

MINUTES  
ZONING BOARD OF APPEALS  
November 16, 2016

MEMBERS PRESENT:      DAN SULLIVAN  
                                 PATRICIA CASTELLI (late)  
                                 THOMAS QUINN  
                                 JOAN SALOMON  
                                 MICHAEL BOSCO  
                                 LEONARD FEROLDI, ALTERNATE

ABSENT:                      NONE

ALSO PRESENT:	Dennis Michaels, Esq.	Deputy Town Attorney
	Ann Marie Ambrose,	Official Stenographer
	Deborah Arbolino,	Administrative Aide

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan Chairman.  
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

ALUF PLASTICS  
PERFORMANCE STANDARDS  
2 Glenshaw Street  
Orangeburg, N.Y.  
70.18 / 2 / 15; LI zone

DENIED

ZBA#16-85

THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

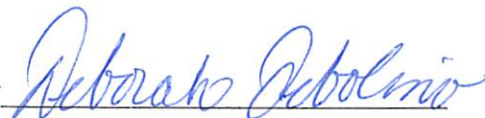
The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:30 P.M.

Dated: November 16, 2016

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By



Deborah Arbolino, Administrative Aide

DISTRIBUTION:  
APPLICANT  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
TOWN BOARD MEMBERS  
BUILDING INSPECTOR (Individual Decisions)  
Rockland County Planning

TOWN CLERKS OFFICE  
NOV 29 PM 10 41  
TOWN OF ORANGETOWN

## DECISION

### PERFORMANCE STANDARDS REVIEW DENIED

To: Donald Brenner (Aluf Plastics)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #16-85  
Date: September 21, 2016  
November 16, 2016  
No Permit

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-85: Application of Aluf Plastics requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1, Performance Standards, including, but not limited to, Sections 4.164 & 4.182: review of the cumulative operations and equipment being employed at the site. The commercial building is located at 2 Glenshaw Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, September 21, 2016 and November 16, 2016 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Bart Rodi, P.E., and Anthony Lawson, P.E., appeared and testified.

The following documents were presented:

1. Building plans for API Industries, Inc. Aluf Plastics, Orangeburg Facility 2016.
2. Short Environmental Assessment Form dated 7/26/2016 signed by Joseph Rosenberg.
3. Use Subject to Performance Standards Resume of Operations and Equipment dated July 26, 2016.
4. Fire Prevention Supplement.
5. A CD of all of the material safety data sheets with a hard copy in a note book.
6. A letter dated May 20, 2016 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, to Mr. David Anderson, Vice President of Operations at Aluf Plastics; subject Odor Control.
7. Five pages of confidential extrusion and bag machines.
8. A memorandum dated September 29, 2016 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector. ( 1 page).
9. A memorandum from the County of Rockland Department of Planning stating that the applicant is not in their jurisdiction.
10. A letter undated from Councilman Tom Diviny to the Town of Orangetown Zoning Board of Appeals expressing his concerns regarding Aluf.
11. A letter dated August 16, 2016 from the Rockland County Division of Environmental Health signed by Scott McKane, P.E., Senior Health Engineer.
12. A memorandum dated September 21, 2016 from John Giardiello, P.E., Director, Office of building, Zoning and Planning Administration and Enforcement, Town of Orangetown. (3 pages).
13. A letter dated April 25, 2016 from John Giardiello, P.E., to Mr. David Anderson, Vice President of Operations, Aluf Plastics. (1 page).
14. A letter dated May 20, 2016 from John Giardiello, P.E., to Mr. David Anderson, Vice President of Operation, Aluf Plastics. (2 pages).
15. An e-mail dated May 25, 2016 from Donald Brenner to Andy Stewart with John Giardiello cc'd stating that Aluf has retained a consulting engineer and that a report would be ready the week of May 30, 2016.

