip Code)

ICC  
STATE OF NEW YORK  
DEPARTMENT OF STATE  
FILED NOV - 5 2013  
TAX S \_\_\_\_\_  
BY: MT

RECEIVED  
2013 NOV - 5 PM 12: 05

FILED  
2013 NOV - 5 PM 12: 45

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FILING RECEIPT

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ENTITY NAME: FB GREENBUSH LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: NEWY

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FILED:11/05/2013 DURATION:\*\*\*\*\* CASH#:131105000482 FILM #:131105000451  
DOS ID:4482626

FILER:

EXIST DATE

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BARBARA SILBERBERG  
C/O RD MANAGEMENT LLC  
810 SEVENTH AVENUE 10TH FLOOR  
NEW YORK, NY 10019

-----  
11/05/2013

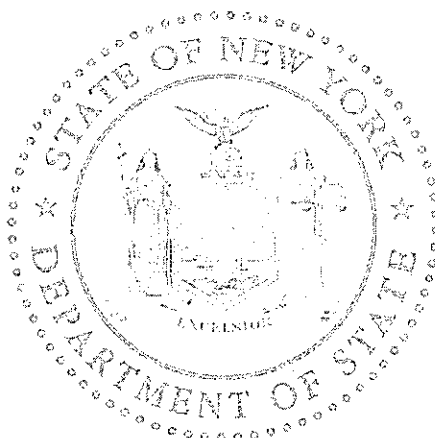
ADDRESS FOR PROCESS:

-----  
C/O RD MANAGEMENT LLC  
810 SEVENTH AVENUE  
NEW YORK, NY 10019

10TH FLOOR

REGISTERED AGENT:

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The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to [www.email.ebiennial.dos.ny.gov](http://www.email.ebiennial.dos.ny.gov) to provide an email address to receive an email notification when the Biennial Statement is due.

=====

SERVICE COMPANY: \*\* NO SERVICE COMPANY \*\*

SERVICE CODE: 00 \*

FEES            260.00  
-----  
FILING          200.00  
TAX             0.00  
CERT            0.00  
COPIES          10.00  
HANDLING       50.00

PAYMENTS       260.00  
-----  
CASH            0.00  
CHECK           0.00  
CHARGE          260.00  
DRAWDOWN       0.00  
    OPAL         0.00  
REFUND          0.00

=====

**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*

**Helen Kenny Burrows**  
*Deputy Commissioner*

June 13, 2023

Orangetown Town Board  
 26 Orangeburg Road  
 Orangeburg, NY 10962

<b>Tax Data:</b>	74.15-1-21./5	74.15-1-21./4	74.15-1-21./3
	74.15-1-21./2	74.15-1-21./1	74.15-1-22
	74.15-1-21		

TOWN OF ORANGETOWN  
 2023 JUN 16 P 12:47  
 TOWN CLERKS OFFICE

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

**Map Date:** 04/12/2023

**Date Review Received:** 05/17/2023

**Item:** **ORANGEBURG COMMONS SPECIAL PERMIT/LOCAL LAW (O-1876BB)**

Local law to amend Chapter 43, Section 4.32.(O)iii.(h) to include fast food restaurants as a permitted use in mixed-use developments. A special permit application to modify a previously approved mixed-use development on 16.76 acres in the LI and Route 303 Overlay zoning districts. The two approved, unbuilt commercial buildings proposed in the eastern portion of the development will each be reconfigured with a drive-thru queue to accommodate a potential fast food restaurant as a tenant. The northern building will include a tenant space of 2,556 square feet, while the southern building will include two tenant spaces comprising 2,435 and 2,054 square feet and a landlord utility room of 187 square feet. The parking lot configuration has been revised for a total of 701 parking spaces, including 89 landbanked spaces.

Southwest corner of NYS Route 303 and Stevens Way - the tenant spaces are located in the eastern portion of the site

**Reason for Referral:**

NYS Route 303, Palisades Interstate Parkway, Western Highway (CR 15)

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:

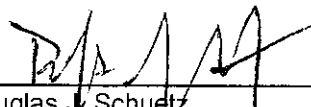
***\*Recommend the following modifications***

1 The last paragraph of the Zoning Petition proposes that the provisions of Section 8.13 shall not apply to fast food restaurants within mixed-use developments under Section 4.32.(O)iii.(h). Subsections A through D of these provisions concern issues such as location, traffic impact, and waste disposal. It is recommended that the Town review these subsections prior to adopting the proposed amendment. While the removal of the prohibition on locating a fast food restaurant within 300 feet of another fast food restaurant may be appropriate for mixed-use development, other provisions of Section 8.13 provide additional protections from the impacts that may arise from this specific use. Under no circumstances shall an exception to Section 8.13 result in fast food restaurants negatively impacting nearby properties or increasing traffic congestion.

*Distr: T/B, Jane, Eamon*

**ORANGEBURG COMMONS SPECIAL PERMIT/LOCAL LAW (O-1876BB)**

- 2 Special permit uses are, by definition, subject to a higher standard of review. The Town Board shall be satisfied that the proposed mixed use conforms to the special findings and additional requirements outlined in Article IV, Section 4.31 of the Orangetown zoning regulations and additional use requirements for mixed-uses under Section 4.32.(O).
- 3 The Town shall be satisfied that all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Section 13.10B. of the Orangetown Zoning Code, have been addressed in the proposed site plan.
- 4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 5 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 6 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- 8 An updated review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 9 The Town shall be satisfied with the findings in the traffic analysis by Colliers Engineering & Design, dated April 14, 2023.
- 10 All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- 11 Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers or employees. In addition, designating specific areas will help to protect the landscaping from damage due to the weight of the snow and salt intrusion.
- 12 The site plan drawing depicts proposed improvements overlain with the previous site plan approval, making it difficult to read. Separate drawings must be provided, distinguishing the approved site conditions from the final disposition of the site, to allow for an appropriate review of the proposal.
- 13 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:
  - 13.1 A vicinity map that contains a north arrow and scale must be provided. The map must include zoning district information.

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Highway Department



**ORANGEBURG COMMONS SPECIAL PERMIT/LOCAL LAW (O-1876BB)**

CSX Transportation, Inc.  
Rockland County Office of Fire and Emergency Services

Bhatt Thakkar Engineering, DPC  
Orangeburg Fire District

Rockland County Planning Board Members

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

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

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

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

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

NOTICE OF POSTING: NOTICE OF PUBLIC HEARING: ORANGEBURG COMMONS / FAST FOOD

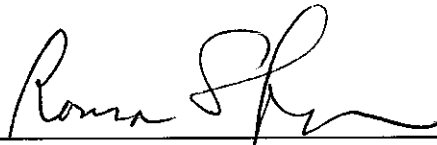
STATE OF NEW YORK }  
COUNTY OF ROCKLAND } SS.  
TOWN OF ORANGETOWN }

Rosanna Sfraga being duly sworn upon her oath deposes and says;

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

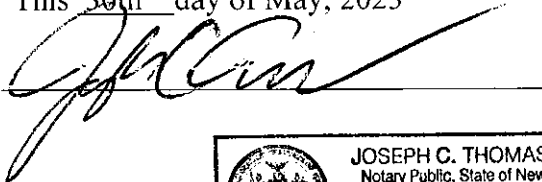
That, on the 30<sup>th</sup> day, May, 2023, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the *TOWN Of ORANGETOWN*, New York.

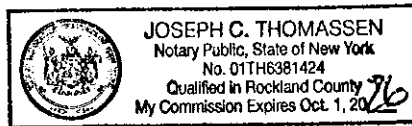
- 1. Town Hall Bulletin Boards
- 2. Town's Website (www.orangetown.com)
- 3.
- 4.
- 5.

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 30<sup>th</sup> day of May, 2023

  
\_\_\_\_\_



**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

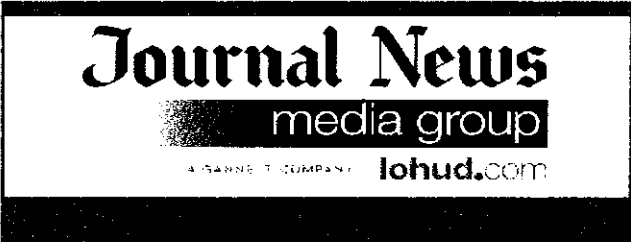
**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 9, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, Article IV, Section 4.32(O)(iii)(h), adding “fast-food restaurants” as a permitted use in mixed-use developments, as such developments are defined therein and amending the Special Permit previously granted to FB Orangetown for the property known as Orangeburg Commons (74.15-1-21./1 - 21./5) located on Route 303 and Steven Way, Orangeburg, NY. This public hearing is scheduled for the 27th day of June, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

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

Dated: May30, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney



**AFFIDAVIT OF PUBLICATION  
FROM**

**State of Wisconsin  
County of Brown, ss.:**

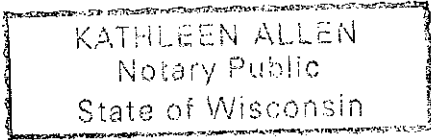
On the 12 day of June, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tutt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

**Zone:** Rockland                      **Run Dates:** 06/12/2023

Linda Tutt  
Signature

Sworn to before me, this 12 day of June, 2023  
Kathleen Allen  
Notary Public, State of Wisconsin, County of Brown



1-7-23  
My commission expires

**Legend:**  
**WESTCHESTER:** Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briardliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers  
**ROCKLAND:** Blaauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

**Ad Number: 0005722503**

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

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At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

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

Dated: May 30, 2023

Rosanna Sfraga, Town Clerk  
Robert Maqrino, Town Attorney

0005722503

**TOWN OF ORANGETOWN  
AFFIDAVIT OF POSTING AND MAILING NOTICES  
FOR SPECIAL PERMIT / ZONE CHANGE**

Petition for Zoning Amendment of Town Code Section 4.32(O)iii(h)(Fast Food)  
**Project Name:** Petition for Zoning Amendment of Town Code Section 4.32(O)iii(h)(Fast Food)  
and Amended Special Permit for Orangeburg Commons

**Address:** 1, 2, 3, 4, 5, 6 Greenbush Road

Hope Caulfield being duly sworn, deposed that he/she is the applicant  
(Name)  
herein, or is representing the applicant herein:

That he/she resides at is an employee at the offices of Hocherman Tortorella & Wekstein, LLP  
with offices at One North Broadway, Suite 400, White Plains, New York 10601  
That heretofore and the 2nd day of June, 2023

**Posting**

~~He/She posted the required Notice of Public Hearing sign as required pursuant to the Orangetown Code, Chapter 43, Article 10.44 by posting the attached Notice on every lot corner and at least once every One Hundred (100) feet thereafter, facing each public street on which the property abuts. Such sign has been displayed for a period of not less than 5 days immediately preceding the hearing date. The sign was not set back more than 10 feet from any property or street line, was not less than two feet or more than six feet above grade at the property line and was clearly visible from the property line.~~

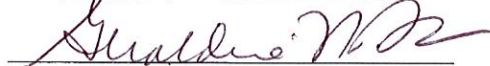
**Notices**

He/She mailed the required Notice of Public Hearing as required pursuant to Orangetown Code, Chapter 43, Article 10.44, by mailing the Notice to property owners within at least 500 feet of the subject property as measured from the front, side and rear lot lines of the subject parcel (excluding public roadways, rights of way, and property owned by any public utility or public entity in measuring the 500 feet) as well as all properties within 500 feet of the subject parcel along both sides of parcel, along both sides of any street or roadway on which the subject parcel abuts, at least 10-days prior to the public hearing.

  
(Signature)

Subscribed and sworn to before me

This 7<sup>th</sup> day of June, 2023



Please Note that this affidavit shall be notarized with the "Notice" & list of abutting property owners to whom the notices were sent and shall be submitted to the Town Clerk before or at the commencement of the Public Hearing.

GERALDINE N. TORTORELLA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02TO4933447  
Qualified in Westchester County  
My Commission Expires May 09, 2026

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 9, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, Article IV, Section 4.32(O)(iii)(h), adding “fast-food restaurants” as a permitted use in mixed-use developments, as such developments are defined therein and amending the Special Permit previously granted to FB Orangetown for the property known as Orangeburg Commons (74.15-1-21./1 - 21./5) located on Route 303 and Steven Way, Orangeburg, NY. This public hearing is scheduled for the 27th day of June, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

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

Dated: May30, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

SWIS	PRINT KEY	NAME	ADDRESS
392489	74.14-3-22	Sabas Isaguirre	6 Wisteria Ct,Orangeburg, NY 10962
392489	74.14-3-23	Doly Thomas	7 Wisteria Ct,Orangeburg, NY 10962
392489	74.14-3-24	Woo Kun Pak	8 Wisteria Ct,Orangeburg, NY 10962
392489	74.14-3-35	Nathan Reiner	5 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-36	Ruben Balin	3 Cedar Av,Orangeburg, NY 10962
392489	74.14-3-37	Michael Saladino	444 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-38	Brendan Waldron	440 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-39	Elena Temple	4 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-40	Fernando A Andrade	6 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-41	Tri M Tran	8 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-44	Cornelius Lynady	14 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-45	Kenneth J Holcomb	10 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-46	Brian Mc Cabe	6 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-47	Casey DiValentino	4 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-48.1	Yolanda Guzman	445 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-48.2	Cuong Luu	443 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-49	Cassandra Willock	430 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-50	Ervin M Ramirez	434 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-51	Maureen Echemendia	3 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-52	Christine M Iwanow	7 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-53	Luis Manzo	11 Kevin Dr,Orangeburg, NY 10962
392489	74.15-1-2	BF Orangetown LLC	810 Seventh Ave Fl 10,New York, NY 10019
392489	74.15-1-3	Orangeburg Holdings LLC Lowe's Home Center BK 203 LLC	Tax Dept, 1000 Lowes Blvd,Moorestville, NC 28117  121 W Nyack Rd Ste 12,Nanuet, NY 10954
392489	74.15-1-7	Bless Enterprises and Services	187 Rte 303,Orangeburg, NY 10962
392489	74.15-1-8	Gregory Delucia	183 Rte 303,Orangeburg, NY 10962
392489	74.15-1-9	EJEA Corp	2509 Webster Ave,Bronx, NY 10458
392489	74.15-1-10	303 Associates LLC	170 Legrand Ave,Northvale, NJ 07647
392489	74.15-1-12	Thomas B Graff	10 Grand St,Tappan, NY 10983
392489	74.15-1-22	FB Orangetown Retail LLC	1149 Harrisburg Pike,Carlisle, PA 17013
392489	74.15-1-21./1	Ahold Delhaize Real Estate	
392489	74.15-1-21./2	FB Orangetown Retail Two LLC RD Management	810 Seventh Ave Fl 10,New York, NY 10019
392489	74.15-1-21./3	FB Orangetown Retail Three LLC RD Management	810 Seventh Ave Fl 10,New York, NY 10019
392489	74.15-1-21./4	FB Orangetown Hotel Two LLC RD Management	810 Seventh Ave Fl 10,New York, NY 10019
392489	74.15-1-21./5	FB Orangetown Hotel LLC Rd Management	810 Seventh Ave Fl 10,New York, NY 10019



**TOWN OF ORANGTOWN  
AFFIDAVIT OF POSTING AND MAILING NOTICES  
FOR SPECIAL PERMIT / ZONE CHANGE**

Petition for Zoning Amendment of Town Code Section 4.32 (O)iii(h)(fast Food  
Project Name: and Amend Special Permit for Orangeburg Commons

Address: 1, 2, 3, 4, 5, 6 Greenbush Road

Christian Greene being duly sworn, deposed that he/she is the applicant herein, or is representing the applicant herein:

That he/she resides at has an Office at 810 Seventh Ave, Floor 10, New York NY 10019

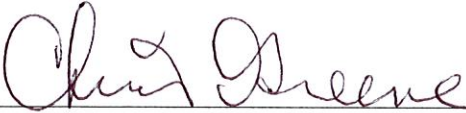
That heretofore and the 21 day of June, 2023

**Posting**

He/She posted the required Notice of Public Hearing sign as required pursuant to the Orangetown Code, Chapter 43, Article 10.44 by posting the attached Notice on every corner and least once every One Hundred (100) feet thereafter, facing each public street on which the property abuts. Such sign has been displayed for a period of not less than 5-days immediately preceding the hearing date. The sign was not set back more than 10 feet from any property or street line, was not less than two feet or more than six above the grade at the property line was clearly visible from the property line.

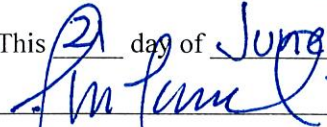
**Notices**

He/She mailed the required Notice of Public Hearing as required pursuant to Orangetown Code, Chapter 43, Article 10.44, by mailing the Notice to property owners within at least 500 feet of the subject property as measured from the front, side and rear lot lines of the subject parcel (excluding public roadways, rights of way, and property owned by any public utility or public entity in measuring the 500 feet) as well as all properties within 500 feet of the subject parcel along both sides of parcel, along both sides of any street or roadway on which the subject parcel abuts, at least 10 days prior to the public hearing.

  
\_\_\_\_\_

(Signature)

Subscribed and sworn to before me

This 21 day of June, 2023  
  
\_\_\_\_\_

Please Note that this affidavit shall be notarized with the "Notice" & list of abutting property owners to whom the notices were sent and shall be submitted to the Town Clerk before or at the commencement of the Public Hearing.

**JENNIFER M. TANCREDI  
NOTARY PUBLIC OF NEW JERSEY  
Commission # 50144792  
My Commission Expires 12/1/2025**

TOWN OF ORANGTOWN  
TOWN CLERK'S OFFICE  
2023 JUN 21 P 3:07

Legend

Paul = Red comment  
or strike through

Tom = Blue comment  
or strike through

Both Paul & Tom =  
Purple strike through

# Orangetown Comprehensive Plan

**March 2023**



**TOWN OF ORANGETOWN**  
RICH IN HISTORY

# Vision, Goals, and Objectives

With its natural beauty, convenient location, quality schools, cultural resources, and historic hamlets, Orangetown is a wonderful community to live in. An overarching goal of the Comprehensive Plan is to enhance the quality-of-life features and community resources that draw residents and businesses to the Town.

