

JUSTICE COURT OF THE TOWN OF ORANGETOWN
COUNTY OF ROCKLAND – STATE OF NEW YORK

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PEOPLE OF THE STATE OF NEW YORK

Case #16120289, #16120290 and
#16120291

-against-

API INDUSTRIES, INC. d/b/a ALUF PLASTICS; and
SUSAN ROSENBERG
2 Glenshaw Street
Orangeburg, NY 10962,

**COURT AGREEMENT –
CIVIL COMPROMISE**

Defendants.
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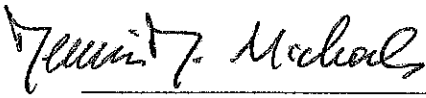
On the 6th day of June, 2017, Dennis D. Michaels, Esq., Deputy Town Attorney of the Town of Orangetown (sometimes referred to herein as “Orangetown” or “Town”), and attorney for the People of the State of New York (“The People”), and the above-named Defendants’ attorney, Edward K. Roggenkamp IV, Esq., of Sive Paget & Riesel, P.C., both personally appeared before Hon. Richard C. Finning, Justice of the Town of Orangetown, regarding the above-captioned proceeding instituted for alleged violations of §4.11, §4.12, §4.13, §4.164 and §4.182 of the Orangetown Zoning Code (Chapter 43 of the Orangetown Code), alleged to have occurred on:

- November 17, 2016, at 8:10 AM,
- November 17, 2016, at 10:00 AM,
- November 18, 2016, at 9:00 AM,
- November 24, 2016, at 9:55 AM,
- November 26, 2016, at 9:32 PM,
- November 28, 2016, at 6:05 AM,
- November 28, 2016, at 8:30 AM,
- December 6, 2016, at 6:20 AM,
- December 6, 2016, at 8:30 AM,
- December 6, 2016, at 4:30 PM,
- December 6, 2016, at 7:00 PM,
- December 7, 2016, at 8:45 PM, and
- December 12, 2016, at 8:00 AM,

at the real property commonly known as 2 Glenshaw Street, Orangeburg, New York 10962, in the Town of Orangetown, County of Rockland, and State of New York, which property is issued Orangetown Tax Map Designation 70.18-2-15 (hereinafter “subject premises”), which violations are more particularly described in three separate Informations (i.e., accusatory instruments), executed by John Giardiello, P.E., the Director of the Orangetown Office of Building, Zoning and Planning Administration and Enforcement, respectively dated December 13, 2016 (Court Case #16120289), December 16, 2016 (Court Case #16120290), and December 20, 2016 (Court Case #16120291), said violations hereinafter referred to as “Performance Standards violations.”

The said Deputy Town Attorney hereby consents, on behalf of The People, and the Defendants hereby agree and stipulate, to (1) withdraw and dismiss the alleged violations of §§ 4.11, 4.164, and 4.182 of the Orangetown Zoning Code (Chapter 43 of the Orangetown Code), alleged to have occurred on the above dates, and (2) to settle Defendants' potential liability for fines and/or civil penalties for the alleged violations of §§ 4.12 and 4.13 of the Orangetown Zoning Code (Chapter 43 of the Orangetown Code), alleged to have occurred on the above dates, for the sum of TWELVE THOUSAND FIVE HUNDRED dollars (\$12,500.00), as a Civil Compromise with no admission of liability by the Defendants, with the settlement amount payable to the order of the "Town of Orangetown Department of Environmental Management and Engineering," in the form of an official bank/cashier's check or US Postal Service Money Order, delivered to the Office of the Town Attorney on or before July 12, 2017.

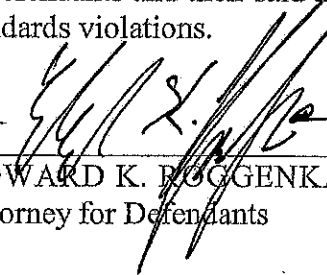
Said Civil Compromise sum has been consented to, and agreed upon, between the said Deputy Town Attorney, on behalf of The People, and the Defendants and their said attorney, in full settlement, disposition and satisfaction of the Performance Standards violations.



Date:

06/06/2017

DENNIS D. MICHAELS
Deputy Town Attorney
Town of Orangetown
Attorney for The People




Date:

6/6/2017

EDWARD K. RUGGENKAMP IV
Attorney for Defendants

API INDUSTRIES, INC.
d/b/a ALUF PLASTICS, Defendant

By:  Date: 6/6/17
Susan Rosenberg, Chief Executive Officer

 Date: 6/6/17
SUSAN ROSENBERG, Defendant

DEFENDANTS' STATEMENT OF NO CONTEST TO VIOLATIONS

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

SUSAN ROSENBERG, both individually and on behalf of API INDUSTRIES, INC. d/b/a ALUF PLASTICS, being duly sworn, deposes and says that: I am over eighteen years of age, and the Civil Compromise having been duly effected, and being satisfactory to the parties herein, we hereby voluntarily state and acknowledge that, with respect to the alleged violations of §§ 4.12 and 4.13 of the Orangetown Zoning Code (Chapter 43 of the Orangetown Code), alleged to have occurred on November 17, 18, 24, 26, and 28, and December 6, 7, and 12, 2016, without acknowledging any guilt, we hereby plead "no contest" to the allegations set forth in the aforesaid Informations with respect to those violations, and we hereby authorize a Justice of this Court to enter a money judgment, in the amount heretofore agreed upon, to wit, the sum of TWELVE THOUSAND FIVE HUNDRED dollars (\$12,500.00), in favor of the Town of Orangetown Department of Environmental Management and Engineering, and against Defendants, *ex parte* and without further notice to Defendants or their counsel, if Defendants do not fully remit the said Civil Compromise sum in accordance with the foregoing.

STATE OF NEW YORK)
) ss: *Susan R Rosenberg*
COUNTY OF Rockland)

On the 6 day of June, 2017, before me, the undersigned, personally appeared SUSAN ROSENBERG, personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signatures on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

Ann Marie Ziffer
Notary Public

ANN MARIE ZIFFER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01216329660
Qualified in Rockland County
My Commission Expires August 31, 2019

TOWN OF ORANGETOWN'S (THE PEOPLE'S) CONSENT

I, Dennis D. Michaels, Deputy Town Attorney of the Town of Orangetown, a representative of the Town of Orangetown, on behalf of Orangetown and The People, hereby consent to this Civil Compromise, and the amount agreed upon herein, and I further acknowledge that the sum of monies due and owing and payable hereunder are essentially to reimburse the Town and the Town Department of Environmental Management and Engineering for its costs in terms of the prosecution of this matter, and in terms of addressing the underlying matter, and that the sums of monies claimed herein is fair, based upon said costs which constitute said reimbursement.

Dennis D. Michaels Date: 06/06/2017

DENNIS D. MICHAELS
Deputy Town Attorney
Town of Orangetown

on this 6th day of June, 2017: SO ORDERED

Richard C. Finning

HON. RICHARD C. FINNING
Justice of the Town of Orangetown