TOWN OF ORANGETOWN  
2016 NOV 29 PM 10 41  
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16. A letter dated May 31, 2016 from Anthony Lawson, PMP, Corporate Engineering Manager, Aluf Plastics, to John Giardiello in response to John Giardiello's letter dated May 20, 2016.
17. A letter dated June 17, 2016 from Anthony Lawson, PMP, Corporate Engineering Manager, Aluf Plastics, Inc. to John Giardiello, P.E.
18. A letter dated June 27, 2016 from John Giardiello to Mr. Lawson, Aluf, Plastics with a list of odor complaints, location and times.
19. Justice Court : The People of the State of New York against Aluf Real Property Inc. dated July 18, 2016 signed by John Giardiello, P.E., Director, OBZPAE.
20. Air Pollution Abatement Manual from the University of Michigan (5 pages).
21. Notice of violation from the New York State Department of Environmental Conservation Facility DEC ID 3392400190 dated 05/25/2016 from George A. Sweikert, Regional Air Pollution Control Engineer (3 pages).
22. Notice of violation from the New York State Department of Environmental Conservation Facility DEC ID 3392400190 dated 06/07/2016 from George A. Sweikert, Regional Air Pollution Control Engineer (3 pages).
23. Notice of violation from the New York State Department of Environmental Conservation Facility DEC ID 3392400190 dated 08/26/2016 from George A. Sweikert, Regional Air Pollution Control Engineer (3 pages).
24. Over 100 e-mailed complaints regarding odors from Aluf.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that Zoning Board of Appeals send out a notice of Intent to be Lead Agency for purposes of SEQRA review as soon as the applicant submits the Long Environmental Assessment Form. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

Mr. Brenner, Attorney, testified that he is not asking for an extension of time to update the more technical information but he will be asking for a continuance at the end of the evening; that they met with the DEC this morning and they are establishing a schedule; that the letter from Mr. Diviny is improper; that he and the Town Board appoint the members of the Zoning board and he should not be influencing them or directing them; that he has not received or read any of the e-mails; that they are doing the best they can to consolidate all of the equipment and will follow all the rules; that hazardous materials are not being discharged;; that is not easy to determine an accumulative analysis; that John G. never brought this up until the letter today; that testing was done 4 or 5 years ago and nothing was hazardous and that is why they got the permit from the DEC; that he will ask for an all the minutes to be transcribed; that they will follow all the rules of the DEC; that they have 30 days for scoping and 90 days to report; that he will reach out to the company in regards to setting up a hotline for complaints; that the carbon filters were installed with a permit from the DEC; that he doesn't know about the building permit from Orangetown that the public is asking about.

Anthony Lawson, Corporate Engineering Manager, testified that the DEC set the date of the meeting a month ago; that there was escaping air and they found that the ducts had dents and there were 2 leaks that a week and half later were fixed with duct tape and an elbow was [Note to Debbie: There appears to be language missing here.]

The Board reviewed the Performance Standards and Fire Supplement forms and found that they were not sufficient for an accumulative review requested by John Giardiello, P.E., Director, OBZPAE, Orangetown.

Public Comment:

Heather Hurley, 202 Hobart Street, Pearl River, NY, testified that she wants to get the record straight; and read a response from George Sweikert from the DEC from her phone regarding the scope in 30 days and results in 90 days; that there were people that came that left because there was not enough parking for this grass roots movement and she is troubled by the lack of oversight; that over the years there have been complaints; that she would like to know if carbon filters were installed in 2012 and 2013; that if they were installed who was the contractor and did they ever get a permit for this; that there is an open building permit that was never issued in March 2012 and the application does not include insurance information or contractor information; that she would like these questions answered; did the company install these filters without a building permit?; that they are showing that they are not good neighbors by waiting this long to hire a consultant; that there are three violations against the property from the DEC; and John Giardiello sent his letter of violation in May.

Amy Wertheim, 111 South Main Street, Pearl River, testified that the Town Board knew about these complaints in the late spring; that she would like to know if the carbon filters were installed in 2012; that if they were installed how often do they need to be changed and that Aluf should bear the \$25,000 cost.

Allyson Sullivan, 42 Arthur Street Blauvelt, testified that she and her husband have two young boys; that she has been complaining for eight years; that Aluf came out to speak to them; that they are in violation of Town Code Section 4.182 and 4.184 and the DEC Section 3.1 and that Aluf should do the right thing.

Susan Nordstrom, 67 Dutch Hollow Drive, Orangeburg, testified that she is newly aware of the problem because she has been using the new trail path; that the smell was so bad that she was chocking and ran up to the Library to get away from it; that testing should be done; that the Town should hire certified hygiene consultants and that a hotline for complaints should be set up for the public to Aluf.