~~A central aspect of the Vision is to ensure that the goals below address the community's definition of sustainability, as well as the three "E's" of sustainability: environment, economy, and equity. The environment and economy components are addressed in specific chapters, while the equity component, which aims to ensure an even distribution of the burdens and benefits of policy actions across the community, is woven throughout.~~

## Goal 1

Maintain the Town's community and neighborhood character while balancing the need for growth and development.

- Objective 1** Encourage an appropriate balance of residential and non-residential development.
- Objective 2** Update and modernize the Zoning Code to simplify enforcement, remove inconsistencies, and regulate new land uses not previously contemplated.
- Objective 3** Develop design guidelines for façades, signage, and streetscapes to preserve, protect, and enhance the unique characteristics of each hamlet.
- Objective 4** Develop measures to increase the efficiency of the Zoning Code and land use review process.
- Objective 5** Discourage new warehouse and distribution center land uses in certain zoning districts, particularly near residential areas. Consider allowing repurposing of existing industrial and commercial buildings and sites for other potential alternative uses.
- Objective 6** Develop design guidelines and performance standards to better regulate certain land uses and to protect open space, viewsheds, historic resources, and community character.
- Objective 7** Strengthen zoning and code protections for natural resources such as wetlands, trees, stormwater, steep slopes, and ridgelines.
- Objective 8** Maximize, revitalize, and redevelop underutilized and vacant or neglected properties as the Town may deem necessary for the benefit of the community, with the purpose of enhancing sound growth of the Town, increasing its tax base and preserving environmental features and resources of such sites.


 Goal 2

Preserve history, open space, and hamlet center character, ~~while promoting a diversity of housing options in appropriate neighborhoods to ensure members of the community have access to quality housing.~~

- Objective 1** ~~Update the Zoning Code to allow a diversity of housing types (e.g. townhomes, mixed-use buildings, and apartment building style condominiums) in appropriately identified areas to meet the various needs of the community, including first-time home buyers/renters and downsizing seniors.~~
- Objective 2** Maintain an adequate supply of senior housing and for a variety of income levels.
- Objective 3** Where appropriate, update the Zoning Map ~~and Code to create transitional districts between hamlet centers and single family neighborhoods.~~
- Objective 4** Establish efforts and mechanisms, including more robust zoning and development enforcement, to protect and preserve hamlet character.


 Goal 3

Strengthen the Town's transportation network for vehicles, pedestrians, and alternative modes of mobility.

- Objective 1** Design and implement context-sensitive dedicated bicycle lanes (on- and off-road) to improve bicycle access and safety.
- Objective 2** Provide additional sidewalks throughout the Town to improve pedestrian access and safety, where appropriate.
- Objective 3** Create pedestrian-friendly, walkable streets in key hamlet centers by limiting traffic during certain times on low-traffic roadways.
- Objective 4** Implement walkable, green streetscapes and rights-of-way.
- Objective 5** Establish performance standards within the Zoning Code to mitigate traffic impacts. Address congestion and parking shortage in key areas.
- Objective 6** Update the Zoning Code to include design guidelines and protections for rural and scenic roadways.
- Objective 7** Encourage more robust enforcement of traffic regulations, particularly those related to truck, delivery, and warehouse traffic.
- Objective 8** Continue to implement the Complete Streets policy.

- Objective 5** Review and update local regulations to promote resilient construction practices, manage stormwater, and reduce flooding.
- Objective 6** Update the Town’s tree preservation ordinance (Chapter 35, “Trees and Shrubbery”) which was last updated in 1973, to establish more robust preservation regulations.
- Objective 7** Build on the success of the Town’s Community Choice Aggregation Program.
- Objective 8** Create and enforce regulations to limit noise and air pollution coming from light industrial zoned areas, especially those close to residential neighborhoods.
- Objective 9** Revisit goals of the 2002 Route 303 Sustainable Development Study.
- Objective 10** Continue to apply for grants, such as the New York State Climate Smart Communities Grant, to implement sustainability objectives and prepare a Climate Action Plan.
- Objective 11** Continue to enforce the recently adopted NYStretch Code.

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???



**Goal 5**

Preserve the Town’s natural resources and increase access to parks and open space.

- Objective 1** Encourage preservation of open space through flexible/conservation subdivisions which cluster new development to preserve larger contiguous areas of open space.
- Objective 2** Work with the New York State legislature to establish a preservation fund that can be used to acquire property for open space, recreation, or historic reservation.
- Objective 3** Establish a long-term open space preservation plan to guide the implementation of the Town’s open space fund.
- Objective 4** Encourage conservation of waterfront areas, lakes, wetlands, steep slopes and other natural assets.
- Objective 5** Implement the plans for a waterfront park on Lake Tappan within the 216-acres of Town-owned land at the Rockland Psychiatric Center, including walking trails, wheelchair accessible trails, and access to water for passive recreation activities.
- Objective 6** Encourage conversion of inactive rail lines into rail trail facilities to develop a network connecting with trails in adjacent municipalities.

## Existing Land Use Patterns and Development Trends

The existing land uses in the Town of Orangetown fall into nine (9) main categories (see **Figure 2-1, Land Use Map** and **Table 2-1** and **Table 2-2**):

- **Single-family residential:** Individual homes on distinct parcels. This is the predominant use of land in the Town, and represents approximately thirty-six (36) percent of land in the Town;
- **Multi-family residential:** Residential structures containing more than one housing unit;
- **Commercial:** Generally, property used for the sale of goods or provision of services, including restaurants and dining establishments, hotels, retail shopping centers, office and professional buildings. Major retail areas include the NYS Route 303 corridor, and the hamlet downtowns of Pearl River (~~N. Middletown Road & E. Washington Avenue~~), Sparkill (Main Street), Orangeburg (Orangeburg Road), Blauvelt (E. Erie Street), and Tappan (Washington Street, Main Street, and Oak Tree Road). Major areas of office or professional use include Blue Hill Plaza along the New York-New Jersey state line;

Formed by North Middletown Rd., East Central Ave, and both North and South Main St.
- **Institutional:** This category includes land devoted to government functions, libraries, schools, colleges and universities, civic and religious functions, hospitals, police, fire, and EMS facilities. Significant properties within this category include the Rockland Psychiatric Center, Orangetown Town Hall, Dominican University New York, St. Thomas Aquinas College, and schools comprising the South Orangetown Central School District, Pearl River Union Free School District, Nanuet Union Free School District, and Nyack Union Free School District;
- **Industrial:** These uses include traditional industrial uses as well as warehousing and distribution facilities. They are located primarily, and somewhat densely, along the NYS Route 303 corridor, but also include the Pfizer campus in northwest Orangetown, and multiple facilities clustered near the New York-New Jersey state line to the east of Lake Tappan;
- **Infrastructure:** This category includes property used for structures that provide facilities and services necessary for the Town's basic operation;
- **Recreation & entertainment:** This category includes public and private golf courses, camps, and camping facilities. It includes the Henry Kaufmann Campgrounds, Blue Hill Golf Course, Broadacres Golf Club, Manhattan Woods Golf Club, Rockland Country Club, and Tappan Golf Center;
- **Vacant land:** This includes property not in use, in temporary use, or lacking improvement (most often due to land constrained by steep slopes, wetlands, or a lack of roadway access), much of which can be found along Lake Tappan and the Hackensack River which feeds it; and
- **Public parks & open space:** This category is the second largest land use in the Town, at approximately 17 percent, and includes Blauvelt State Park, Tallman Mountain State Park, Veteran's Memorial Park, Clausland Mountain Park, and various other, smaller parks throughout the Town.

This 2022 Comprehensive Plan prioritizes protection of environmentally sensitive areas, protection from warehouse and industrial overdevelopment, especially near residential areas, preservation of open space, and contextual infill development where appropriate.

## Future Land Use

The future land use map reflects the Comprehensive Plan goal of maintaining the Town's community and neighborhood character while balancing the need for growth and development. The Future Land Use Map echoes the historical growth patterns of the Town of Orangetown, which large swaths of single-family residential neighborhoods and retail/commercial uses centered around the hamlets and major roadways like Route 303.

Central to the development of the Future Land Use Map was the consideration of Goal #2, to preserve history, open space, and hamlet center character, ~~while promoting a diversity of housing options in appropriate neighborhoods to ensure members of the community have access to quality housing. The Future Land Use Map identifies a few new mixed-use areas, where a diversity of housing types (e.g. townhomes, mixed use buildings, and condominiums) could be accommodated to meet the needs of first-time home buyers/renters and downsizing seniors looking to stay within the community.~~

**Figure 2-4, Future Land Use Map.**

## Proposed Implementation Strategies

Analysis of the existing Zoning Code and land use regulations revealed several issues relating to consistency, readability, and ease of enforcement. These issues were echoed by the Town's staff, land use board members, and the public during the public engagement process. This section identifies several areas where the zoning code and land use regulations can be updated.

- The existing Zoning Code is cumbersome in the way it is setup, making it confusing to interpret and difficult to implement. Suggested improvements for consideration:
  - Eliminate and consolidate some of the zoning districts. Several districts have substantially similar allowable uses and dimensional (bulk) regulations. Consider the following strategies:
    - **Commercial** Consolidate similar commercial zoning districts to streamline the provisions, improve readability, facilitate consistent implementation of the zoning code, and support economic growth.
    - **Residential** Rezone undersized residential parcels to reduce the number of pre-existing non-conforming single-family residential lots to lessen the burden on homeowners seeking to improve their residences.
      - Merge residential zoning districts consisting of fewer than three parcels with the immediately adjacent zoning district to increase consistency.
  - Restructure the use and bulk tables to improve readability and understanding of the specific district regulations. Also, consider adding new uses to existing zoning districts.
  - Consider deleting the deed-like descriptions of the zoning district boundaries within the text of the regulations; the boundaries are already established on the zoning map, and having them also detailed in the text increases the complexity and chances for inconsistencies in future amendments.
- Update the zoning districts, as well as allowable land uses and definitions, to recognize uses not previously addressed and assign appropriate performance standards where applicable.

#### **~~New zoning district:~~**

- **Mixed Use** ~~Mixed Use zoning districts are established and intended to foster a mutually supportive mix of compatible residential and nonresidential uses. By integrating multiple compatible uses, mixed used development reduces sprawl, auto-dependence, and infrastructure costs (including, fire and police department, sanitation and garbage collection, ambulances, and construction and maintenance of utilities and roadways), while supporting healthy, environmentally sustainable, pedestrian-oriented communities. The district emphasizes the streetscape experience through techniques such as discouraging (or prohibiting) parking areas in the front of buildings, and it is subject to flexible standards that encourage compact development at an appropriate scale and balance of uses to ensure that development is compatible with surrounding uses.~~





Regional examples of attached single-family dwellings © AKRF

**New land uses and definitions:**

**Residential**

Update regulations to support a diversity of housing options to ensure members of the community have access to quality housing. Under current regulations, residences generally fall into one of three broad categories: single family (attached and detached), two family, and multifamily, defined as having three or more dwelling units. Expanding housing types to include a greater variety of options, such as townhomes, can facilitate contextual housing development and meet local housing demand. In addition, a regulatory approach to allow more housing as of right would reduce the time and cost associated with new home construction. The parameters of integrating and regulating more diverse housing options would be established during the development of the local law:

**Garden townhome**

A row house that shares at least one wall with adjacent units and exists on its own lot. Garden townhomes have modest lot coverage of not more than 25-35 percent to preserve open space. The open space may be natural or landscaped, active or passive, open to the public or limited to residents. Akin to cluster style development, garden townhomes provide for enhanced stormwater management for reduced flooding (through less impervious surfaces), decrease infrastructure strain, conserve natural and scenic space, and foster social communities.

Regional example of garden townhome development © AKRF



- Update the Route 303 Overlay District for clarity, enforcement, and to minimize variance requests.
  - In line with the Legislative Intent outlined in the Town’s Zoning Code,<sup>17</sup> target identified commercial, strip style developments for retrofitting with mixed-use and “missing middle” housing, both of which facilitate walkable, environmentally sustainable development.
    - ~~Missing middle housing includes a range of multi-unit housing that are compatible in scale with traditional single-family homes, help meet the growing demand for walkable neighborhoods, and help address the housing shortage.<sup>18</sup> The locations and standards applicable to missing middle housing would be established during the development of the local law.~~
    - Public feedback provided support for redeveloping strip malls, particularly with mixed-use developments; however, common concerns were for design standards and strain on infrastructure. Consider requiring increased design, façade, and landscaping standards on redevelopments and new developments, as well as contributing to upgrades for existing infrastructure. Identified commercial interchanges:
      - Oak Tree Road/Tappan
      - Orangeburg Road/Orangeburg
      - Erie Street/Blauvelt
  - Consider adding other auto-oriented uses (e.g., drive-through facilities) to the list of prohibited uses in § 13.10.B (6), particularly on sites that abut residential areas; consider requiring a pedestrian/bicyclist-only entrance from the side streets.

<sup>17</sup> See § 13.5.

<sup>18</sup> The housing shortage is particularly acute in Rockland County, which has both the highest rate of rent-burdened tenants in the metro area (59% as of 2017) and among the lowest housing production rates in the country.

Regional example of modern townhomes © AKRF



- Minimize variance requests. Variances provide relief to property owners who seek to use their property in a way not permitted by the regulations, either because the desired land use is not permitted, or because the physical building and/or lot do not meet the minimum or maximum bulk (dimensional) standards. If a particular land use becomes a frequent source of variance requests, it is an indication that the regulations should be updated to clarify that portion of the Zoning Code. Similarly, when stringent dimensional standards hinder favorable development because of the need for variances, this indicates that the dimensional standards should be updated.

**- Warehouses and distribution center**

The ban on “[r]etail warehouse uses including mini-storage uses and distribution centers...in excess of 65,000 square feet” within the Overlay District has been a source of confusion and the subject of variance requests and appeals, specifically, on the issue of whether the ban applies to all distribution warehouses (retail and wholesale), or if the ban is limited to only retail warehouses and distribution centers. To resolve this ambiguity and clearly address the community concern, the text of the Overlay District should be amended to clearly differentiate between different types of warehouses and distribution centers, specify which types are permitted, and establish performance standards to address residents’ concerns.<sup>19</sup>

Discuss?

**- Constrained redevelopment**

Within the Overlay District, certain sites may be in technical compliance with the required dimensional standards but may not meet the aspirational redevelopment goals of the Overlay District. Yet, redevelopment on these sites is constrained because of their relatively small lot sizes, which makes it infeasible or impossible to fit the new structures and desired features and still comply with the required setbacks and other dimensional standards. In these cases, property owners would have to obtain variances to proceed, which discourages and hinders redevelopment – even redevelopment that is desirable and in line with the goals of the Overlay District. Therefore, to reduce the need for variances and encourage favorable redevelopment, the dimensional standards in the Overlay District should be loosened.

- As a complementary technique, retrofitting is an approach to upgrade, without necessarily redeveloping, existing developments by integrating enhanced features such as landscaping, bicycle/pedestrian pathways, seating areas, environmental protections, and general aesthetic updates.

**- Update nuisance regulations to improve resident quality of life.**

- Review minimum buffer requirements between commercial and residential uses; effective buffers are not necessarily wide, but dense, to enhance visual quality (and provide screens when necessary), reduce noise, and enhance environmental sustainability; they should be planted with mixed, native vegetative, hearty species with sufficient size and density and regularly supplemented with new plantings.

<sup>19</sup> The ban is referenced in two sections of the Code: § 13.10.B.5., Nonresidential areas, quoted above, and § 15.5.J, Legislative intent, which states that: “particular types of retail and retail warehouse uses shall be prohibited, pursuant to § 13.10.” To implement the recommended change, both sections of the Code would need to be updated to differentiate between permitted and prohibited types of warehouses.

- Review noise, light, and odor regulations, and increase enforcement of existing provisions. Consider restricting truck deliveries and loud machinery uses to certain hours. Residents report that noise and odors issues have gotten worse as facilities are allowed to expand but nuisance regulations are not enforced to protect residents. In particular, residents expressed concern about recycling facilities with odors that travel as far as half a mile away.
- Establish regulations to govern short-term housing rentals and the commercial use of residential properties. In particular, the short term rental of residential swimming pools should be prohibited.



Regional example of senior living apartments on a major road © AKRF

- ~~Where appropriate, update the Zoning Map and Code to create transitional districts between hamlet centers and suburban neighborhoods. Transitional districts take into account the character and scale of the areas on either side of it. Generally, the scale of buildings decreases as you move (or transition) from a higher density downtown to a lower density residential neighborhood.~~
- ~~Mixed-use districts, which integrate townhome and apartment housing types with retail spaces, are a natural way to transition between residential and commercial shopping areas. Buildings in mixed-use districts may include shops, restaurants, or offices on the ground floor and apartments on the upper floors. Typical housing types in mixed-use districts include townhomes, low-rise apartments, and live-work buildings. These housing types are sometimes referred to as the “missing middle” because they sit in the middle of the spectrum between detached single-family homes and multi-family homes in terms~~

~~of scale, as well as number of units and often, affordability.<sup>20</sup> In addition to providing more housing diversity, missing middle housing supports locally serving retail and public transportation options. Missing middle housing fits well among single-family homes, or alongside single-family areas where it can form a transition to the downtown. Public feedback emphasized that, in addition to the array of housing construction styles, mixed-use districts are particularly suitable for senior housing owing to their walkability and access to services and public transit. The details, including location, restrictions, and standards for transitional districts would be established during the development of the local law.~~

- Establish performance standards within the Town’s Zoning Code to mitigate traffic impacts.
- Update the Zoning Code to include design guidelines and protections for rural and scenic roadways.
- Review flexible/conservation subdivision regulations.
- Consider establishing a maximum height of three stories in downtown areas.
- Update the Tree Preservation Code to regulate the removal of mature trees.
  - Details of the ordinance would be established during the development of the local law. However, it is anticipated that the removal of dead, dying, or invasive species would be exempt from the tree preservation ordinance.
- Review Special Permit and Conditional Use Permit Standards and update as necessary to address current uses and concerns. In particular, clarify and update the standards for warehouses and distribution centers.

