

**ZONING BOARD OF APPEALS  
OF THE TOWN OF ORANGETOWN**

**NOTICE OF CONTINUED PUBLIC HEARING**

*PLEASE TAKE NOTICE* that a Public Hearing will be held, as continued from a prior meeting, by the ZONING BOARD OF APPEALS (“ZBA”) of the TOWN OF ORANGETOWN (“Town” or “Orangetown”), in Court Room I, at Orangetown Town Hall, 26 West Orangeburg Road, Orangeburg, NY 10962, on **Wednesday, April 3, 2019, at 7:00 PM**, to consider the following application (ZBA #18-19), submitted by Orangetown’s Office of Building, Zoning and Planning Administration and Enforcement (“OBZPAE”):

FURTHERANCE OF IMPLEMENTATION OF SPECIFIC CONDITION 4 OF THE 05/11/2017 ZBA DECISION #17-31 (“DECISION #17-31”), REGARDING THE PERFORMANCE STANDARDS APPLICATION OF API INDUSTRIES, INC. D/B/A ALUF PLASTICS (“ALUF”), FOR PREMISES LOCATED AT 2 GLENSHAW STREET, ORANGETOWN, NY (“PREMISES”), AS MORE SPECIFICALLY DESCRIBED IN THE 02/16/2018 REPORT TO THE ZBA BY JANE SLAVIN, R.A., DIRECTOR OF OBZPAE, AND MICHAEL MANZARE, BUILDING INSPECTOR OF OBZPAE (“02/16/2018 OBZPAE REPORT” – SEE BELOW); WHICH FURTHERANCE IS PROMPTED BY THE “ALUF PLASTICS ODOR REVIEW,” DATED 01/23/2019, PREPARED, AND SUBMITTED TO THE ZBA, BY JOHN D. FELLENER, P.E., OF FELLENER ENGINEERING, LLP (“01/23/2019 FELLENER REPORT”), WHICH EXPERT CONSULTANT WAS RETAINED BY THE ZBA, AS QUALIFIED, TO ASSIST THE ZBA IN ITS INVESTIGATION OF ALUF’S ALLEGED VIOLATIONS (SEE BELOW). THE 01/23/2019 FELLENER REPORT MAY BE VIEWED, AND/OR COPIES OBTAINED FOR A FEE, AT OBZPAE’S OFFICES DURING REGULAR BUSINESS HOURS.

OBZPAE’s application to the ZBA (ZBA #18-19), which is the subject of this continued Public Hearing, requests implementation of Specific Condition 4 of Decision #17-31, regarding Aluf’s Performance Standards application for the Premises (ZBA #17-31), and which OBZPAE application (ZBA #18-19) is more specifically described in the 02/16/2018 OBZPAE Report, which is summarized below (the 02/16/2018 OBZPAE Report may be viewed, and/or copies obtained for a fee, at OBZPAE’s offices during regular business hours):

The 01/23/2019 Fellenzer Report, and the 02/16/2018 OBZPAE Report, were submitted to the ZBA as per Specific Condition 4 of Decision #17-31, which Specific Condition 4 states (in relevant part for this Notice):

“OBZPAE shall investigate any alleged violation of Performance Standards by [Aluf], and, if there are reasonable grounds to believe that a violation exists, ... OBZPAE shall notify the ZBA of the occurrence or existence of a probable violation thereof, and the ZBA shall investigate the alleged violation, and for such investigation may employ qualified expert consultants; and if, after holding a Public Hearing on due notice, including notice to [Aluf] ... the ZBA finds that a violation occurred or exists, the ZBA may revoke and rescind [approval Decision #17-31], and any Building Permit and/or Certificate of Occupancy that has been issued, based upon [approval Decision #17-31], shall also be deemed revoked and rescinded ... .”

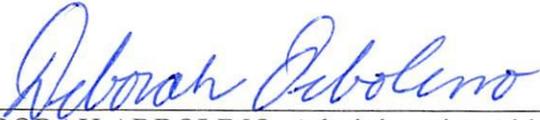
The 02/16/2018 OBZPAE Report also referenced Specific Conditions 2 and 3(b) of Decision #17-31, which said Specific Conditions state (in relevant part for this Notice):

“2. Pursuant to Orangetown Zoning Code §4.13, §10.334(c) and §10.335, initial and continued compliance with the Performance Standards shall be required, and any Building Permit or Certificate of Occupancy issued shall be conditioned on, among other things, [Aluf’s] completed installations, in operation, conforming to the Performance Standards, and [Aluf’s] paying of the fees, to the Town, for services of the Town’s own expert consultant, or consultants, deemed reasonable and necessary by ... [OBZPAE], and/or the ZBA, for advice as to whether or not [Aluf’s] completed installations will, in operation, conform, or are conforming, to the Performance Standards, and as prescribed in the following Conditions #3 and #4.

3. [Aluf’s] initial and continued compliance with the Performance Standards shall include the following: ... Inspections and/or testing, on-site while installations are in operation, by OBZPAE ... and/or the Town- retained expert consultants, to the extent, type and/or degree that OBZPAE ... and/or the Town’s expert consultants deem necessary.”

The 02/16/2018 OBZPAE Report also set forth “Personal Observations of OBZPAE Staff,” covering the period of 11/20/2017 through 02/01/2018, which, in summary, formed the factual bases for OBZPAE’s determination, decision and/or interpretation, as a result of OBZPAE’s investigations, that the observed “facts, information, circumstances, occurrences, incidents and/or situations ... constitute and/or establish reasonable grounds to believe that violations of the Orangetown Zoning Code’s Performance Standards, as prescribed in Decision #17-31, have been committed by Aluf.” A full copy of said Personal Observations of OBZPAE Staff is contained within the 02/16/2018 OBZPAE Report, which may be viewed, and/or copies obtained for a fee, at OBZPAE’s offices during regular business hours.

All persons interested in OBZPAE’s foregoing application to the ZBA (ZBA #18-19) are entitled to be heard at the Public Hearing. The complete application may be inspected at the Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE), 20 South Greenbush Road, Orangeburg, NY 10962, during regular business hours, and copies may be made upon request for a fee.

  
DEBORAH ARBOLINO, Administrative Aide  
Clerk/Secretary to the ZBA

Dated: 3/21/19