Barry Seitles, 210 South Greenbush Road, testified that he lives east of Aluf for ten plus years and should have sent hundreds of complaints; that a hot line with Aluf would be a good idea; that the smells have been bothersome for a long time, melting plastic smells and if it is not toxic it is annoying as hell; that taking in these fumes, he needs an inhaler; that he wonders if these fumes contaminated his water well; that the EPA would be the appropriate agency to offer assistance along with the DEC and small businesses need to be neighborly.

Alexis Starke, 153 Hudson Terrace, Piermont, testified that this company has been releasing noxious odors for ten years; that Orangetown should stop operations immediately, that they should lose profits is not our problem; that if the Town or County cannot monitor this business than it should not be in Town.

Denise Maguire, 31 Arthur Street, Blauvelt, testified that she was visited personally by Aluf; that the new extruders added the flower smell; that ten people in her immediate neighborhood have has cancers; that their operation is taking place within the immediate area of educational facilities, Tappan Zee high school, Dominican College, elementary and preschools; that when Aluf visited her a car pulled up with New Jersey plates and told her to stop complaining.

TOWN CLERKS OFFICE  
2016 NOV 29 PM 10 41  
TOWN OF ORANGETOWN

Elizabeth Dudley, 250 South Greenbush Road, Orangeburg, testified that she looked up Aluf yesterday, that they are 52 in the world for plastic production; that they had 135 million dollars in sales last year; that they paid \$345,000.00 in property taxes; that she had two small kids that are witness to the smells; that people are falling to cancer in the neighborhood; that she wants to know if the smells are chemically toxic and if they are breaking the law; and if they are not operating under the Town Code they should be allowed to produce.

Michael Smith, 65 Hayes street, Blauvelt, testified that he has been smelling noxious odors since 2001; that in 200 he called the DEC several times with complaints; that he was told that they are permitted to pollute a certain amount when they are operating at 1005; that if toxins were released he would need to spend money himself to prove it; that the DEC said it is toxic before it gets to the scrubbers and maintenance issues are poisoning us part of the time; and this evening they are telling us it is not toxic and this is an affront to our humanity.

Krystof Witek, 109 Newport Avenue, Tappan, testified that he would like to thank everyone that came out; that this is very important; that the noxious plastic odors coming from Aluf were smelt at Tappan Zee High School last night at 7:30 and were still there at 10:30 last night; that this is after decades of complaints; that when he replaced his sewer line on his property the town did two inspections; that he worries about fires and explosions in Aluf; that they operate six days a week, 24 hours a day; that the site is 2 square miles' that the number of complaints is growing; that there are petitions with hundreds of signatures and since Greg Price resigned there is no one in the County to do air quality reviews; that he would like to thank channel 12 news for being here tonight and would like to see Aluf held accountable and asked the Board to look at the children here tonight.

Vincent Lupi, 106 Spruce Street, Blauvelt, testified that air testing within 1,000 feet east of route 303 should be done; that there is always a smell along the Sparkill Creek; that even if it is not hazardous, it always causes headaches and he and his three children all have asthma now; that the plastic company should move, and he invites them to come to has property and smell it and offers for test collection to be done from his property.

Jackie Drechsler, 116 Sierra Vista Lane, Valley Cottage, testified that she went outside during the break and smelled plastic; that this area is a low retainment area and stays low; that we breathe it and no monitoring; it is incumbent that this company do testing and the Town Board should make new rules.

Ira Steinberg, 10 Murphy Court, testified that Aluf property touches his property; that last year he installed a pool in his backyard; that he had two young kids and has live in his house for five years; that last year the smell got a lot stronger; that it seems that something has changed; that the floral smell is stronger; that something seems to have changes; that he would ask what changes were made to the process?

Tara Brant, 11 Renie lane, testified that she wants Aluf to care; that the company is emitting something and the neighborhoods surrounding you, want you to fix it; that Aluf should pay for the monitoring and a request should be made to fill the position of Public health Engineer and a list should be created regarding local cancer cases and asthma.

Kristen Hanley, 35 Moehring Drive, Blauvelt, testified that she has live in Blauvelt for 40 years; that she bought her house is 2002; that she has a super sense of smell and has often smelled the plastic smell but her husband would dismiss it because he didn't smell it; that he family smells it now and it is much more intense and it is annoying and they are begging for help and being dismissed by an un-neighborly neighbor and they are asking the Board for help.