<sup>20</sup> The term “missing” refers to the fact that this type of home construction has been largely illegal in the United States since the mid-1940s. “What is Missing Middle Housing?” 2022. <https://missing-middlehousing.com/about>.



Dewint House, Tappan. John Scott photographed this Edwin Dahlberg painting.  
Source: Nyack Library Local History Collection

## Vision, Goals, and Objectives

The vision, goals, and objectives related to historic preservation were developed based on an inventory of the existing historic preservation measures and public feedback. In the community survey, 64 percent of respondents indicated that the preservation of historic buildings and structures was an important or very important factor to consider in terms of future development.

### **Proposed Implementation Strategies**

The 2022 Comprehensive Plan goals include maintaining the Town's community and neighborhood character while balancing the need for growth and development and preserving history, open space, and hamlet center character, while promoting a diversity of housing options in appropriate neighborhoods to ensure members of the community have access to quality housing.



Downtown Pearl River © AKRF

# Existing Economic Development and Downtown Revitalization Strategies and Programs

## 2018 Pearl River TOD Opportunities Analysis

In 2018, the “Pearl River TOD Opportunities Analysis” (Pearl River Study) was submitted to the Town of Orangetown. The purpose of the Pearl River Study was to establish a downtown revitalization strategy for the hamlet of Pearl River. According to the Pearl River Study, key assets in Pearl River, which make it “uniquely positioned for physical and economic rejuvenation” include a relatively large downtown (for the area), a compact urban form comprised of a mix of uses, and rail connectivity to Secaucus Junction and New York City by way of the NJ Transit Pascack Valley line.

At the time of the Pearl River Study, it was observed that home sales and rental prices had been rising in the hamlet, especially for one-bedroom apartments. While restaurants and similar establishments continued to attract patrons to the downtown, “neighborhood-scale

## 2018 Pearl River TOD Opportunities Analysis



Pearl River © AKRF

retail offerings along Central Avenue had become smaller and less diverse” as they competed with nearby malls and societal shifts to e-commerce. In the decade preceding the Pearl River Study, “only minimal infrastructure improvements [were] implemented in the downtown core.”

The Pearl River Study included quantitative analysis of Pearl River’s demographics, economic and fiscal conditions, housing, and land use. It also, through a community workshop and other outreach efforts, explored desires of the local community, and community feedback was informative. Some strategies advanced by the community included:

- Encourage a greater diversity of entertainment, retail, and service establishments.
- Increase working opportunities downtown through office and co-working space which could assist in generating foot traffic.
- Attract more consumers to the hamlet by improving dated storefront facades, filling vacancies, beautifying lots and sidewalks, and adopting design standards.
- ~~Support locating higher density housing closer to the train station, while maintaining zoning and building code enforcement to preserve community character.~~
- Improve train service in the hamlet, including more frequent express service to New York City.
- Enhance the pedestrian experience by repairing existing sidewalks, creating new sidewalks, and installing traffic calming measures to improvement pedestrian and motorist safety.
- Enhance streetscapes with trees, landscaping, planters and outdoor seating.

~~The Study concluded that Pearl River was “well positioned physically and economically for downtown infill development, especially in an around its train station.” The Study’s land use assessment found that the “existing urban form around the train station could accommodate a greater mix of uses, higher intensity of land use, and taller buildings.”~~

## 2018 Orangetown Bike Study

The “Orangetown Bike Study: A Comprehensive Plan for a Safer and More Welcoming Cycling Environment on Orangetown’s Roads and Trails” (Bike Study), was presented to the Town Board in June 2018. The primary goal of the Bike Study was to create a community vision for the local cycling network, with a focus on connecting residents with local business districts and community facilities including schools, libraries, and parks.

The Bike Study included some limited recommendations regarding economic development and downtown revitalization. It discussed the “Bike Friendly New York”<sup>11</sup> program as a method of connecting the local business community to cyclists, and improving the experience for Orangetown residents and visitors who wish to dine, shop, travel, or make other trips by bike. Launched in 2017 by Parks & Trails New York, a statewide advocacy organization for parks and trails, the Bike Friendly New York program awards certification to businesses in New York State that fulfill certain eligibility requirements and offer specified bicycle-friendly amenities that demonstrate support for cyclists. As explained by Parks & Trails New York, “[t]he purpose of the Bike Friendly New York program is to recognize

11 <https://www.ptny.org/cycle-the-erie-canal/bikefriendly>



- Attract new businesses of varying types and sizes to broaden business offerings and protect the Town’s tax base.

The Town can create a more attractive environment for businesses in a variety of ways. Improvements to downtown connectivity, linking amenities, housing, retail options, and natural resources and open space would enhance the sense of place in the hamlet downtowns. Promotion of walking as an important mode of local circulation within the downtowns, and strengthening intermodal connections, would make it easier for pedestrians to travel within downtown areas, frequenting more businesses with ease, and between downtowns and other areas of the Town. Economic development initiatives to attract new businesses and broaden business offerings should be focused on placemaking strategies (discussed above) and improving quality of life for residents.

- Encourage infill development wherever possible to maintain the ‘feel’ and ‘character’ of the hamlet downtowns.

~~To facilitate infill development, the Town can develop an inventory of existing vacant properties, organizing the properties by type (e.g., professional offices, commercial businesses, strip mall, factory/manufacturing, warehousing, dining). This inventory can also identify underutilized parcels. Using this information, the Town can develop specific strategic plans for hamlets that are more receptive to commercial development. Orangeburg and Pearl River were the hamlets more receptive to commercial development than others, based on Public Survey responses (see **Figure 5-7**). Infill residential development could also be considered as part of a downtown revitalization strategy, as the housing data presented regarding vacancy (see **Table 5-9**) indicates there is low residential vacancy in the Town. Increased housing in downtown areas could also grow those local populations, further benefitting downtown businesses.~~

As **Figure 5-2** indicates, Orangetown’s older residents are aging in place. In response to that phenomenon, infill development could consider the development of facilities catering to the needs of that cohort of the population, which could include condominiums (for those individuals wishing to downsize), a senior center, a community center, and medical facilities.

open spaces, increase access to parks across the Town, and support the ecological function of open spaces in flood mitigation, carbon sequestration, and in providing wildlife habitat and biodiversity.

## Goal: Preserve the Town’s Natural Resources, Increase Access to Parks and Open Space, and Enhance their Ecological Role.

### Proposed Implementation Strategies and Actions

- Use cluster development and conservation easements to preserve large contiguous areas of open space and protect environmentally sensitive areas.

Discuss?

NYS Town Law Section 278 authorizes municipalities to approve cluster development. Cluster development is a type of subdivision in which typical zoning requirements are modified to allow an alternative “layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping.”<sup>7</sup> Development is clustered so that natural, scenic, or historic resources and environmentally sensitive sites are preserved. In exchange, developers are permitted to subdivide property in ways that deviate from the bulk and area requirements that would otherwise apply under the Zoning Code. Cluster development should be considered for development and redevelopment on large parcels to preserve and protect contiguous open space and safeguard environmentally sensitive areas.

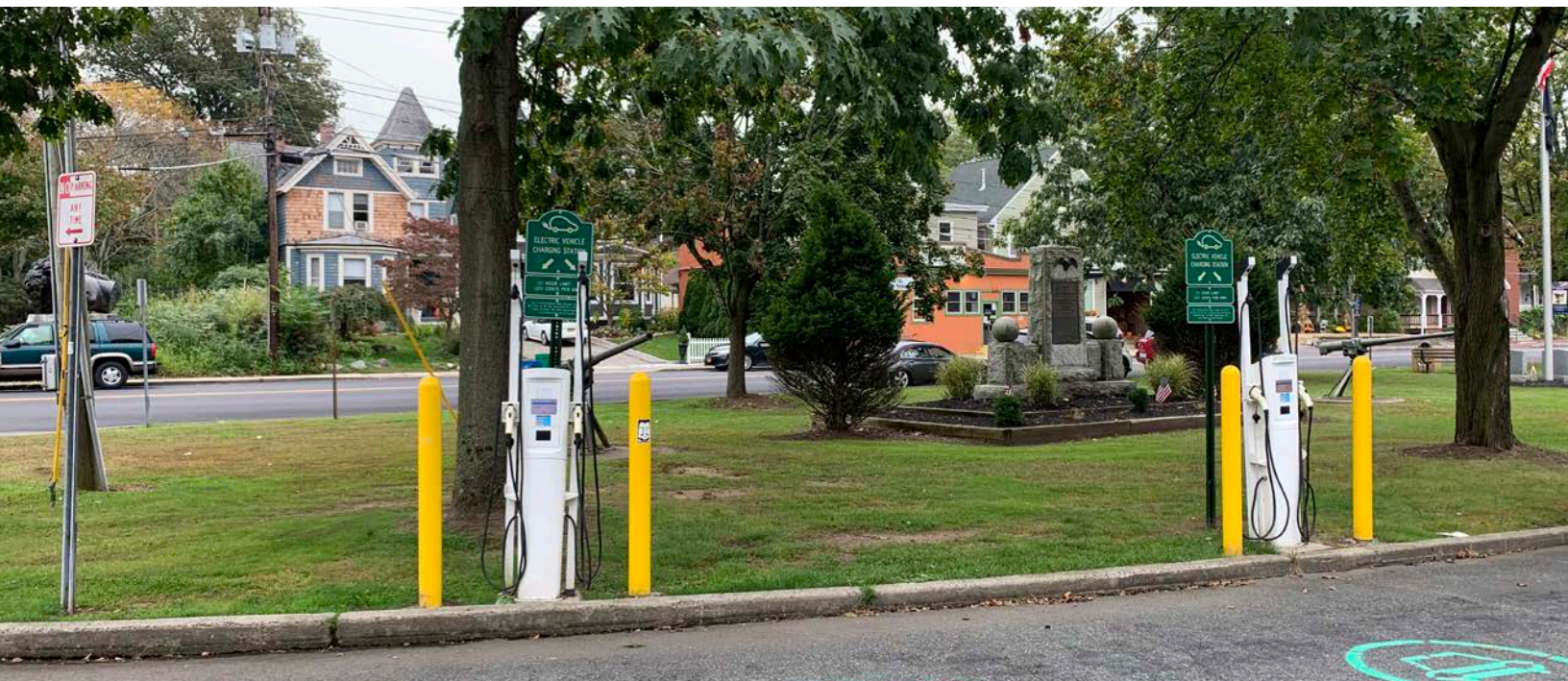
§21-7.1, Conservation Easements (created in 1999, amended in 2007), of the Town Code authorizes the Planning Board to require conservation easements on real property that is situated within environmentally sensitive and flood-prone areas. To enhance the maintenance and enforcement of conservation easements, the Town could consider establishing a Conservation Easement Program that annually monitors compliance, provides funding for private property owners who require financial assistance in maintaining the easements, and creates a program for active maintenance and stewardship of Town-held conservation easements.<sup>8</sup> In terms of ecological management, the Conservation Easement Program can guide the management of invasive species, native species, and pests within conservation easements. For instance, rather than following a tree preservation ordinance based on solely tree trunk diameter, guidelines can be introduced to promote preservation of native plant and tree species while allowing for the removal of harmful, invasive species. Through attentive monitoring and maintenance, conservation easements can be impactful in ameliorating environmental effects of climate change.

<sup>7</sup> Raines, P., Cluster Development and Policy (2017)

<sup>8</sup> Town of Gardiner (Ulster County, NY), “Town of Gardiner Open Space Commission: 2019 Annual Report”

- 2 Setting clear targets and providing timeline and guidelines for reducing GHG emissions.
- 3 Limiting truck traffic and deliveries during peak hours by incentivizing businesses to choose overnight or off-hour deliveries.
- 4 Rerouting truck traffic from residential areas and schools to major highways and roads.
- 5 Creating connected, safe and walkable communities with generous pedestrian infrastructure (sidewalks, crosswalks, pedestrian lights, landscaping), and public transportation (bus stops and shelters) on NY State Route 303 and throughout Orangetown.
- 6 Relocating commuter parking to existing developed areas with safe, sheltered bus stops to encourage the use of public transportation.
- 7 Encouraging the installation of electric vehicle (EV) charging stations in public areas.
- 8 Beginning with schools and businesses, advertising and enforcing efforts to limit the use of engine idling within the Town.
- 9 ~~Limiting the use of gasoline-powered leaf blowers.~~
- 10 Increasing resident participation in waste management programs such as the Town's Food Scraps Recycling Program.

EV charging stations in a Sparkill parking lot © MUD Workshop



- Limit the use of fossil fuels as a source of energy supply and encourage the use of green building technologies for new development projects and retrofits.

In 2012, Orangetown’s commercial sector produced 25.5 percent of the Town’s total GHG emissions, and the residential sector was responsible for 21.1 percent.<sup>69</sup> These commercial and residential sectors generated close to 50 percent of the Town’s GHG in order to fulfill heating, cooling, lighting, and other needs. As such, the Town should consider prioritizing renewable sources for electricity and encouraging green building technologies that would decrease overall residential and commercial energy usage. Green building technologies include but are not limited to adaptive reuse, green roofs, use of renewable energy, and energy-efficient appliances and heating/cooling systems, and can be used in new development sites and retrofitted for existing sites. The Town can consider updated energy supply and infrastructure as well as green building strategies, including:

- 1 Continue meeting NYSERDA benchmarks in order to qualify for future phases of the Rockland Community Power CCA program.
- 2 ~~Adopting the CCA's 100 percent NY sourced renewable electricity option as the default supply for Town residents and small business.~~
- 3 Building on the success of the Town's Community Choice Aggregation Program.
- 4 ~~Exploring efficient alternatives to the aging existing electrical grid infrastructure, which has limited ability to take advantage of modern technologies. These alternatives should promote micro grid Community Distributed Generation of electricity, such as Community Solar installations, as a means to both protect critical infrastructure and to lower the stress on the existing utility infrastructure. Leading upgrades and retrofits by updating all municipal buildings for high energy efficiency and switching 100 percent of energy supply to renewable sources. Incentivizing businesses and institutional buildings to follow.~~
- 5 **Encouraging** Requiring the use of green building technologies for heating and cooling for all new construction and redevelopment.
- 6 Continuing to enforce the recently adopted NYStretch Code for development, and improving the energy efficiency of building systems, including heating, cooling, and lighting.
- 7 Encouraging building performance code certifications such as Energy Star, LEED, and the Living Building Challenge for new construction over a certain size.

<sup>69</sup> NY Climate Smart Communities *Mid-Hudson Regional Greenhouse Gas Emissions Inventory*, Table 26. “Rockland County; Total Emissions by Municipality and Sector”.

Strategy	Action Item	Time Frame	Responsible Agency
<b>Land Use, Zoning, and Design</b>			
Update the zoning districts, as well as allowable land uses and definitions, to recognize and regulate uses not previously addressed.	<del>New district: Mixed-Use (for transitional areas)</del> <del>New residential uses: attached single-family residence and townhomes</del>	Short-Term	Town Board
	New commercial uses: standalone fitness center, media production facility and soundstage	Short-Term	Town Board
Add new permitted uses in LI/LO zoning districts which are already permitted in commercial districts	Additional permitted uses in LI/LO: <del>hotel and motel and</del> retail drug, dry goods and variety, food, hardware, stationary, and auto supply	Short-Term	Town Board
Update the Rt 303 Overlay District	Add other auto-oriented uses (e.g., drive-through facilities) to the list of prohibited uses in § 13.10.B (6), particularly on sites that abut residential areas; consider requiring a pedestrian/ bicyclist-only entrance from the side streets.	Short-Term	Town Board
	<del>Target identified commercial, strip style developments for retrofitting, mixed-use and “missing middle” housing, both of which facilitate walkable, environmentally sustainable development that serve as transitions between commercial areas and single-family neighborhoods.</del> Consider requiring increased design, façade, and landscaping standards for new and redevelopments, as well as requiring developers to contribute to infrastructure upgrades.	Medium-Term	
	Update relevant sections to differentiate between the different types of warehouse uses, and to establish performance standards to address resident concerns. Encourage new uses in the Overlay District, including “clean and green” uses such as indoor greenhouses and vertical farms.	Short-Term	
	Increase flexibility of dimensional standards (minimum lot size, setbacks, FAR) to allow for favorable redevelopment without the need for variances; explore retrofitting options for constrained sites.	Short-Term	
Update nuisance regulations and increase enforcement.	Increase minimum buffer requirements for dense, hearty, and mixed vegetation. Reevaluate existing uses for compliance for nuisance regulations, particularly for noise and odors along the Rt. 303 corridor.	Medium-Term	Town Board

Strategy	Action Item	Time Frame	Responsible Agency
<b>Land Use, Zoning, and Design</b>			
Create environmental protection ordinances	Wetlands protection ordinance; Steep slopes and ridgeline protection ordinance.	Medium-Term	Town Board
<del>Update the zoning map and code to create transitional districts between hamlet centers and suburban neighborhoods</del>	<del>Establish and encourage mixed-use districts, which integrate townhome and “missing middle” housing with retail spaces; these districts are a natural way to transition between residential and commercial, shopping areas. (See Future Land Use Map)</del>	Short-Term	Town Board

**Community Character and Historic Resources**

Protect historic resources	Maintain existing local preservation tools.	Short-Term	Town Board
	Develop designation criteria for Historic Areas	Medium-Term	Historical Areas Board of Review
	Develop design guidelines and performance standards	Long-Term	Historical Areas Board of Review
	Publish online an inventory of locally-designated historic roads	Short-Term	Town Board
	Consider individual landmark protections	Medium-Term	
	Survey Orangetown's historic buildings and structures	Short-Term	
	Consider joining the CLG Program	Long-Term	

Strategy	Action Item	Time Frame	Responsible Agency
<b>Economic Development and Downtown Revitalization</b>			
Encourage small businesses that add to the vitality of hamlet centers by providing cultural, recreational, and entertainment amenities desired by the community	To attract businesses to Orangetown’s hamlet centers, the Town could undertake a marketing campaign to showcase the Town as a unique place to live, work, visit, and explore. The campaign should encourage business development equally across the Town.	Medium-Term	Town Board
	<del>The Town could consider some increases in density in downtown areas, and the development of transit-oriented districts.</del>		
	Establish procedure to meet with potential property buyers and developers at pre-application meetings, to advise on potential uses that meet zoning designations.		
Establish a local development corporation (LDC)	The Town Board and Planning Board, with the assistance of the Town Attorney, should determine the feasibility of establishing an LDC in Orangetown.	Medium-Term	Town Board and Planning Board
	In addition to considering creation of an LDC, the Town should connect with the Rockland Economic Development Corporation (REDC) or the Rockland County Industrial Development Agency (IDA) to facilitate redevelopment projects.		
Create an Orangetown Economic Development Plan (EDC)	Explore creation of a new Town department (or identify appropriate existing Town department) that would establish, implement, and monitor an EDC for Orangetown. Conduct public outreach to establish economic development goals and strategies for the Town based on citizen and business-owner feedback.	Short-Term	Town Board, Planning Board, and Supervisor’s Office
		Medium-Term	
Attract new businesses of varying types and sizes to broaden business offerings and protect the Town’s tax base	Undertake improvements to downtown connectivity, linking amenities, housing, retail options, and natural resources and open space, to enhance the sense of place in the hamlet downtowns. Promote walking within the downtowns and strengthen intermodal connections.	Long-Term	Town Board, with assistance from Parks and Recreation and Highway Departments
	Encourage uses that include clean industry and data centers, which could be facilitated by the implementation of a floating zone. This could be applied to the Town-owned areas of the Rockland County Psych Center.		

Strategy	Action Item	Time Frame	Responsible Agency
<b>Sustainability and Climate Resiliency</b>			
Reduce carbon emissions and promote healthier air quality.	Create and enforce new regulations including those to: (1) limit air pollution from light industrial areas; (2) limit truck traffic and deliveries during peak hours; (3) reroute truck traffic from residential areas and schools to major highways and roads; and (4) ban the use of gasoline-powered gardening equipment.	Medium-Term	Planning Board
<del>Limit the use of fossil fuels as a source of energy supply and</del> encourage the use of green building technologies for new development projects and retrofits.			
Enforce Orangetown Code Section 4.27 to limit light pollution.	Undertake public outreach to promote awareness of negative impacts of light pollution, and methods to reduce it. Consider revisions to Town Code to ensure stricter enforcement, and by limiting light pollution indicated on building applications through the ACABOR board.	Short-Term	Planning Board



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

-----X  
IN THE MATTER OF THE  
PETITION OF  
ULSTER HEIGHTS  
PROPERTIES, INC.  
AMENDMENT TO THE ZONING ORDINANCE  
OF THE TOWN OF ORANGETOWN FROM AN  
"CO" DISTRICT TO AN "CS" DISTRICT  
-----X

PETITION

TO THE TOWN BOARD OF  
THE TOWN OF ORANGETOWN

The undersigned petitioner respectfully petitions your Honorable Board as follows:

FIRST:

ULSTER HEIGHTS PROPERTIES, INC. whose principal place of business is located at 60 Dutch Hill Road, Orangeburg, NY 10962, are the owners of properties located at 60 Dutch Hill Road in the hamlet of Orangeburg, more particularly bounded and described in Addendum "A" annexed hereto.

SECOND:

The properties described in Addendum "A" are known and designated on the Tax Map of the Town of Orangetown as:

<u>Section</u>	<u>Block</u>	<u>Lot</u>
74.10	1	70

THIRD:

Annexed hereto and marked Exhibit "A" is a copy of the Vicinity and Zoning Area Map; Exhibit "B" is a copy of the Tax Lots which are the subject of the Petition and of the surrounding parcels.

FOURTH:

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

FIFTH:

That the properties which are the subject of this Petition comprise approximately 2.40 acres.

SIXTH:

Said properties are presently zoned "CO".

SEVENTH:

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 and shown in Exhibit "B," in a "CS" Zoning District which would allow the development of uniform commercial development under the requirements of that zone.

EIGHTH:

That said proposed change would be compatible with the present and proposed uses of the adjoining and neighboring properties. Further, this would be the most practical way, economically and beneficially, in which the property could be utilized.

NINTH:

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

(a) the development of the property under an “CS” Zone would establish a uniform tax ratable for the Town of Orangetown;

(b) the development of the property under an “CS” Zone would fill a need for the residents of the Town of Orangetown;

(c) the development of the property under an “CS” Zone would be consistent with the general character of the immediate area surrounding the subject premises, which is principally commercial.

(d) 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 owners.

TENTH:

That the parcel which is the subject of this Petition can best be developed under the proposed “CS” Zone.

ELEVENTH:

That the subject premises are within 500 feet of any of the following:

(a) any right-of-way of an interstate expressway;

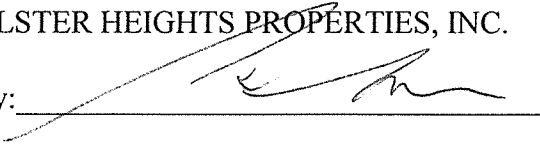
(b) any county or state owned land on which a public building or institution is situated.

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: 5/22/23

Respectfully submitted,

ULSTER HEIGHTS PROPERTIES, INC.

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

## **ADDENDUM “A”**

Addendum "A"

TAX LOT 74.10-1-70

BEGINNING at a point on the westerly side of Dutch Hill Road at the intersection of the southerly side of Orangeburg Road;

RUNNING THENCE southerly along the westerly side of Dutch Hill Road on a curve to the right having a radius of 5,679.65 a distance of 412.84 feet to lands now or formerly of lands of Dutch Hill Equities LLC;

RUNNING THENCE along the same South  $79^{\circ}40'48''$ W, 233.16 feet to the lands now or formerly of Palisades Interstate Parkway;

RUNNING THENCE along said lands the following courses and distances:

- 1) North  $12^{\circ}44'37''$ West, 291.50 feet;
- 2) North  $23^{\circ}00'37''$ East, 125.04 feet;
- 3) North  $63^{\circ}57'18''$ East, 79.37 feet
- 4) North  $83^{\circ}04'50''$ East, 166.22 feet to the point and place of BEGINNING.

## **ADDENDUM “B”**

ADDENDUM B

ULSTER HEIGHTS PROPERTIES, INC.

REPUTED OWNERS WITHIN 500 FEET

<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>	<u>OWNER/MAILING ADDRESS</u>
74.10	1	3	Gokhan Civi 116 S. Parkway Drive Orangeburg, NY 10962
74.20	1	20	Michael Hagopian 120 Parkway Drive S. Orangeburg, NY 10962
74.10	1	21	Mitchell M. Levinson 124 Parkway Drive S. Orangeburg, NY 10962
74.10	1	22	Clifford L. Shaffer 128 Parkway Drive S. Orangeburg, NY 10962
74.10	1	23	Carlos Barahona 132 S. Parkway Drive Orangeburg, NY 10962
74.10	1	24	Karen C. McNee 18 Pvt. Del Regno Ct. Blauvelt, NY 10913
74.10	1	25	Bartholomew R. Foley 42 Dutch Hill Road Orangeburg, NY 10962
74.10	1	26	Town of Orangetown 26 Orangeburg Road Orangeburg, NY 10962
74.10	1	27	Orangeburg Fire District Peter W. Byrne 61 Dutch Hill Road Orangeburg, NY 10962



ADDENDUM B

ULSTER HEIGHTS PROPERTIES, INC.

REPUTED OWNERS WITHIN 500 FEET

<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>	<u>OWNER/MAILING ADDRESS</u>
74.10	1	43	Reinaldo Lopez 9 Oak Street Orangeburg, NY 10962
74.10	1	44	Salvatore Iodice 738 West Nyack Road West Nyack, NY 10994
74.10	1	45	Richard Sarubbi 5 Oak Street Orangeburg, NY 10962
74.10	1	46	Eric Whelan 3 Oak Street Orangeburg, NY 10962
74.10	1	47	Mini Jacob 33 Ravenna Drive Pomona, NY 10970
74.10	1	48	Eric Santos 43 Highview Ave Orangeburg, NY 10962
74.10	1	49	Diane Ramalho 47 Highview Ave. Orangeburg, NY 10962
74.10	1	50	Theresa M. Mc Ternan 55 Highview Ave. Orangeburg, NY 10962
74.10	1	51	Hector Flores 2 E. Cortwood Road Orangeburg, NY 10962

ADDENDUM B

ULSTER HEIGHTS PROPERTIES, INC.

REPUTED OWNERS WITHIN 500 FEET

<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>	<u>OWNER/MAILING ADDRESS</u>
74.10	1	58	Michele C. Lynn E. 704 <sup>th</sup> Street Orangeburg, NY 10962
74.10	1	60	Anna C. Sporri 68 Highview Ave Orangeburg, NY 10962
74.10	1	61	Tindalo R A Adaniel 64 Highview Ave. Orangeburg, NY 10962
74.10	1	62	Mario Taveras 60 Highview Ave. Orangeburg, NY 10962
741.10	1	63	Mohammed Sadat 24 Glenside Drive New City, NY 10956
74.10	1	64	Highview Associates Inc. 67 Highview Ave. Orangeburg, NY 10962
74.10	1	65	Karen M. Ansell 71 Highview Ave. Orangeburg, NY 10962
74.10	1	66	Jarco Realty Co. 95 Dutch Hill Rd. Orangeburg, NY 10962
74.10	1	67	UB Orangeburg LLC 321 Railroad Ave. Greenwich, CT 06830

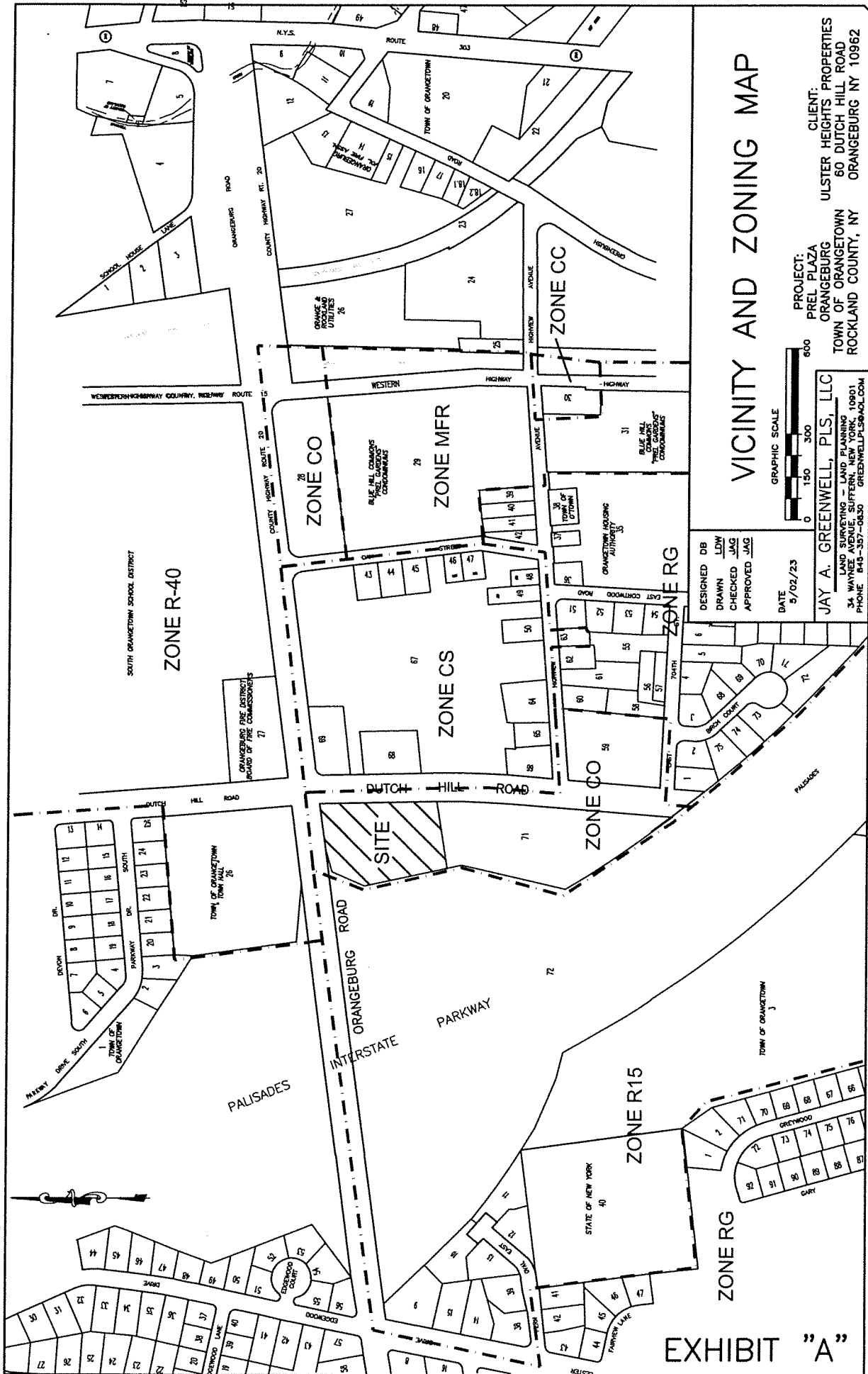
ADDENDUM B

ULSTER HEIGHTS PROPERTIES, INC.

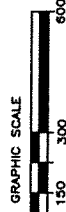
REPUTED OWNERS WITHIN 500 FEET

<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>	<u>OWNER/MAILING ADDRESS</u>
74.10	1	68	BBHL LLC 60 Dutch Hill Road, Ste 11 Orangeburg, NY 10962
74.10	1	69	BBHL LLC 60 Dutch Hill Road, Ste 11 Orangeburg, NY 10962
74.10	1	71	Dutch Hill Equities P.O. Box 841 Monsey, NY 10952

**EXHIBIT “A”**



# VICINITY AND ZONING MAP



PROJECT: PREL PLAZA  
 CLIENT: ULSTER HEIGHTS PROPERTIES  
 60 DUTCH HILL ROAD  
 TOWN OF ORANGETOWN  
 ROCKLAND COUNTY, NY ORANGETOWN NY 10962

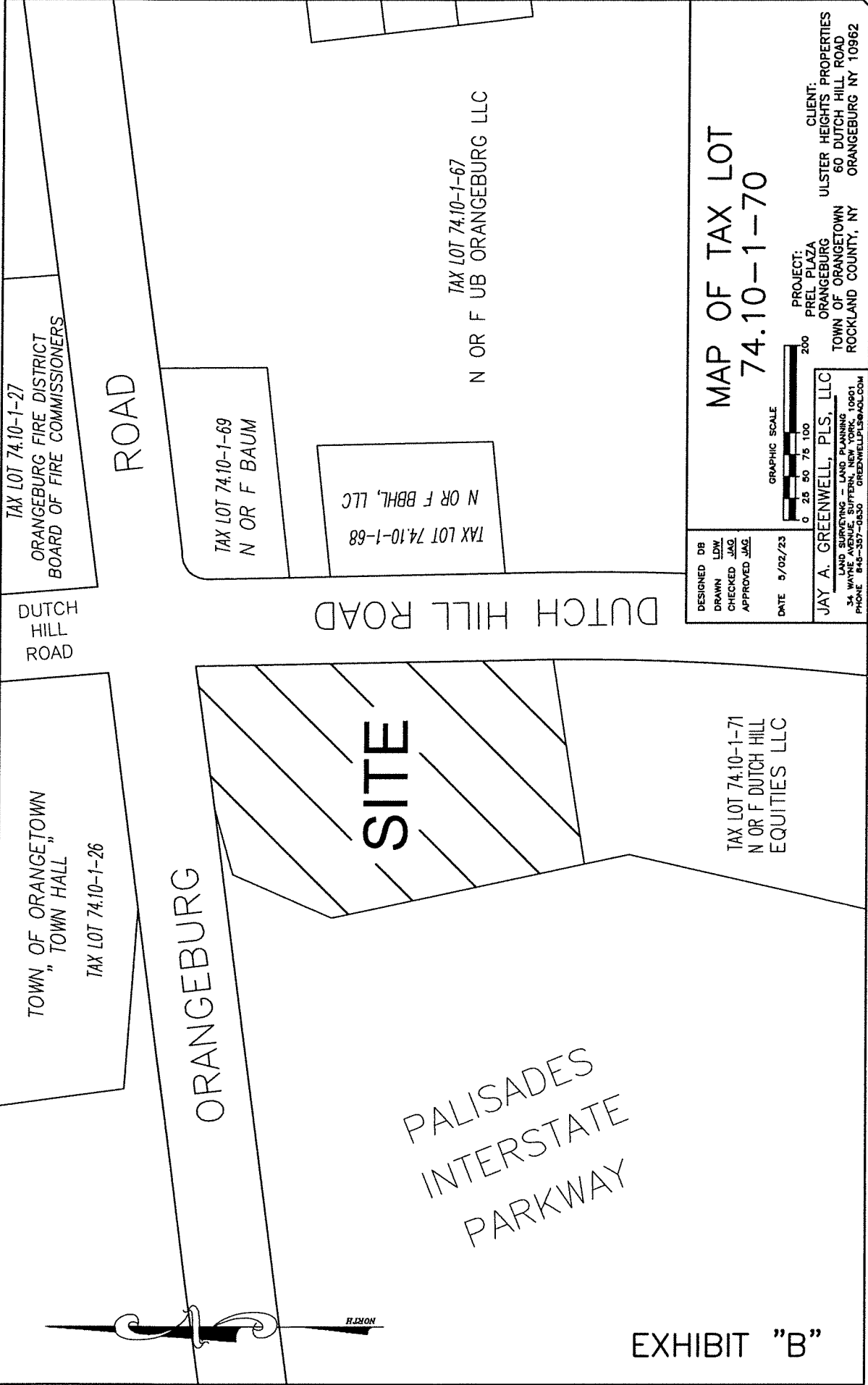
DESIGNED DB  
 DRAWN LDW  
 CHECKED JAG  
 APPROVED JAG