TOWN OF ORANGEBURG  
JUL 16 2016 11:01 AM

Tina Addino, 87 Chestnut Oval, Orangeburg, testified that she is a lifelong resident; that in 2010 she contacted Greg Price about burning plastic and at that time Aluf told her and her husband that they were not expanding; that she has central air and it is a good thing because she cannot open her windows at night for last four years; that there are many schools in the area and this is awful; and it seems that they do what they want and then Mr. Brenner asks for forgiveness.

Chris Sweeney, 202 Hobart Street, Pearl River, testified that he requests notes be posted on the Town Website and the next meeting be held at Town Hall and that they be placed first on the agenda; that this would be respectful to the residents; and that they think outside the box because misinformation if not from the residents.

April Rizzardi, 77 West Erie Street; testified that she grew up in Blauvelt; that she has asthma, that her mom and sister also have it; that on Sunday the smell was so bad that she got an instant migraine and needed medical attention; that this smell has caused her to have double vision and extreme dizziness; that she is scared for all the kids in the area; that the high school has kids out playing sports well into the evening; that the fumes are strong and Aluf doesn't care ; that she has been hospitalized twice in the last year and she is only 41; that the company should be held accountable.

Chris Day, 5 Moroney Avenue, testified that he is hearing from all the neighbors and Mr. Brenner is talking about studies that were done years ago; that suddenly there are so many more complaints, something must be different; that something has changed before it hits the air filter; that the business owners should fix it and move on to be respectful good neighbors; that this applicant is very frustrating because they are not taking responsibility.

Watson Morgan, 139 Derfuss Lane, Blauvelt, testified that the area is an inversion or valley and odors will hang in the air; that extensive monitoring was always done at Glenshaw Glass when he worked there; that the monitoring was done daily and the electronic tapes showed what needed to be adjusted and that was done daily; that Aluf is a pressurized system that needs more than duct tape ; that the system needs to be shut down to be fixed; that the Health Department cutbacks on testers doesn't help.

Mariajose Romero, 577 Western Highway, that she moved in 2013 after being in Sparkill for ten years; that she has had chronic nasal conditions and nothing works; that she did not know about Aluf, that she is going to give her doctor this information; that she changes her filters for air-conditioning and heat; that she cannot walk her dogs at night; that it seems disingenuous to say that it is extremely difficult to find engineers for testing; that this is your business and you should have experts in that field that you can reach out to; that blind testing, weather, wind and quality of air should be available to the company; that the methodology should be revealed.

Alex Glasser, 220 South Greenbush Road, Orangeburg, testified that he neighbors have spoken out; that she is east of the factory and she smells it all of the time; that it is a 500,000 sq. ft. facility and its employees must be affected.

Robin Roppo, 713 Route 9W, Nyack, testified that for the first time, our kid's life expectancy is less than ours; that the asthma, cancer and other sickness in the area should be looked into and the company should be held accountable to clean up.

TOWN CLERKS OFFICE  
2016 NOV 29 PM 10 42  
TOWN OF ORANGEBURG

Rana Park, 43 Carlton Road, Orangeburg, testified that she move to the Orangetown three years ago; that her husband grew up here and wanted to come back to raise his family here; that it is wonderful that so many young people want to settle down and raise their families where they grew up; that if these things are not corrected that trend will stop; that the Town should think about long term and what will happen to the housing market if it gets out that these companies can pollute without consequences.

November 16, 2016

Daniel Sullivan, Tom Quinn, Michael Bosco, Joan Salomon and Leonard Feroldi were present for the entire hearing. Patricia Castelli came to the hearing fifty minutes late because of teacher conferences at the high school. Also present were Dennis Michaels, Deputy Town Attorney, Deborah Arbolino, Administrative Aide, and Ann Marie Ambrose, Official Stenographer.

The following additional information was submitted for Board Review:

1. A letter dated November 2, 2016 from Anthony Lawson, PMP, Corporate Engineering Manager, Aluf Plastics, Inc. (2 pages) with the following attachments: Scope of Investigation Air Emission Controls at Aluf Plastics dated October 21, 2016 (4 pages) with a resume for Ravi K. Korlipara, PHD. , P.E.
2. A lead agency sign-off from the Rockland County Department of Health dated October 17, 2016 signed by Scott McKane, P.E., Senior Public Health Engineer.
3. A cover letter dated November 15, 2016 from Donald Brenner, Attorney for Aluf with the following attachments: Zoning board Application replacement pages 1, 6, and 10; Performance Standards Application replacement page 1; Environmental Assessment Short Form replacement page 1 and Environmental Assessment Long Form replacement page 1.
4. A memorandum dated November 16, 2016 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, town of Orangetown ( 2 pages ) with the following attachments: Full Environmental Assessment Form Part 2( 10 pages); Full Environmental Assessment Form Part 3 ( 2 pages); and a list of current Aluf Production Lines 11-2016 (4 pages); a layout of the plant; An explanation of the Blown Film Extrusion Process ( 4 pages).
5. A letter dated November 14, 2016 from Joseph J. Moran, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
6. A letter dated November 16, 2016 from Andrew Y. Stewart, Supervisor to the Zoning Board with attachments: A letter dated November 16, 2016 from Andrew Y. Stewart, Supervisor, Town of Orangetown, to Mr. George Sweikert, NYSDEC ( pages); A memorandum dated September 13, 2016 from Andrew Y. Stewart, Supervisor, Town of Orangetown to George Sweikert, NYSDEC ( 2 pages).
7. A statement from Clean Air for Orangetown to the Zoning Board dated November 16, 2016.
8. Three pictures of abutting or nearby business's that could be contributing to the odor problem in the area.

Donald Brenner, Attorney, David Anderson, Vice President, John Guiette, Operations Manager and Ed Roggenkamp, Attorney, appeared for the applicant.

Dennis Michaels, Esq., read the correspondence into the record and stated that he has received many e-mails concerning Aluf and odors but they are not part of the record, since Mr. Michaels is not the clerk or secretary to, nor a Member of the Board, and that e-mails and other correspondence should be sent to the Zoning Board clerk if the sender wishes their correspondence to be made part of the record. The clerk stated that John Giardiello received an additional 121 e-mail complaints since the last meeting.

TOWN OF ORANGETOWN  
NOV 29 2016  
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Dan Sullivan made a motion to Declare the Zoning Board of Appeals SEQRA Lead Agency for the Aluf Performance Standards application (ZBA#16-85), located at 2 Glenshaw Drive, Orangeburg, New York; which motion was seconded by Tom Quinn and carried as follows: Mike Bosco, aye; Joan Salomon, aye; Leonard Feroldi, aye; Tom Quinn, aye; and Dan Sullivan, aye. Patricia Castelli was not present at this time.

Donald Brenner testified that unfortunately Anthony Lawson an engineer for Aluf Plastics will not be attending the meeting this evening because his father has died; that since the last hearing Aluf has established a hotline for complaints and established an e-mail for the public; that they have sent personnel out to visit sites as the smells were reported; that Mr. Moran has never visited the plant; that they have amended their application and submitted a long form for the environmental assessment; that the DEC and DEP have visited and there are no violations; that there were DEC violations in 2006 and they went before the Zoning Board in August and the item got continued because the Board wanted to see the approval letter from Greg Price from the County Health Department and the NYSDEC approval; that these approvals took two years to get and a permit was granted from the DEC on January 17, 2008 and Aluf went to Town Court and paid a fine in September 2008 of \$750.00 and it was dismissed; that it took two years for repro facility clean air and they went to ACAB:OR in 2007 and it a year and half to get permission for the air equipment; that they have provided John Giardiello with the engineer report that shows what progress has been made; that they are not expecting approval but would like the Board to work with them; that it takes time to properly analyze the situation; that they are asking for a continuation at this time.

Ed Roggenkamp, Attorney, testified that the NYSDEC has asked for a comprehensive scope of work to be submitted and they have been doing this and they are close to getting a written approval ; that at the present time 100% of the duct work has been inspected; that there are no holes or damaged seams; that the emission control is being looked at and an in line carbon emission control for inline filtration is in the process of being introduced; that they have received complaints about odors from Aluf when the plant has not been in operation and they submitted pictures (3) of nearby facilities that could be cause of some of these odors; that they are making an effort to clean up and be responsible for any of their odor issues by some of these other businesses may be contributing to the part and may need to be part of a comprehensive plan to solve the problems; that on October 21, 2016 they submitted an administrative consent order and by January 21, 2016 must be complete; that they are on track to have the work complete by that date and work with the DEC.

David Anderson, Vice President, testified that if a machine is not operating properly it is taken out of production; that the plastic waste materials are polyethelene and the plastic pellets come from many different suppliers.