DATE 5/02/23

JAY A. GREENWELL, PLS, LLC  
 LAND SURVEYING - LAND PLANNING  
 34 WAYNE AVENUE, SUITE 100, NEW YORK, NY 10001  
 PHONE 845-357-0630 GREENWELLPLS@AOL.COM

EXHIBIT "A"

## **EXHIBIT “B”**



TAX LOT 74.10-1-27  
ORANGEBURG FIRE DISTRICT  
BOARD OF FIRE COMMISSIONERS

DUTCH  
HILL  
ROAD

TOWN OF ORANGETOWN  
" TOWN HALL "

TAX LOT 74.10-1-26

ORANGEBURG

ROAD

TAX LOT 74.10-1-69  
N OR F BAUM

TAX LOT 74.10-1-68  
N OR F BBHL, LLC

TAX LOT 74.10-1-67  
N OR F UB ORANGEBURG LLC

DUTCH HILL ROAD

**SITE**

TAX LOT 74.10-1-71  
N OR F DUTCH HILL  
EQUITIES LLC

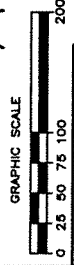
PALISADES  
INTERSTATE  
PARKWAY



**MAP OF TAX LOT  
74.10-1-70**

DESIGNED DB  
DRAWN LDW  
CHECKED JAG  
APPROVED JAG

DATE 5/02/23



JAY A. GREENWELL, PLS, LLC  
LAND SURVEYING - LAND PLANNING  
34 WAYNE AVENUE, SUFFERN, NEW YORK 10901  
PHONE 845-337-9030 GREENWELLPLS@GMAIL.COM

PROJECT:  
PREL PLAZA  
ORANGEBURG  
TOWN OF ORANGETOWN  
ROCKLAND COUNTY, NY

CLIENT:  
ULSTER HEIGHTS PROPERTIES  
60 DUTCH HILL ROAD  
ORANGEBURG NY 10962

**EXHIBIT "B"**

# **FULL ENVIROMENTAL 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: ULSTER HEIGHTS PROPERTIES INC		
Project Location (describe, and attach a general location map): 60 DUTCH HILL ROAD, ORANGEBURG, NEW YORK 10962		
Brief Description of Proposed Action (include purpose or need): SITE DESIGNATED AS SECTION 74.10, BLOCK 1, LOT 70 ON THE TOWN OF ORANGETOWN TAX MAPS. SITE HAS AN EXISTING BUILDING COMPLEX AND IS LOCATED ON 2.40 ACRES OF LAND.  THE PROPERTY WAS ORIGINALLY ZONED "CS" BUT WAS CHANGED TO "CO" CREATING A MIXED USAGE, WHICH STILL EXISTS. THE DEMAND FOR OFFICE SPACE IN THAT ZONE IS LIMITED AND THERE IS NEED FOR "CS" RENTALS.  THE PETIONER IS REQUESTING THE ZONE OF THIS PARCEL BE CLASSIFIED "CS".		
Name of Applicant/Sponsor: ULSTER HEIGHTS PROPERTIES, INC		Telephone: 845-538-5272
		E-Mail: IKetjnn@YAHOO.COM
Address: 60 DUTCH HILL ROAD		
City/PO: ORANGEBURG	State: NEW YORK	Zip Code: 10962
Project Contact (if not same as sponsor; give name and title/role): DONALD BRENNER, PE, LLP		Telephone: 845-359-2210
		E-Mail: BRENNERLAW@OPTONLINE.NET
Address: 4 INDEPENDENCE AVENUE,		
City/PO: TAPPAN	State: NEW YORK	Zip Code: 10983
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

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

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" 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):	
_____	
_____	
_____	

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? <u>EXISTING ZONE "CO" CHANGE TO "CS"</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? <u>"CS"</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? <u>SOUTH ORANGETOWN</u>	
b. What police or other public protection forces serve the project site? <u>ORANGETOWN POLICE DEPARTMENT</u>	
c. Which fire protection and emergency medical services serve the project site? <u>ORANGEBURG FIRE, SOUTH ORANGETOWN AMBULANCE</u>	
d. What parks serve the project site? <u>N/A</u>	

**D. Project Details**

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. 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	
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If No, anticipated period of construction: _____ months ii. If Yes: <ul style="list-style-type: none"> <li>• Total number of phases anticipated _____</li> <li>• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year</li> <li>• Anticipated completion date of final phase _____ month _____ year</li> <li>• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____</li> </ul>	

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	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

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: \_\_\_\_\_

ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**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  Yes  No

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: \_\_\_\_\_ 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: \_\_\_\_\_
- \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

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: \_\_\_\_\_ 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): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- 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: \_\_\_\_\_

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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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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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:
 

- How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)
- Describe types of new point sources. \_\_\_\_\_
- 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:
 

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

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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:
 

- 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
- In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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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): \_\_\_\_\_

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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 ½ 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

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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

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l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p>
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>_____</p> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>_____</p>



s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

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

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

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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: \_\_\_\_\_  
\_\_\_\_\_

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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): C344066, C344078, V00343  
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? \_\_\_\_\_ 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: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

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

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained: \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % 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 \_\_\_\_\_ Approximate Size \_\_\_\_\_
- 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: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> 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: <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> 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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> 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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> 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: Palisades Interstate Parkway

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

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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

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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: \_\_\_\_\_

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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.

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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.

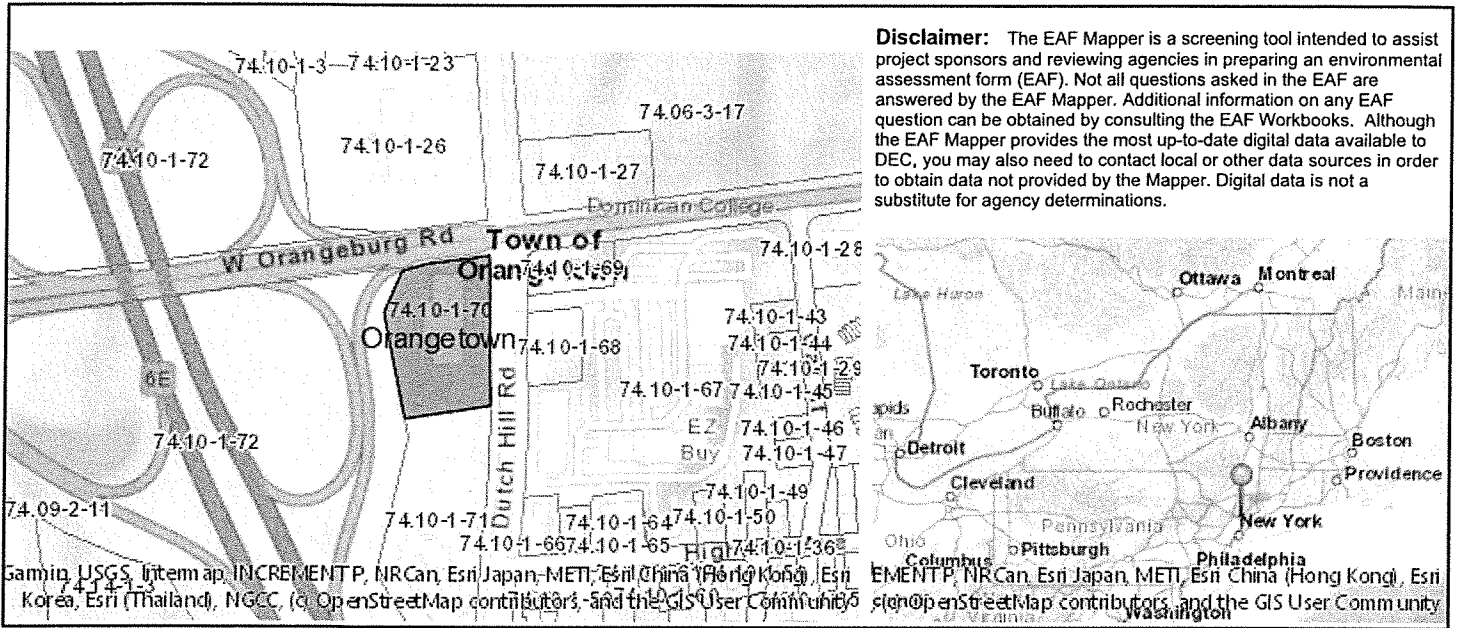
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Israel Tunkhwa Date 5/22/23

Signature  Title Secretary



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]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C344066, C344078, V00343
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

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]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Palisades Interstate Parkway
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

LOCAL LAW NO. \_\_\_\_ OF 2020 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
TOWN BOARD TO AMEND CHAPTER 43 ARTICLE IV §4.3(O)(iii)(h) OF THE TOWN  
CODE WITH RESPECT TO SPECIAL PERMITS FOR MIXED USE DEVELOPMENTS

Be it enacted by the Town Board of the Town of Orangetown as follows:

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

60 Dutch Hill Road, Orangeburg, New York (Tax Map Designation Section 74.10 Block 1 Lot 70) from the “CO” (Commercial Office) zoning district to the “CS” (Community Shopping) zoning district, which metes and bounds description is as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the Town of Orangeburg, County of Rockland and State of New York and being more accurately bounded and described as follows:

(To be provided)

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



## LICENSE AGREEMENT

This License Agreement is made as of the \_\_\_\_ day of June, 2023, between the TOWN OF ORANGETOWN, a municipal corporation with principal offices at Town Hall, 26 W. Orangeburg Road, Orangeburg, NY 10962 (“TOWN”), and SALONNIERE LLC, whose principal place of business is located at 79 South Broadway, Nyack, NY 10960 (“LICENSEE”).

### 1. DESCRIPTION AND LOCATION

The TOWN hereby grants to the LICENSEE, and LICENSEE hereby accepts from the TOWN, a license to operate a food service establishment (“the concession,” “concession stand” or “snack shack”) at the TOWN’s Veterans Memorial Park, located at 81 Hunt Road (between Blaisdell Road and Veterans Memorial Drive/West Orangeburg Road), in the hamlet of Orangeburg, in the Town of Orangetown, New York. Said food service establishment shall be limited to the exclusive right and privilege of purveying food and **non**-alcoholic beverages at the existing snack shack, and appurtenant areas, owned by the TOWN at Veterans Memorial Park (“Licensed Premises”); The LICENSEE may be permitted by the TOWN, in the absolute discretion of and with the prior written permission of the TOWN, to purvey food and **non**-alcoholic beverages within Veterans Memorial Park outside of the concession stand (e.g., use a snack cart). Unless prior written approval is granted by the TOWN, all purveying of food and beverages shall be made within the Licensed Premises, or upon the porches and patios appurtenant thereto, and no purveying shall be made in other areas.

### 2. TERM

(a) **The term of this License Agreement shall commence on the 1<sup>st</sup> day of July, 2023, and continue until the 30<sup>th</sup> day of June, 2024, with an option for the LICENSEE to renew this License Agreement for an additional one-year term, which one-year renewal option shall only be exercised, and become effective, with the consent of the TOWN, which consent shall not be unreasonably withheld; for the consideration of the License Fee set forth in ¶3 herein, to be paid by the LICENSEE to the TOWN.** Nothing herein contained shall be deemed or construed so as to create an automatic renewal of the Term of this License Agreement.

(b) During the term of this License Agreement, the performance of the LICENSEE shall be subject to review by the Town Board as to the operation of the concession and maintenance of the Licensed Premises. In the event of a finding by the Town Board of uncured breaches, defaults or violations by the LICENSEE, the Town Board shall have the right to revoke, terminate and/or cancel this License Agreement, subject to the provisions herein. LICENSEE shall be entitled to no less than ten (10) days notice of any breach, default or violation, with the right to cure within said ten (10) day period. In addition, even though the TOWN may elect to not pursue the said revocation, termination and/or cancellation of this License Agreement, based on breaches, defaults or violations by the LICENSEE, the notification (formal or informal, orally or written) to the LICENSEE, by the TOWN, of the existence of a breach, default or violation, shall be deemed reasonable grounds for the TOWN to withhold its consent to the LICENSEE’s exercising of the one-year renewal option.

(c) Regardless of the title of this Agreement as a “License Agreement,” and the copious references to the “LICENSEE,” “License,” “Licensed Premises,” etc., the parties acknowledge, understand and agree that this is a license **AT WILL OR BY SUFFERANCE**, and not a license nor a lease, and that **NO TENANCY OR LANDLORD-TENANT RELATIONSHIP EXISTS** between the TOWN and the LICENSEE; and this License Agreement is, therefore, revocable and/or terminable by the TOWN, at will, and the TOWN reserves the right to revoke, terminate and/or cancel this License Agreement whenever, in the discretion of the Town Board, the Town Board finds that the LICENSEE has failed to cure a breach,

default or violation of the License Agreement.

### 3. PAYMENT

The LICENSEE shall pay two hundred and fifty dollars (\$250.00) per month to the TOWN, as compensation to the TOWN for the LICENSEE's right and privilege of operating under this License Agreement ("License Fee"), which \$250.00 shall be paid by the fifteenth day of each and every month commencing by July 1, 2023.

### 4. MAINTENANCE OF LICENSED PREMISES

(a) LICENSEE shall keep and maintain the Licensed Premises, including all restrooms, in a clean, neat, attractive, sanitary, and orderly condition, including the fumigating, disinfecting and deodorizing of same; and including the removal, proper disposal and storage (before disposal) of garbage, waste and refuse, which shall be stored in adequate containers. The cost and expense of removal and disposal of garbage, waste and refuse shall be the sole responsibility of the LICENSEE.

(b) LICENSEE shall empty grease traps located in the Licensed Premises, and shall contract with an approved carter to remove and dispose of cooking grease from all grease dumpsters, and in accordance with all applicable State, County and Local Laws.

(c) The LICENSEE, upon the expiration, revocation or termination of the License Agreement, or upon LICENSEE's surrendering or vacating of possession/occupancy, shall return the Licensed Premises, and all of the Equipment, Tools, Machinery, Fixtures, Appliances and Utensils, owned by the TOWN, set forth in "Appendix 1" annexed hereto and made a part hereof ("TOWN-Owned Equipment"), in the same or better condition as when LICENSEE first entered into occupancy, except for normal wear and tear and any renovations or alterations made to the Licensed Premises with the TOWN's approval.

(d) LICENSEE agrees and acknowledges that LICENSEE was given ample and full opportunity to inspect the Licensed Premises, and agrees and acknowledges that all buildings, structures, land, improvements and appurtenances of the Licensed Premises, and all TOWN-Owned Equipment, are licensed by LICENSEE, and accepts all of same, in an "AS IS" condition, without warranty or representation by the TOWN, express or implied.

### 5. PERMITS

The LICENSEE, at its sole cost and expense, shall obtain and keep in effect all licenses and permits which shall be required by Federal, State, County and/or Local Law to operate the food and beverage service facilities and operations addressed in this License Agreement. Copies of all such licenses and permits shall be submitted to the TOWN's Superintendent of Parks, Recreation and Building Maintenance.

### 6. LICENSE AT WILL OR BY SUFFERANCE

(a) Regardless of the title of this Agreement as a "License Agreement," and the copious references to the "LICENSEE," "License," "Licensed Premises," etc., the parties acknowledge, understand and agree that this is a license **AT WILL OR BY SUFFERANCE**, and not a license nor a lease, and that **NO TENANCY OR LANDLORD-TENANT RELATIONSHIP EXISTS** between the TOWN and the LICENSEE; and this License Agreement is, therefore, revocable and/or terminable by the TOWN, at will, and the TOWN reserves the right to revoke, terminate and/or cancel this License Agreement whenever, in the discretion of the Town Board, the Town Board finds that the LICENSEE has failed to cure a breach, default or violation of the License Agreement.

(b) The LICENSEE agrees that it will make no changes or additions to the utility service and systems,

such as water, electricity, oil heat, natural gas and associated plumbing and wiring, nor changes in present fixtures or equipment, including kitchen fixtures and equipment, nor will LICENSEE install any type of electrical motor or electrical heating device in and upon the Licensed Premises, without prior written consent of the TOWN, which consent shall not be unreasonably withheld.

## 7. INSURANCE

(a) The LICENSEE shall not enter into or upon, or take possession or occupancy of, the Licensed Premises, until it has obtained all insurance policies and endorsements required under the following subparagraph, and until such policies of insurance have been approved by the TOWN, which consent shall not be unreasonably withheld.

(b) Workers' Compensation Insurance - The LICENSEE shall procure and maintain, during the Term of this License Agreement, Workers' Compensation Insurance for all of its officers, owners, members, employees, staff and agents, in coverage amounts and containing such endorsements in compliance with New York State laws, rules and regulations and naming the TOWN as an additional insured thereunder.

General Liability and Property Damage Insurance - The LICENSEE shall procure and maintain, during the Term of this License Agreement, such general liability and property damage insurance as shall protect LICENSEE and the Licensed Premises from claims for damages for personal injury, including accidental death, as well as from claims for property damage, which may arise from activities, performance or operations, or lack or failure thereof under this License Agreement. The coverage amounts of such insurance shall be as follows: General Liability Insurance in a general aggregate amount of not less than one million dollars (\$1,000,000.00), and not less than one million dollars (\$1,000,000.00) on account of any one occurrence.

Insurance Covering Special Hazards – The following special hazards shall be covered by a rider and/or riders to the policy and/or policies herein elsewhere required to be furnished by the LICENSEE, or by separate policies of insurance, in amounts as follows: Automobiles and Automobile Trucks – limits shall be the same as required under General Liability Insurance as hereinbefore specified.

(c) The LICENSEE shall, from the commencement of the term of the License Agreement and until completion, termination, revocation, cancellation or expiration thereof, or until the LICENSEE has completely vacated and surrendered the Licensed Premises, whichever comes later, maintain the aforesaid insurance policies for the protection of the LICENSEE and the TOWN, which policies shall be written by an insurance company (or companies) reasonably approved by the TOWN. The LICENSEE shall furnish copies of the insurance policies, or other customary documentation containing the essential terms of the policies (e.g., certificate of insurance), to the TOWN, which shall also state thereon that a full year's policy premium has been paid in advance. Each insurance policy and certificate of insurance shall name the TOWN as an additional insured in said policies, and have endorsed thereon:

“No cancellation of or change in the policy shall become effective until after ten (10) days' advance written notice to the Town Attorney, Town of Orangetown, 26 W. Orangeburg Road, Orangeburg, New York 10962.”

(d) If, at any time, any of the said insurance policies shall, in the reasonable judgment of the TOWN, become unsatisfactory to the TOWN as to form or substance, or if a company issuing any such policies shall become unsatisfactory to the TOWN, and notification is given to LICENSEE in writing of same, LICENSEE shall promptly procure a new insurance policy and submit proof of same to the TOWN for approval.

(f) The total amount of insurance coverage set forth in ¶23(b) herein may be increased by the TOWN during the term of this License Agreement, or any renewal option Term hereof, if reasonably deemed in the best interest of the TOWN.

(g) The TOWN may replace, at the sole cost and expense of LICENSEE, any and all broken glass in and about the Licensed Premises. LICENSEE shall insure, and keep insured, all glass in the Licensed Premises for and in the name of the TOWN. Damage and injury to the Licensed Premises, caused by the carelessness, recklessness, negligence or improper conduct on the part of LICENSEE, shall be repaired, restored or replaced as speedily as possible by the LICENSEE, at the LICENSEE's sole cost and expense.

## **8. DEFENSE, INDEMNIFICATION AND HOLD HARMLESS**

(a) Except as a result of the TOWN's own negligence, acts or omissions, the LICENSEE, in addition to any policies of insurance procured and maintained pursuant to this License Agreement, agrees to defend and indemnify the TOWN, and to hold the TOWN harmless, by reason of any claim, suit, action or cause of action, lawsuit or legal proceeding ("claim or suit"), regardless of origin or nature, arising out of the LICENSEE's performance, operation, carrying-out, execution or conducting of any aspect of this License Agreement, or associated activities or business, whether by violation of statute, law, ordinance, regulation, order or decree or common law liability or responsibility, and whether or not a negligent act or omission is claimed; and the LICENSEE agrees to pay the TOWN for defending such claim or suit, all costs, expenses and reasonable attorney's fees incurred therein, or, at the option of the TOWN, the LICENSEE shall, at the LICENSEE's own expense, defend any such claim or suit. Except as a result of the TOWN's own negligence, acts or omissions, the LICENSEE further agrees to defend and indemnify the TOWN, and hold the TOWN harmless, from and against all liability, liens, judgments, costs, claims, damages, costs and expenses of whatsoever kind, which may in any way be suffered by the TOWN, or which may accrue against, or be charged to, or recovered from, the TOWN, by reason, or in consequence, of the performance, execution or operation of, or as a result, or in consequence, of LICENSEE's implementation of this License Agreement, or for, or on account of, any act or thing done, or suffered or omitted to be done, under the authority, or supposed authority, of this License Agreement.

(b) The TOWN shall not be answerable, liable or responsible for any loss or damages that may happen to the Licensed Premises, or to any part thereof, or to any materials, equipment or other property that may be used therein, or placed upon the ground, during the performance, execution or operation of the License Agreement, except as a result of the TOWN's own negligence, acts or omissions. The TOWN shall not be answerable, liable or responsible for any injury or damages or compensation required to be paid, under any present or future law, to any persons whatsoever, or for loss or damages to any property, occurring during, or resulting from, the performance, execution or operation of the License Agreement; except as a result of the TOWN's own negligence, acts or omissions.

(c) The LICENSEE shall indemnify and defend the TOWN, and hold the TOWN harmless, against all injuries, losses damages and compensation arising out of, or resulting from, LICENSEE's performance, operation, carrying out, execution or conducting any aspect of this License Agreement, or associated activities or business, whether by violation of statute, law, ordinance, regulation, order or decree or common law liability or responsibility; except if arising out of, or resulting from, the TOWN's own negligence, acts or omissions.

## **9. VIOLATIONS, BREACHES AND DEFAULTS**

(a) Should the TOWN, in the discretion of the Town Board, determine that the LICENSEE is not operating, carrying-out or performing the License Agreement in compliance with any the terms and provisions hereof, the Town Board shall give the LICENSEE ten (10) days' notice to cure, in writing,

specifying in what manner the LICENSEE is not operating, carrying-out or performing, and/or the problems or conditions to be cured or corrected, which notice shall be delivered and/or sent to the LICENSEE. In the event this License Agreement is revoked, cancelled and/or terminated as aforesaid, all rights and privileges of the LICENSEE herein shall be forfeited without any claims for damages, compensation, refund of its investment, expenses or costs of improvements, if any, or any other claim whatsoever against the TOWN.

## **10. NOTICE**

Where provision is made herein for notice to be given in writing, the same shall be delivered and/or sent to the LICENSEE, either via hand-delivery at (by any practical means) and/or USPS First Class Mail to the LICENSEE's principal place of business (set forth in the first paragraph of this License Agreement) Town, and at or to the Licensed Premises, or by electronic mail if the Licensee has provided an electronic mail address to the TOWN; and delivered and/or sent to the TOWN via the same manner at or to TOWN Hall at the address set forth in the first paragraph of this License Agreement or via email to [Townclerk@orangetown.com](mailto:Townclerk@orangetown.com).

## **11. FIXTURES, FURNITURE AND EQUIPMENT**

The LICENSEE acknowledges and agrees that the TOWN is the owner of all furniture, furnishings, fixtures, equipment, machinery, appliances, apparatus and personal property (i.e., the TOWN-Owned Equipment) presently at the Licensed Premises, which TOWN-Owned Equipment consists solely of those items shown on the inventory sheet annexed hereto as "Appendix 1," and LICENSEE shall repair and maintain in satisfactory working condition, and be responsible for, all items listed on the annexed Appendix 1 (i.e., the TOWN-Owned Equipment), and shall surrender same to the TOWN in the same condition as they were at the commencement date of this License Agreement, reasonable wear and tear excepted, at the termination, revocation and/or cancellation of this License Agreement.

## **12. MISCELLANEOUS PROVISIONS**

(a) LICENSEE agrees to abide by and comply with all reasonable rules and regulations that the TOWN may, from time to time, issue or adopt for the care, protection, general welfare, health safety and comfort of the occupants and visitors of Veterans Memorial Park.

(b) The failure of the TOWN to insist upon the strict performance of any of the provisions, terms, promises, conditions and covenants herein shall not be deemed a waiver of any rights, privileges or remedies that the TOWN may have, and shall not be deemed a waiver of any subsequent breach, violation or default of any such provisions, terms, promises, conditions or covenants herein contained.

(c) If any term, provision, covenant, promise or condition of this License Agreement, or the application thereof to any circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this License Agreement shall not be affected thereby, and each remaining term, provision, covenant, promise and condition of this License Agreement shall be valid and remain in full force and effect.

(d) The TOWN agrees that it will not operate, or permit the operation of, another food and/or **non**-alcoholic beverage service or restaurant upon Veterans Memorial Park during the Term of this License Agreement (except that the TOWN may offer popcorn to park patrons during the TOWN's "Family Movie Night/Movie Night in the Park" events in the warmer seasons, and hot chocolate drinks and granola-type bars during the TOWN's "Santa Clause 5K Run" event in mid-December).

(e) Subject to rules and regulations of the TOWN, the TOWN grants to the LICENSEE the privilege of using the existing parking area at Veterans Memorial Park for patrons and employees of the LICENSEE, in conjunction with the use of said parking facilities by other persons using Veterans Memorial Park.

(f) This License Agreement shall be governed by, and construed in accordance with, the laws of the State of New York. The LICENSEE agrees to and accepts the provisions of §296 of NYS Executive Law.

**16. MODIFICATION**

This License Agreement contains the complete and entire agreement made between the TOWN and LICENSEE, and may not be modified, changed or revised orally or in any other manner other than by an agreement, in writing, signed by all of the parties or their respective successors in interest.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be signed by their respective authorized officers.

**SALONNIERE LLC – LICENSEE**

By: \_\_\_\_\_  
MARCELLA MAZZEO, Principal Member

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2023

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

**TOWN OF ORANGETOWN**

By: \_\_\_\_\_  
Teresa M. Kenny, Supervisor

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2023

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

**APPENDIX 1**

**TOWN-OWNED EQUIPMENT, TOOLS, MACHINERY, FIXTURES, APPLIANCES AND UTENSILS**

<u>DESCRIPTION</u>	<u>MANUFACTURER/BRAND</u>	<u>QUANTITY</u>
Stainless Steel Wall-Mounted Sink	Unknown	1
Cooking Hood with Integrated <i>Kidde</i> Fire Suppression System	<i>Kidde</i>	1
Wall-Mounted Air Conditioning Unit	New – to be installed by TOWN	1
<i>AC Smith</i> Water Heater (services restrooms and concession)	<i>AC Smith</i>	1
Fire Extinguisher	Unknown	1
Roll-Down Security Screen/Shutters	Unknown	1
Electrical Circuit Breaker Panel	Unknown	1



Job Number: \_\_\_\_\_

845-577-3324  
390 West Route 59 Spring Valley NY 10977 845-577-3319 Fax  
500 Route 208 Monroe NY 10950 845-783-5504 Fax  
71 Dolson Avenue Middletown NY 10940 845-342-8939 Fax

### Application for Outdoor Lighting

Please circle one: Mr. Mrs. Miss. Ms. Dr. Pres.

Applicant Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Billing Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Pole Number(s): \_\_\_\_\_

Account Number: \_\_\_\_\_ - \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_

Install: Streetlight(s) \_\_\_\_\_ Floodlight(s) \_\_\_\_\_ Power Bracket(s) \_\_\_\_\_

Luminaire Type	Watt	Delivery Charge*
5,800 sodium vapor	70	\$ _____
9,500 sodium vapor	100	\$ _____
16,000 sodium vapor	150	\$ _____
27,500 sodium vapor	250	\$ _____
46,000 sodium vapor	400	\$ _____
Other: _____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**\*Plus market supply charge, fuel adjustment charge and municipal tax where applicable.**

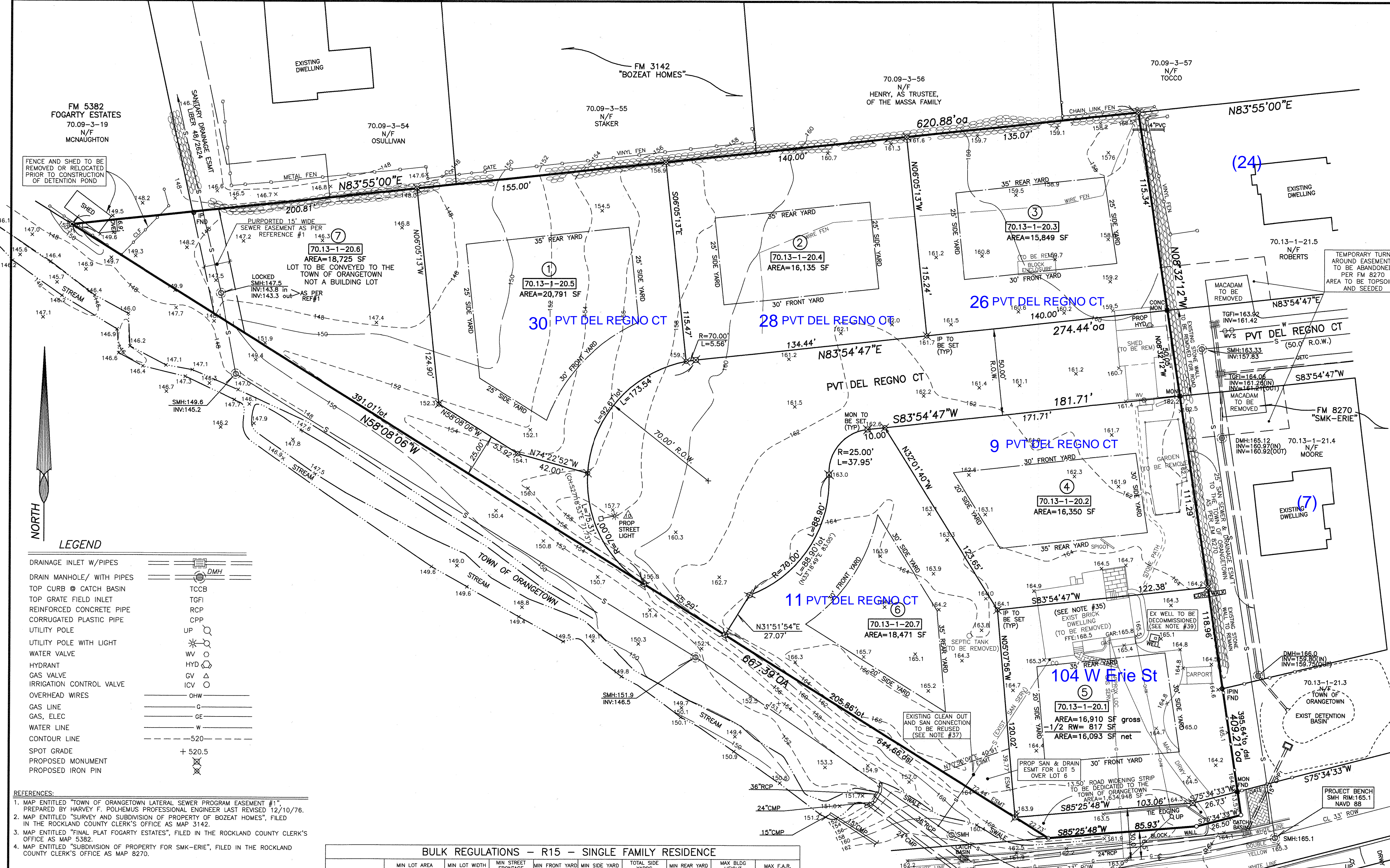
- 15 foot bracket, an additional \$.32 per month.
- Service is for an initial 12-month period.
- Lights will be installed only on Orange and Rockland poles.

In addition, a **one-time contribution** in the amount of \$\_\_\_\_\_ will be required to extend OH/URD facilities to the pole(s) listed and/or to install OH/URD poles.

If this proposal meets with your approval, please sign below and return or fax to my attention at the above location/fax number. If applicable, forward a check or money order made out to Orange and Rockland Utilities for the contribution amount stated above to my attention.