Mr. Sullivan stated that he would like to than the applicant for coming to this meeting with a different tone, however the Board relies on the town Engineer's report to move Performance standards forward and they have before them tonight two letters from Town Engineers stating that the applicant is not complying with Performance Standards; and although you say, you are working with the DEC and close to getting their approval, you do not have anything in writing from them; that the Board has two clear disapprovals and he took a poll of the Board; three other members agreed with Mr. Sullivan and Joan Salomon stated that she has concerns about what happens if the application is denied; that she doesn't want to impede the progress that they have already made.

TOWN OF ORANGEBURG  
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Dennis Michaels, Esq., reiterated that if the Zoning Board of Appeals denies the application it does not mean that Aluf ceases to operate; that a Code Enforcement Officer or Building Inspector would issue code violations or not; that Aluf is obligated to comply with Orangetown's Local Laws and Performance Standards are a Local Law that must be complied with; that Aluf could be facing a legal proceeding in the NYS Supreme Court, in which the Town would seek a court order stopping Aluf from emitting objectionable or noxious odors, but this type of litigation does not happen overnight - that it would have to go to the Town Board to authorize the commencement of a lawsuit against Aluf, and it does not stop Aluf from operating altogether; but it doesn't stop Aluf from voluntarily complying with Performance Standards and re-applying to the Board, and we hope that they would do that ASAP.

Public Comment:

Dr. Kathleen Kelly, 18 Van Buren Street, Pearl River, testified that history is important; that there have been issues with this company for years; that the company changed from Anellotch to Aluf but with the same players; that the applicant should be proactive instead of reactive; that if gases are escaping in the process than something is wrong; as a doctor of nursing I can't tell you that you have tumor but not tell you if it is benign or malignant; that I have cancer from the environment; that Aluf has issues and they need to fix it and it is shameful the way it is being handled and I Hope the Board will make them abide by the law; that on September 11, 2001 I was working at the American Express Building and I was assured by the government that the air was safe; that elected officials are human and make mistakes; that they also have a moral responsibility to find out what is coming out of the building into the air.

Elizabeth Dudley, 250 South Greenbush Road, Orangeburg, testified that she is a member of "Clean Air for Orangetown" and she would like to ask that the board not approve the application and issue a stop work order and send them to the Supreme Court and make them clean up their open permits and code violations and take air from the stacks and test it and if it is not clean and an automatic turn-off; that they do not accept the DEC haphazard testing results; that many totals were 2 -1000% over state averages; and over the week-end she couldn't stay out in her own yard to play catch football with her kids because of the odors from Aluf.

Mike Smith, 65 Hayes Street, Blauvelt, testified that Aluf is trying to make other people responsible for the odors but the floral smell is from Aluf; that he has smelled it many times without making a formal complaint; that this had been going on for over a decade; that they should spend less time denying the odors and more time engineering implementation to stop the odors.

Amy Wertheim, 111 South Main Street, Pearl River, testified that she is here to support the residents complaining about the noxious odors; that this is an ongoing problem that is getting worse; that she asks the Board to protect the air that we breath and continue to get the company to do the right thing; that they are insulted by the company and their Attorney; that plastic does not smell like sewer and it is time to drain the swamp.

Krystof Witek. 109 Newport Avenue, Tappan testified that he would like to thank the Board for moving the meeting to Town Hall; that as a member of Clean Air for Orangetown, he would like the Board to know that Aluf was sited 4 times in 2016 and had a number of complaints that the Director has stated; that they have open and expired permits that no independent evaluation of extruders has been done; that they have several fire violations; that the stack test was done a decade ago; that Greg Priscione stated that they had flaws; that the December 4 samples have many problems and are inaccurate; that the DEC tests were for extremely brief periods of time and a one hour test is not inclusive; that stack and source testing should be done independently, and they should stop dragging their feet.

2017-10-28 10:00 AM  
TOWN OF ORANGETOWN

Ira Sandberg, 10 Murphy Court, Blauvelt, testified that his backyard touches the Aluf property; that last year he appeared before the Zoning Board for a variance for a pool; that the smells have gotten very strong and the noble thing to do is to correct the problem and control the odors and emissions.

Allyson Sullivan, 42 Arthur Street, Blauvelt, testified that Aluf is a multi-million dollar company; that they spend their money on Attorneys and should be spending it on Engineers that can fix the problem; that they have cited over a decade ago; that the company set up the e-mail for residents and used it to deny odors; that she and her husband work hard to have their home and they can't use their yard.