Applicant	Orange and Rockland Utilities
Signature: _____	Signature: _____
Name: _____	Name: _____
Date: _____	Date: _____





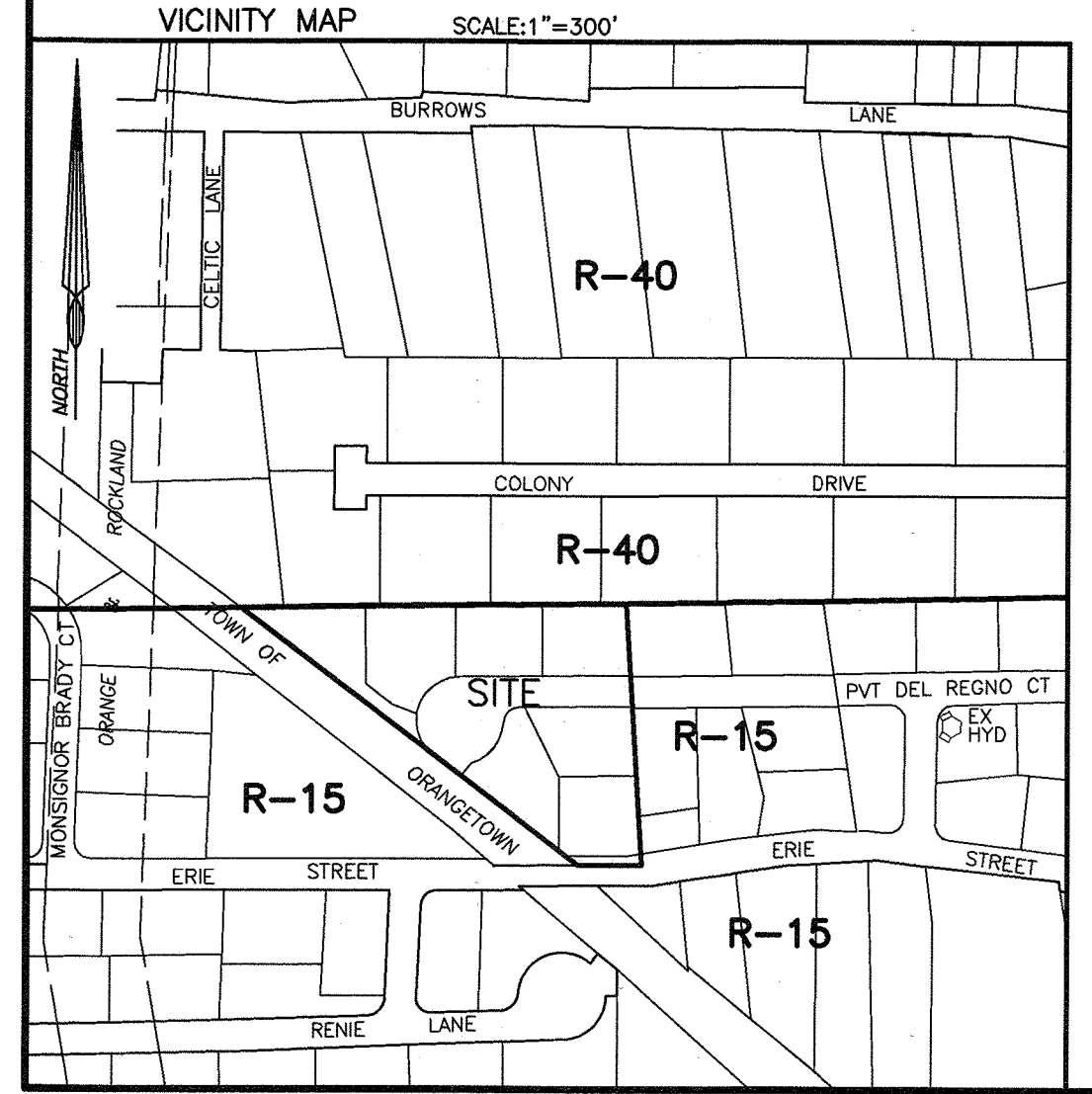
- SUBDIVISION NOTES:**
- THIS IS A SUBDIVISION OF TAX LOT 70.13-1-20 AS SHOWN ON THE TOWN OF ORANGETOWN TAX MAPS.
  - RECORD OWNER: SMK HOME BUILDERS, 24 WATERS EDGE, CONGERS, NY 10920
  - APPLICANT: SAME AS ABOVE
  - NUMBER OF LOTS: 1 EXISTING, 7 PROPOSED (ONE LOT TO BE CONVEYED TO THE TOWN OF ORANGETOWN)
  - AREA = 150,537 SF = 3.456 AC
  - ZONE: R-15
  - ALL UTILITIES, INCLUDING ELECTRIC AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND.
  - THIS PLAN DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK.
  - THIS PLAN IS SUBJECT TO DETAILS OF GRADING, ROADS AND UTILITIES AS SHOWN ON CONSTRUCTION PLANS APPROVED BY THE PLANNING BOARD AND FILED WITH THE TOWN CLERK. LOT DRAINAGE SHOWN ON SUCH PLANS SHALL CONSTITUTE EASEMENTS RUNNING WITH THE LAND & SHALL NOT BE DISTURBED.
  - ANY EXISTING UTILITIES (POLES, HYDRANTS, ETC.) AFFECTED BY CONSTRUCTION OF THIS SITE PLAN SHALL BE RELOCATED AT THE DEVELOPER'S EXPENSE PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
  - NO BUILDING PERMIT SHALL BE ISSUED UNTIL SITE PLANS HAVE BEEN APPROVED BY ACABOR AND/OR HARB.
  - NO BUILDING PERMIT SHALL BE ISSUED UNTIL RESULTS OF TEST PITS HAVE BEEN SUBMITTED TO THE BUILDING DEPT.
  - MONUMENTS ARE TO BE SET AT ALL CORNERS OF ORIGINAL PARCEL WHERE NOT OTHERWISE MARKED. ( SHOWN THUS: X )
  - WATER SUPPLY: SUEZ NY
  - DATUM: NAVD 83
  - NEW TAX LOT NUMBERS SHOWN THUS: 70.13-1-1
  - THE NEW CORNERS OF ALL LOTS SHALL BE MARKED WITH METAL RODS 3/4" IN DIAMETER & AT LEAST 30" IN LENGTH, TO BE INSTALLED AFTER FINAL GRADING.
  - ALL AREAS DISTURBED BY ON-SITE GRADING SHOULD BE LIMED AND FERTILIZED PRIOR TO SEEDING.
  - SIDEWALKS AND CURBS, WHERE REQUIRED, SHALL BE INSTALLED IN ACCORDANCE WITH HIGHWAY DEPT. SPECIFICATIONS. (SEE APPROVED GRADING, DRAINAGE, SOIL EROSION & UTILITY PLAN ON FILE WITH THE TOWN OF ORANGETOWN)
  - ALL SEWER CONNECTIONS SHALL BE APPROVED BY THE ORANGETOWN DEPT. OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING. THE TOWN OF ORANGETOWN SEWER INSPECTOR SHALL BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF ANY SANITARY SEWER WORK BEING PERFORMED.
  - THE APPLICANT'S ENGINEER SHALL PROVIDE A COPY OF THE FIELD PERC TEST TO THE TOWN OF ORANGETOWN DEPT. OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING (DEME) AND THE BUILDING DEPT. PRIOR TO THE SIGNING OF THE PLAN, TO ENSURE ADEQUACY OF DESIGNED DRAINAGE SYSTEM.
  - AT LEAST ONE WEEK PRIOR TO THE COMMENCEMENT OF ANY WORK, INCLUDING THE INSTALLATION OF EROSION CONTROL DEVICES OR THE REMOVAL OF TREES & VEGETATION, A PRE-CONSTRUCTION MEETING MUST BE HELD WITH THE TOWN OF ORANGETOWN DEPT. OF HIGHWAYS AND THE OFFICE OF BUILDING, ZONING & PLANNING ADMINISTRATION AND ANOTHER REPRESENTATIVE OF THE PROPERTY OWNER TO ARRANGE SUCH A MEETING.
  - PLANS COMPLY WITH STORMWATER MANAGEMENT PHASE II REGULATIONS.
  - ALL LANDSCAPING SHOWN ON THE SUBDIVISION PLANS SHALL BE MAINTAINED IN A VIGOROUS GROWING CONDITION THROUGHOUT THE DURATION OF THE USE OF THIS SITE. ANY PLANTS NOT SO MAINTAINED SHALL BE REPLACED WITH NEW PLANTS AT THE BEGINNING OF THE NEXT IMMEDIATELY FOLLOWING GROWING SEASON.
  - PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, INCLUDING THE REMOVAL OF TREES, THE APPLICANT SHALL INSTALL THE SOIL EROSION & SEDIMENTATION CONTROL AS REQUIRED BY THE PLANNING BOARD. PRIOR TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK, THE TOWN D.E.M. SHALL REQUIRE THE INSTALLATION OF ALL REQUIRED SOIL EROSION & SEDIMENTATION CONTROL MEASURES. THE APPLICANT SHALL CONTACT DEME AT LEAST 48 HOURS IN ADVANCE FOR AN INSPECTION.
  - NO BUILDING PERMIT WILL BE ISSUED UNTIL SEWAGE DISPOSAL ARRANGEMENTS HAVE BEEN APPROVED BY THE ROCKLAND COUNTY DEPT. OF HEALTH AND/OR THE TOWN OF ORANGETOWN.
  - SANITARY SEWER INFILTRATION & EXFILTRATION LIMIT IS 100 GALLONS PER INCH DIAMETER PER MILE PER DAY. CERTIFICATES OF OCCUPANCY MAY NOT BE REQUESTED, NOR ANY OCCUPANCY PERMITTED, UNTIL A CERTIFICATE OF COMPLIANCE CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER IS SUBMITTED TO AND APPROVED BY THE TOWN OF ORANGETOWN. COPIES OF THIS CERTIFICATE SHOULD ALSO BE SENT TO THE ROCKLAND COUNTY DEPARTMENT OF HEALTH.
  - THE TREE PROTECTION AND PRESERVATION GUIDELINES ADOPTED PURSUANT TO SECTION 21-24 OF THE LAND DEVELOPMENT AND USE REGULATIONS OF THE TOWN OF ORANGETOWN WILL BE IMPLEMENTED IN ORDER TO PROTECT AND PRESERVE BOTH INDIVIDUAL SPECIMEN TREES AND BUFFER AREAS WITH MANY TREES. STEPS THAT WILL BE TAKEN TO PRESERVE AND PROTECT EXISTING TREES ARE AS FOLLOWS:
    - NO CONSTRUCTION SHALL BE PARKED UNDER THE TREE CANOPY.
    - THERE WILL BE NO EXCAVATION OR STOCKPILING OF EARTH UNDERNEATH TREES.
    - TREES DESIGNATED TO BE PRESERVED SHALL BE MARKED CONSPICUOUSLY ON ALL SIDES AT A 5 TO 10 FOOT HEIGHT.
    - THE TREE PROTECTION ZONE FOR TREES DESIGNATED TO BE PRESERVED WILL BE ESTABLISHED BY ONE OF THE FOLLOWING METHODS:
      - ONE (1) FOOT RADIUS FROM TRUNK PER INCH DBH
      - DRIP LINE OF THE TREE CANOPY

THE METHOD CHOSEN SHOULD BE BASED ON PROVIDING THE MAXIMUM PROTECTION ZONE POSSIBLE. A BARRIER OF SNOW OR EQUAL OR EQUAL OR MAINTAINED ONE YARD BEYOND THE ESTABLISHED TREE PROTECTION ZONE. IF THE GRADE LEVEL IS TO BE CHANGED MORE THAN SIX (6) INCHES TREES DESIGNATED TO BE PRESERVED SHALL BE WELLED AND/OR PRESERVED IN A RAISED BED, WITH THE TREE WELL RADIUS OF THREE (3) FEET LARGER THAN THE TREE CANOPY.
  - ALL HOUSES SHALL BE SERVED BY GRAVITY SEWER CONNECTIONS WITH A MIN. SLOPE OF 2%.
  - HOUSE SEWER AND WATER SERVICE LINES SHALL BE LAD IN SEPARATE MIN. 18" SEPARATION OF 10 FEET.
  - THE CONTRACTOR'S TRAILER, IF ANY IS PROPOSED, SHALL BE LOCATED AS APPROVED BY THE PLANNING BOARD.
  - IF THE APPLICANT, DURING THE COURSE OF CONSTRUCTION, ENCOUNTERS SUCH CONDITIONS AS FLOOD AREAS, UNDERGROUND AND WATER SERVICE LINES, UNDESIRABLE DRAINAGE OR ANY OTHER UNUSUAL CIRCUMSTANCES OR CONDITIONS THAT WERE NOT FORESEEN IN THE ORIGINAL PLANNING, SUCH CONDITIONS SHALL BE REPORTED IMMEDIATELY TO DEME. THE APPLICANT SHALL SUBMIT THEIR RECOMMENDATIONS AS TO SPECIAL TREATMENT TO BE GIVEN SUCH AREAS TO SECURE ADEQUATE, PERMANENT AND SATISFACTORY CONSTRUCTION. DEME SHALL INVESTIGATE THE CONDITION(S) AND SHALL EITHER APPROVE THE APPLICANT'S RECOMMENDATIONS TO CORRECT THE CONDITION(S), OR ORDER A MODIFICATION THEREOF. IN THE EVENT OF THE APPLICANT'S DISAGREEMENT WITH THE DECISION OF DEME, OR IN THE EVENT OF A SIGNIFICANT CHANGE RESULTING TO THE SUBDIVISION PLAN, OR SITE PLAN, OR ANY CHANGE THAT INVOLVES A WETLAND REGULATED AREA, THE MATTER SHALL BE DECIDED BY THE AGENCY WITH JURISDICTION IN THAT AREA (i.e. WETLANDS-US ARMY CORPS OF ENGINEERS)
  - PERMANENT VEGETATION COVER OF DISTURBED AREAS SHALL BE ESTABLISHED ON THE SITE WITHIN THIRTY (30) DAYS OF THE COMPLETION OF CONSTRUCTION.
  - THE PLANNING BOARD SHALL RETAIN CONTROL OVER LIGHTING, LANDSCAPING, SIGNS & REFUSE CONTROL.
  - ALL EXISTING STRUCTURES SHALL BE REMOVED PRIOR TO THE SIGNING OF THE SUBDIVISION PLAN.
  - ROCKLAND COUNTY DEPARTMENT OF HEALTH (RCDH) APPROVAL IS LIMITED TO 5 YEARS AND SHALL EXPIRE 5 YEARS FROM THE DATE OF THE RCDH APPROVAL. TIME EXTENSIONS MAY BE GRANTED BY THE RCDH BASED UPON DEVELOPMENT FACTS AND THE REALTY SUBDIVISION REGULATIONS IN EFFECT AT THAT TIME. A NEW PLAN SUBMISSION MAY BE REQUIRED TO OBTAIN A TIME EXTENSION.
  - IN ORDER FOR THE TOWN OF ORANGETOWN SEWER DEPARTMENT TO CONSIDER ALLOWING THE USE OF THE EXISTING SANITARY HOUSE LATERAL BY PROPOSED LOT 5, THE EXISTING LATERAL SHALL BE T'VD BY THE APPLICANT/APPLICANT'S CONTRACTOR AND WITNESSED BY THE ORANGETOWN SEWER INSPECTOR. A DETERMINATION WILL THEN BE MADE BY THE ORANGETOWN SEWER INSPECTOR. IF IT IS DETERMINED THAT AN EXISTING LATERAL CANNOT BE USED, A NEW LATERAL SHALL BE INSTALLED FOR SAID LOT 5.
  - A NOTE SHALL BE ADDED TO THE PLANS STATING THAT THE TOWN OF ORANGETOWN SEWER INSPECTOR SHALL BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF ANY WORK BEING DONE ON OR NEAR ANY OF THE PROPOSED SANITARY SEWER IMPROVEMENTS AND OR THE PROPOSED SANITARY HOUSE CONNECTIONS.
  - THERE IS AN EXISTING WELL ON THE PROPERTY THAT IS NOTED TO BE DECOMMISSIONED IN ACCORDANCE WITH ARTICLE II OF THE ROCKLAND COUNTY SANITARY CODE. THE DECOMMISSIONING PROCESS INCLUDES SUBMISSION OF AN APPLICATION AND SUBSEQUENT COMPLETION REPORT. A CERTIFICATE OF OCCUPANCY FOR LOT 5 SHALL NOT BE ISSUED UNTIL THE ROCKLAND COUNTY HEALTH DEPARTMENT HAS DEEMED THAT THE DECOMMISSIONING IS COMPLETE.

**LEGEND**

DRAINAGE INLET W/PIPES	TCCB
DRAIN MANHOLE/ WITH PIPES	TGFI
TOP CURB @ CATCH BASIN	RCP
TOP GRATE FIELD INLET	CPP
REINFORCED CONCRETE PIPE	UP
CORRUGATED PLASTIC PIPE	W
UTILITY POLE	WV
UTILITY POLE WITH LIGHT	HYD
WATER VALVE	GV
HYDRANT	ICV
GAS VALVE	OHV
IRRIGATION CONTROL VALVE	C
OVERHEAD WIRES	G
GAS LINE	E
GAS, ELEC	W
WATER LINE	CL
CONTOUR LINE	+520.5
SPOT GRADE	
PROPOSED MONUMENT	
PROPOSED IRON PIN	

- REFERENCES:**
- MAP ENTITLED "TOWN OF ORANGETOWN LATERAL SEWER PROGRAM EASEMENT #1", PREPARED BY HARVEY F. POLHEMUS PROFESSIONAL ENGINEER LAST REVISED 12/10/76.
  - MAP ENTITLED "SURVEY AND SUBDIVISION OF PROPERTY OF BOZEAT HOMES", FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP 3142.
  - MAP ENTITLED "FINAL PLAT FOGARTY ESTATES", FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP 5382.
  - MAP ENTITLED "SUBDIVISION OF PROPERTY FOR SMK-ERIE", FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP 8270.



**BULK REGULATIONS - R15 - SINGLE FAMILY RESIDENCE**

REQUIRED	MIN LOT AREA	MIN LOT WIDTH	MIN STREET FRONTAGE	MIN FRONT YARD	MIN SIDE YARD	TOTAL SIDE YARD	MIN REAR YARD	MAX BLDG HEIGHT	MAX F.A.R.
PROVIDED LOT 1	20,791 SF	145'±	92.7'	30'+	20'+	50'+	35'+	≤1'/FT	<0.20
PROVIDED LOT 2	16,135 SF	140'±	140.0'	30'+	20'+	50'+	35'+	≤1'/FT	<0.20
PROVIDED LOT 3	15,849 SF	138'±	140.0'	30'+	20'+	50'+	35'+	≤1'/FT	<0.20
PROVIDED LOT 4	16,350 SF	149'±	171.7'	30'+	20'+	50'+	35'+	≤1'/FT	<0.20
PROVIDED LOT 5	16,910 SF gross 16,093 SF net	126'±	129.8'	30'+	20'+	50'+	35'+	≤1'/FT	<0.20
PROVIDED LOT 6	18,471 SF	137'±	163.9'	30'+	20'+	50'+	35'+	≤1'/FT	<0.20
PROVIDED LOT 7	18,725 SF								

LOT TO BE DEDICATED TO THE TOWN OF ORANGETOWN (NOT A BUILDING LOT)

**DISTRICTS**

SCHOOL: SO ORANGETOWN SD392401  
 FIRE: BLAUVELT FD001  
 WATER: BLAUVELT; W0001  
 LIBRARY: BLAUVELT; L0002  
 AMBULANCE: SO ORANGETOWN AM001  
 SEWER: TOWN OF ORANGETOWN

**HEALTH DEPARTMENT APPROVAL**

THIS IS TO CERTIFY THAT THE "SMK ERIE WEST SUBDIVISION" WAS APPROVED ON THE DATE SHOWN BELOW. CONSENT IS HEREBY GIVEN TO THE FILING OF THIS MAP IN THE OFFICE OF THE TOWN CLERK OF ROCKLAND COUNTY. THIS APPROVAL IS NULL AND VOID IF WATER AND SEWAGE DISPOSAL FACILITIES ARE NOT INSTALLED IN ACCORDANCE WITH THE FILED PLANS OR AMENDMENTS THERETO APPROVED BY THE DEPARTMENT.

DATE: 9/11/22  
 SENIOR PUBLIC HEALTH ENGINEER

**OWNERS APPROVAL FOR FILING:**

OWNER: [Signature] DATE: 9/11/22

**APPROVAL-ROCKLAND COUNTY DRAINAGE AGENCY**

CHAIRMAN: [Signature] DATE: 9/11/22

**ORANGETOWN PLANNING BOARD APPROVAL:**

DATE: 9/11/22

**TOWN ENGINEER COMMENTS**

8-11-22 TOWN ENGINEER COMMENTS  
 8-8-22 TOWN ENGINEER COMMENTS  
 7-18-22 TOWN ENGINEER COMMENTS  
 6-6-22 CHK SET COMMENTS  
 3-8-22 REV FOR CHK SET  
 10-18-21 REVISIONS  
 9-22-21 REVISIONS  
 8-11-21 REVISIONS

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAN WAS PREPARED BY ME AND WAS MADE IN ACCORDANCE WITH AN ACTUAL SURVEY COMPLETED BY ME ON 11-18-20.

JAY A. GREENWELL, PLS NYS E.C. 19676

**DRAWING**

DRAWING	INITIAL DATE	LAST REV DATE
1. SUBDIVISION PLAN	4/22/21	8/11/22
2. GRADING, DRAINAGE AND UTILITIES	4/22/21	8/8/22
2A. SOIL EROSION AND SEDIMENT CONTROL	6/6/22	8/8/22
3. ROAD PROFILE	4/22/21	4/12/22
4A. PLAN AND PROFILES-DRAINAGE	9/22/21	8/9/22
4B. PLAN AND PROFILES-SANITARY SERVICE	8/11/21	8/8/22
4C. WATER AND SANITARY SEWER PROFILES	9/15/21	4/12/22
4D. DETENTION BASIN CROSS SECTIONS	6/6/22	8/11/22
5A. DETAIL SHEET	4/22/21	8/8/22
5B. DETAIL SHEET	10/18/21	7/18/22
6. SUEZ WATER MAIN DETAILS	4/22/21	10/18/21
7. TREE PLAN-LIMIT OF DISTURBANCE CUL-DE-SAC/POND PLANTING PLANS	4/22/21	8/8/22
8. EXISTING CONDITIONS	8/11/21	-

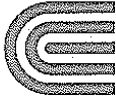
**SUBDIVISION OF PROPERTY**

**SMK ERIE WEST**

TOWN OF ORANGETOWN, ROCKLAND COUNTY  
 STATE OF NEW YORK

JAY A. GREENWELL, PLS, LLC  
 SURVEYING - LAND PLANNING  
 34 WAYNE AVENUE, SUFFERN, NEW YORK, 10901  
 PHONE 845-357-0830 FAX 845-357-0756  
 ©2022 JAY A. GREENWELL, PLS, LLC

TAX LOT #  
 70.13-1-20  
 AREA  
 150,537 SF  
 3.4559 AC  
 FILE  
 21232 ERIE WEST SUB 7  
 SCALE  
 1" = 30'  
 DATE  
 04/22/21  
 JOB NO.  
 21232



**Orange & Rockland**  
a conEdison, inc. company

Orange and Rockland Utilities, Inc.  
71 Dolson Avenue  
Middletown NY 10940-6501  
www.oru.com

May 5, 2023

Town of Orangetown  
Attn: Allison Kardon  
Confidential Assistant to Town Supervisor  
Orangetown Town Hall  
26 W. Orangeburg Rd.  
Orangeburg, NY 10962

Re: New Streetlight Installation  
1-6 PVT Del Regno Court – Subdivision Extension

Dear Ms. Kardon,

As per the approved plans for the subdivision – SMK Erie West, created and stamped by Jay A. Greenwell, PLS, LLC. Orange and Rockland is proposing to install the following street light below as indicated on the attached plan in the cul-de-sac :

In between lots 30 PVT Del Regno Ct. & 11 PVT Del Regno Ct.  
Pole # TBD after accepted proposal - Install 35-watt LED on 8ft arm at the monthly delivery charge of \$10.07

If this proposal meets with your approval, please sign the attached application and forward to my attention at [pillmeierj@oru.com](mailto:pillmeierj@oru.com). Any questions, please contact me by email.

Sincerely,

*Joe Pillmeier*

Joe Pillmeier  
New Business Project Manager



TOWN ATTORNEY'S OFFICE

INTER-OFFICE MEMORANDUM

DATE: June 20, 2023

TO: Rosanna Sfraga, Town Clerk (with originals)

cc: Town Board Members (w/o encl.)  
Kimberly Allen, Administrative Secretary to the Supervisor (w/o encl.)

FROM: Dennis D. Michaels, Deputy Town Attorney  
(*dmf*)

RE: Certificate of Plumbing Registration (Sewer Work) 2023

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

RR Plumbing Services Corp.  
d/b/a Roto-Rooter  
525 Waverly Avenue  
Mamaroneck, NY 10343  
Tel.: 914-777-1797

This Certificate of Registration has been placed on the next Regular Town Board Meeting agenda scheduled for June 27, 2023.

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

encl.

**PLANNING BOARD  
TOWN OF ORANGETOWN**

TO: Rick Pakola  
Deputy Town Attorney

FROM: Cheryl Coopersmith *a*  
Planning Board

DATE: June 7, 2023

RE: The Reserve at Pearl River Performance Bond;  
Establish the Term and Value of the Performance Bond  
Blue Hill Plaza, Veterans Memorial Drive, Pearl River  
73.10-1-6

Recommendation to the Town Board to Establish the Term and  
Value of the Performance Bond.

Please take the appropriate steps to place this item on the Town  
Board Agenda.

Thank you.

Attachment

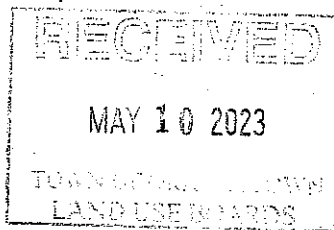


# Department of Environmental Management and Engineering Town of Orangetown

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

May 8, 2023

Planning Board  
Town of Orangetown  
1 Greenbush Road  
Orangeburg, New York 10962

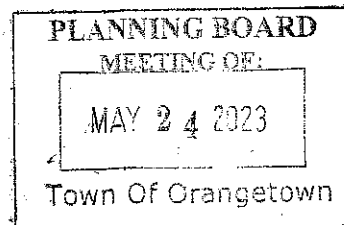


Re: Performance Bond (YY-MM-Section:Block:Lot)  
The Reserve at Pearl River Site Plan Tracking # 23-05-73-10-1-6

Board Members:

The Department's bonding requirements for the above captioned project are as follows;

<u>ITEM</u>	<u>COST</u>
Iron Pins	\$ 1,350.00
As-Built drawings	18,000.00
Soil Erosion and Sediment Control	976,100.00
Sanitary Sewers	213,645.00
<u>Sub-Total</u>	<u>\$1,209,095.00</u>
Administrative Close-out (10% of Sub Total)	\$ 120,909.50
<b><u>Total Bond = \$1,330,004.50</u></b>	



Inspection Fee:  
(3% of Sub Total of original bond amount) \$ 36,272.85  
to be submitted to this Department prior to onset of construction.

Further, all bonds are to conform to current town regulations.

Sincerely,

cc: Bldg. Dept.  
Town Attorney  
Town Clerk  
Subdivision file

**PB #23-28: The Reserve at Pearl River  
Recommendation to the Town Board  
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision  
May 24, 2023  
Page 1 of 2**

**TO: Donald Brenner, 4 Independence Ave., Tappan, New York  
FROM: Town of Orangetown Planning Board**

**RE: The Reserve at Pearl River Performance Bond:** The application of the Reserve at Pearl River, LLC, applicant, for Hunter Douglas, Inc., owner, for a Recommendation to the Town Board to Establish the Term and Value of the Performance Bond at a site known as "**The Reserve at Pearl River Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at Blue Hill Plaza, Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 6 in the OP/PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 24, 2023**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated May 10, 2023.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 17, 2023.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 8, 2023.

The Board reviewed the plan. The meeting was then open to the public.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman, and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger, (alternate member), absent and Lisa DeFeciani, aye.

A motion was made to close the Public comment by Michael Mandel, Vice Chairman and second by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent Tara Heidger, (alternate member), absent and Lisa DeFeciani, aye.

**RECOMMENDATION:** In view of the foregoing, the Planning Board Recommends to the Town of Orangetown Town Board that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 8, 2023.

**PB #23-28: The Reserve at Pearl River  
Recommendation to the Town Board  
to Establish Value and Term of Performance Bond**

**Town of Orangetown Planning Board Decision  
May 24, 2023  
Page 2 of 2**

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before May 24, 2025, subject to the following conditions:

1. OBZPAE has no comment regarding the performance bond as recommended by DEME.
2. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped by the Chief Clerk to the Board and construction plans are reviewed and approved by the inspector.
3. DEME's bonding requirements for The Reserve at Pearl River Site Plan are as follows:

<b>ITEM</b>		
Iron Pins	\$	1,350.00
As-Builts		18,000.00
Soil Erosion and Sediment Control		976,100.00
Sanitary Sewers		213,645.00
	Sub-Total	\$ 1,209,095.00
Administrative Close -out (10% of Sub-Total)		120,909.50
	<b>Total Bond</b>	<b>\$1,330,004.50</b>
Inspection Fee: (3% of Sub-Total of original Bond amount)	\$	36,272.85

Further, all bonds are to conform to current Town regulations.

The foregoing Resolution was made and moved by Michael Mandel, Vice Chairman and second by Michael McCrory and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, absent; Tara Heidger, (alternate Member), absent, and Lisa DeFeciani, aye.

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

**Dated: May 24, 2023  
Town of Orangetown Planning Board**

## Allison Kardon

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**From:** Allison Kardon  
**Sent:** Friday, June 23, 2023 12:46 PM  
**To:** Allison Kardon  
**Subject:** Rescind letter

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**From:** christopher fratto  
**Sent:** Friday, June 23, 2023 10:23 AM  
**To:** Roberto Urban <[rurban@orangetown.com](mailto:rurban@orangetown.com)>  
**Subject:** Rescind letter

To whom this may concern,

I would like to express my sincere gratitude for considering me as a candidate for the position. It was a pleasure to meet the hiring team and to learn more about Orangetown Building Department. I was truly impressed by the company's values, culture, and the opportunities it presents.

However, circumstances have changed since I initially applied for the position, and I have had to reassess my personal and professional goals. While I recognize the potential for growth and development within, I have determined that it would not be the best fit for me at this point in my career.

I am grateful for the opportunity to have been considered for a position within the organization. I hope that this decision does not cause any inconvenience, and I assure you that I hold Orangetown Building Department in high regard.

Thank you again for the opportunity,

Christopher Fratto





Cornell University

New York State LTAP Center  
Cornell Local Roads Program  
416 Riley-Robb Hall  
Ithaca, New York 14853-4203  
t. 607.255.8033  
f. 607.255.4080  
clrp@cornell.edu  
nysltp.cals.cornell.edu

# INVOICE

#230504SurvCoyl

RECEIVED

MAY 04 2023

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

TO: Christopher Coyle  
MEO II  
Town of Orangetown Highway Dept  
119 Route 303  
Orangeburg, NY 10962

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May 04, 2023

Cornell Local Roads Program Fed ID 15-0532082

Registration Fee for: Surveying Methods for Local Highway Departments Workshop on May 17, 2023 in Dutchess County.

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Attendee: Christopher Coyle	Workshop Fee:	\$50.00
	Balance Due:	\$50.00

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The "Balance Due" may be paid by cash, check, or voucher made payable to Cornell Local Roads Program. Major credit cards are accepted and you may pay via this link. <https://culocalrdltap.securepayments.cardpointe.com/pay>. If you must cancel your registration, please call us at least 3 business days prior to the workshop date to avoid being charged.

Thank you for your participation in our training program. If you need further information, please call us.

Sincerely,

Administrative Assistant

**RESOLUTION TO APPROVE CORNELL UNIVERSITY LOCAL ROADS PROGRAM /  
CHRIS COYLE / MAY 17, 2023**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Chris Coyle, Highway Department, to attend 1 class through Cornell Local Roads on the above date at a cost of \$50.00, charged to Account Number D.5110.457.04.

**JAMES J. DEAN**  
Superintendent of Highways  
Roadmaster IV

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



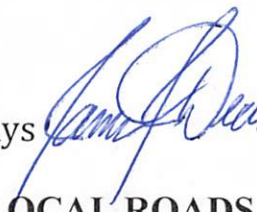
**HIGHWAY DEPARTMENT**  
**TOWN OF ORANGETOWN**  
119 Route 303 • Orangeburg, NY 10962  
(845) 359-6500 • Fax (845) 359-6062  
E-Mail – [highwaydept@orangetown.com](mailto:highwaydept@orangetown.com)

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

# MEMORANDUM

DATE: June 5, 2023

TO: Town Board

FROM: James J. Dean, Superintendent of Highways 

RE: **APPROVE CORNELL UNIVERSITY LOCAL ROADS  
PROGRAM / CHRIS COYLE / MAY 17, 2023**

---

Please place the following item on the June 27, 2023, Town Board Agenda:

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Chris Coyle, Highway Department, to attend 1 class through Cornell Local Roads on the above date at a cost of \$50.00, charged to Account Number D.5110.457.04.

lp



TOWN OF ORANGETOWN

REQUEST TO ATTEND CONFERENCE, MEETING, SEMINAR OR SCHOOL

(Complete and forward original to Finance Office. Retain copy for your records.)

REQUESTING DEPARTMENT: Orangetown Highway DATE: 5.9.23

NAME(S) OF PERSON(S) TO ATTEND: Chris Coyle

CONFERENCE, ETC. - NAME & LOCATION: Cornell Local Roads Program Surveying methods for Local Highway Departments (Dutchess County)

CONFERENCE, ETC DATE(S): 5.17.23

WHAT DO YOU EXPECT TO GAIN FROM ATTENDANCE (ATTACH COPY OF BROCHURE):  
Advancing in the road master program and learn Surveying methods

DATE(S) LAST ATTENDED A SIMILAR CONFERENCE, ETC.: 5.9.23

ESTIMATED EXPENSES:

Item	CHARGE TO:	CHARGE TO:	Total
	Schls & Confs	Travel Exp*	
Registration Fee	\$ <u>50</u>	\$ _____	\$ <u>50</u>
Lodging	_____	_____	_____
Meals	_____	_____	_____
Travel	_____	_____	_____
Other	_____	_____	_____
Total	\$ <u>50</u>	\$ _____	\$ <u>50</u>

\*Use if only travel expense is involved

REMAINING BALANCE IN 0441 Account: \$ \_\_\_\_\_

IF TRAVEL ONLY, REMAINING BALANCE IN 0480 Account: \$ \_\_\_\_\_

DEPARTMENT HEAD APPROVAL/ SIGNATURE(if not attendee): [Signature] 5.11.23

FINANCE OFFICE VERIFICATION OF FUNDS AVAILABILITY: 0441-\$ \_\_\_\_\_ 0480-\$ \_\_\_\_\_

TOWN BOARD ACTION: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Date: \_\_\_\_\_ Res. No. \_\_\_\_\_

REASON FOR DISAPPROVAL: \_\_\_\_\_

TOWN SUPERVISOR SIGNATURE: \_\_\_\_\_

DISTRIBUTION BY TOWN CLERK:

Original to Head of Requesting Department: \_\_\_\_\_ Date: \_\_\_\_\_

Retain photocopy for file.

**WARRANT**

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Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	060923	\$ 545,946.88
	062723	\$ 2,258,711.42
		\$ 2,804,658.30

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

**APPROVAL FOR PAYMENT**

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**AUDITING BOARD**

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Councilman Gerald Bottari

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Councilman Paul Valentine

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Councilman Thomas Diviny

---

Councilman Brian Donohue

---

Supervisor Teresa M. Kenny

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**TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM**

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**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 6/22/2023  
**CC:** DEPARTMENT HEADS



The audit for the Town Board Meeting of 6/27/2023 consists of 2 warrants for a total of \$2,804,658.30.

The first warrant had 65 vouchers for \$545,946 and was for utilities.

The second warrant had 184 vouchers for \$2,258,711 and had the following items of interest.

1. Applied Tactical Technologies (p6) - \$5,977 for Police supplies.
2. Beckmann Appraisals (p11) - \$15,000 for market trend report.
3. Capasso & Sons (p15) - \$90,817 for recycling.
4. Collier's Engineering & Design (p15) - \$9,633 for traffic signal designs.
5. Cornell Cooperative Extension (p16) - \$8,777 for stormwater education.
6. CSEA Employee Benefit Fund (p18) - \$33,859 for dental benefits.
7. Dichter Law (p18) - \$6,400 for Water surcharge case.
8. Edmunds (p19) - \$5,239 for Building software.
9. Frohling Sign Co. (p23) - \$15,455 for Highway signs.
10. Global Montello (p25) - \$13,167 for fuel.
11. Hudson Valley Engineering (p30) - \$41,682 for N. Middletown Rd. project.
12. Kuehne Chemical Co. (p36) - \$7,423 for sewer chemicals.
13. Morano Brothers Corp. (p40) - \$233,553 for N. Middletown Rd. project.
14. NYS Dept. of Civil Service (p41) - \$929,242 for healthcare benefits.
15. State Comptroller (p55) - \$29,998 for Justice Fines.
16. Tilcon (p59) - \$127,827 for Highway materials.

17. Verde Electric (p62) - \$331,384 for installation of traffic signals (bonded).
18. Vortex USA (p62) - \$208,033 for splashpad.

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204