Heather Hurley, 202 Hobart Street, Pearl river, testified that she has two questions for the applicant that she would like answered tonight, the first does Aluf have any Chemical Scrubbers?: and second, what is the source of the plastic pellets?; and that page 8 -o of the long form for SEQRA is answered no and that is false; that the DEC violations are consistent with melting plastic; that the 2016 application for Carbon Filters is still an open permit that was never closed; that she put a foil request into the DEC and they have not answered since May 31, 2016; that Greg Price stated compliance and operating parameters; that the carbon filter problem was nothing less than compliance and she urges the Board to deny the application.

Steven Finn, 72 Cottage Lane, Blauvelt, testified that Aluf is a company and all businesses are in business to make money; that he understands that; that he does not understand how the last stack test was done ten years ago; that this is ridiculous.

Jessica Smith, 6 Iroquois Avenue, Palisades, testified that she is new to the community and moved here last summer from Ocean Parkway with eight lanes of traffic; that she moved so that her kids would be breathing better air; that these toxic fumes are heart breaking and she hopes it can be resolved.

Alex Gadd, 8 Murphy Court, Blauvelt, testified that he is one of the 20 closest houses to Aluf; that he can assure those sitting at the table that they would be purgering themselves if they lived in his neighborhood and they testified that there was no smell from the plastic; that the only time they can use their yard is Friday evening into Saturday; that the rest of the week is a crap shoot.

Maureen Atchison, 78 Dutch Hollow Drive, Orangeburg, testified that she would like to thank you for the opportunity for Clean Air for Orangetown to mobilize and to state that every morning she walks, she smells the floral plastic smell and sometimes she smells the sewer; that the floral smell is an assault on the senses and it comes out from the stack and she asks that the Board do the right thing.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. Bosco and carried unanimously.

TOWN CLERKS OFFICE  
2016 NOV 29 AM 10 42  
TOWN OF ORANGETOWN

Mr. Sullivan made a motion to **DENY** this application based upon the November 14, 2016 report of Joseph Moran, P.E., Commissioner of Orangetown Department of Environmental Management and Engineering, and the November 16, 2016 Memorandum of John Giardiello, P.E., Director of the Orangetown Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE), which state that the Application does **not** conform to the Performance Standards of § 4.1 of the Orangetown Zoning Code; and, as part of this Motion, Mr. Sullivan requests that OBZPAE issue all appropriate Code violations against: (i) the operator of the business at 2 Glenshaw Street, (ii) the officers and/or principals of the business at 2 Glenshaw Street, and/or (iii) the owner of the real property at 2 Glenshaw Street, and that OBZPAE issue all appropriate Code violations as OBZPAE deems fit; which motion was seconded by Mr. Bosco and carried as follows: Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Bosco, aye; and Mr. Sullivan, aye; Ms. Castelli did not vote because she was not present for the entire hearing.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

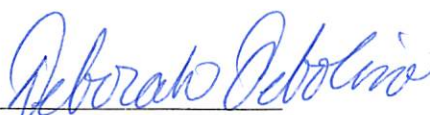
TOWN CLERKS OFFICE  
2016 NOV 29 10 42  
TOWN OF ORANGETOWN

The foregoing Resolution to **DENY** this application based upon the November 14, 2016 report of Joseph Moran, P.E., Commissioner of Orangetown Department of Environmental Management and Engineering, and the November 16, 2016 Memorandum of John Giardiello, P.E., Director of the Orangetown Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE), which state that the Application does **not** conform to the Performance Standards of § 4.1 of the Orangetown Zoning Code; and to request that OBZPAE issue all appropriate Code violations against: (i) the operator of the business at 2 Glenshaw Street, (ii) the officers and/or principals of the business at 2 Glenshaw Street, and/or (iii) the owner of the real property at 2 Glenshaw Street, and that OBZPAE issue all appropriate Code violations as OBZPAE deems fit; was moved by Chairman Sullivan, and seconded by Mr. Bosco and carried as follows: Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Bosco, aye; and Mr. Sullivan, aye; Ms. Castelli did not vote because she was not present for the entire hearing.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 16, 2016

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-N.A.

TOWN CLERK  
HIGHWAY DEPARTMENT  
ASSESSOR  
DEPT. of ENVIRONMENTAL  
MGMT. and ENGINEERING  
FILE, ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN  
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