ZONING BOARD OF APPEALS

Town of Orangetown
20 Greenbush Road
Orangeburg, New York 10962
(914) 359-8410 (ex. 4331)
Date: May 22, 2020

TO: OBAPAE

Environmental Management and Engineering
Rockland County Sewer District #1
New York State Dept. of Transportation
Palisades Interstate Park Commission
Orange and Rockland Utilities
Orangetown Highway
Fire Prevention (Performance Standards)

Rockland County Drainage Rockland County Health Rockland County Planning Rockland County Highway

Review of Plans: Organic Recycling renewal of Performance Standards granted in ZBA#15-36 (see attached decision), 121 Route 303, Orangeburg, NY

Section 74.19 Block 1 Lot 3 LI zone

This matter is scheduled for:

Chapter 43, LI District, Section 4.12, for the continued composting operation taking place at 121 Route 303, Orangeburg, NY

Please review the information enclosed and provide comments. These comments may be mailed, e-mailed or faxed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: darbolino@orangetown.com or
- Fax to the Town of Orangetown ZBA @845 359 8526

#### Zoning Board Meeting Date: July 1, 2020

( ) Comments attached	
( ) No Comments at this time. Please send future correspondence for re-	eview.
( ) No future correspondence for this site should be sent to this agency. this agency does not have any further comments.	Plans reviewed and
( ) This project is out of the jurisdiction of this agency and has no further	er comments.
This project is before the Zoning Board on Wednesday, July 1, 2020. I completed review to this office by July 1, 2020.	Kindly forward your
Reviewing Agency	Town Of Orangetown Meefing Of:
Reviewing Agency Namedate:	

Thank you, Deborah Arbolino



### OFFICE OF BUILDING, ZONING, PLANNING, ADMINISTRATION AND ENFORCEMENT TOWN OF ORANGETOWN

20 Greenbush Road Orangeburg, N.Y. 10962

Jane Slavin, R.A. Director

(845)359-8410

Fax: (845) 359-8526

### **ZONING BOARD OF APPEALS**

Date: March 10, 2020	
Applicant: Organic Recycling renewal of Performance Standards grant	ed in ZBA#15-36
Address: 121 Route 303	
Section: 74.19 Block: 1	Lot: 3 LI
Permit#_N.A.	
Plans Submitted: "Site Plan & Materials Flow Yard Wast Composting F	facility at Organic Recycling"
dated 08/05/2014 signd and sealed by Jay A. Greenwell L.S. last revised	d 12/23/2016 ; ZBA #15-36 and
Resume of Operations	
	RECEIVED
Organic Recycling Renewal of Performance Standards	18 18 Land
Project Name:	MAR 1 0 2020
	TOWN OF ORANGETOWN
March 10, 2020 Date of Submittal to Land Use Board:	BUILDING DEPARTMENT
S A Constant and C	
Date of Board Meeting: TBD	
Sincerely,	
Catorah delice	
Debbie Arbolino	
Administrative Aide	

Date/Initial of OBZPAE Review Completed:

RECEIVED

MAR 1 0 2020

TOWN-UF-CRANDETOWN LAND USE BOARDS

## Name of Municipality: <u>TOWN OF ORANGETOWN</u>

Date Submitted:

### 2020 LAND USE BOARD APPLICATION

	✓ Commercia —— Planning Board  ✓ Zoning Board of Appea — Subdivision		
	Planning Board _✓ Zoning Board of Appea Subdivision		i lesiueriuai
	Subdivision		Historical Board
		als	Architectural Board
	Musshan of Late		Consultation
	Number of Lots		Pre-Preliminary/Sketch
	Site Plan		Preliminary
	Conditional Use		Final
Į.	Special Romeit		Interpretation
!	Special Permit Variance	PF	ERMIT#:
	Performance Standards Revi	ew AS	SIGNED
	Use Variance	INC	SPECTOR:
İ	✓ Other (specify):		
		Ref	ferred from Planning Board: YES / NO If yes provide date of Planning Board meeting:
	ame: ORGANIC RECYCLING - 202		
eet Ad	dress: 121 ROUTE 303 ORANGEBU	ЛRG, NY 10962	
х Мар	Designation:		
•		Diagle: 1	
•	Section: 74.19	_ DIOCK:	Lot(s): <sup>3</sup>
•	Section: 74.19 Section:	_ Block:	Lot(s): <sup>3</sup> Lot(s):
	Section:	_ Block:	Lot(s): <sup>3</sup> Lot(s):
ection	al Location:	_ Block:	Lot(s):
ection	al Location:	_ Block:	Lot(s):
ection	al Location:  STside of ROUTE 303 feet of the	Block:	Lot(s):, approximately Palisades Interstate Parkway in the
ection	al Location:	Block:	Lot(s):, approximately Palisades Interstate Parkway in the
the EAS	al Location:  STside ofROUTE 303 feet of the  DRANGETOWN in the hamlet/v	Block:e intersection of Prilage of TAPPAN	Lot(s):, approximately Palisades Interstate Parkway, in the
ection the EAS vn of C	al Location:  STside of ROUTE 303  feet of the DRANGETOWN in the hamlet/vireage of Parcel 25	Block:e intersection of Prillage of TAPPAN	Lot(s):, approximately Palisades Interstate Parkway, in the
the EAS	al Location:  STside ofROUTE 303 feetof the  DRANGETOWN_in the hamlet/v  reage of Parcel_25  Hool District_South Orangetown	e intersection of Prillage of TAPPAN	Lot(s):, approximately  Palisades Interstate Parkway, in the  Doning District_LI  District_Orangburg
the EAS	al Location:  STside of ROUTE 303  feet of the DRANGETOWN in the hamlet/vireage of Parcel 25	e intersection of Prillage of TAPPAN  Zo	Lot(s):, approximately Palisades Interstate Parkway, in the

Applicant: ORGANIC RECYCLING INC	Phone # <u>845-398-1012</u>			
Address: 121 ROUTE 303 Street Name & Number (Post Office)	Orangeburg	NY	10962	
Street Name & Number (Post Office)	City	State	Zip Code	
Property Owner: BINEL ASSOCIATES LLC	Pho	ne # 201-886-9090		
Address: 200 WINSTON DRIVE - STE 221 Street Name & Number (Post Office)	CLIFFSIDE PARK	NJ	07010	
Subst Name & Number (Post Office)	City	State	Zip Code	
Engineer/Architect/Surveyor:	WELL	Phone #	-357-0830	
Address: 85 LAFAYETTE AVE Street Name & Number (Post Office)	SUFFERN	NY	10901	
Street Name & Number (Post Office)	City	State	Zip Code	
Attorney: DONALD BRENNER, PE, LL.B	Phone #_ <sup>845-3</sup>	59-2210		
Address: 4 INDEPENDENCE AVE  Street Name & Number (Post Office)	TAPPAN	NY	10983	
Street Name & Number (Post Office)	City	State	Zip Code	
Contact Person: SAME AS ABOVE	Phone #		· · · · · · · · · · · · · · · · · · ·	
Address:Street Name & Number (Post Office)	City	State		
			Zip Code	
	erty is within 500 fe eck all that apply)			
IF ANY ITEM IS CHECKED, A REVIEW MUST B PLANNING UNDER THE STATE GENERAL	E DONE BY THE ROLL LAW	OCKLAND COUNTY , SECTIONS 239 L	COMMISSIONER OF , M, N, AND NN.	
State or County Road	State	e or County Park		
Long Path Municipal Boundary		nty Stream		
List name(s) of facility checked above: ROUTE 303, SPARKILL CREEK, P.I.P	Cou	nty Facility		
Referral Agencies:	*			
RC Highway Department	RC Division	of Environmental R	esources	
RC Drainage Agency	RC Dept. of	Health		
NYS Dept. of Transportation		of Environmental Co		
NYS Thruway Authority Adjacent Municipality	Palisades In	nterstate Park Comn	nission	
Other				

## FILL IN WHERE APPLICABLE. (IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subd	livis	ion:
	1)	Is any variance from the subdivision regulations required?
	2)	Is any open space being offered? If so, what amount?
	3)	Is this a standard or average density subdivision?
If site p	olan	
	1)	Existing square footage
		Total square footage
		Number of dwelling units
lf spec	ial p	<b>Dermit</b> , list special permit use and what the property will be used for. TENSION OF LIMITING DURATION OF COMPOSTING OPERATION
Enviro	nme	ental Constraints:
and net a Are there	stre	ams on the site? If yes, please provide the names. Sparkill Creek ands on the site? If yes, please provide the names and type:
f so, prov	orojeo vide a nd the	et ever been reviewed before? 1999, 2005, 2010 & 2015 In narrative, including the list case number, name, date, and the board(s) you appeared a status of any previous approvals.  To oved all previous renewals
₋ist tax m his projed	ct.	ection, block & lot numbers for all other abutting properties in the same ownership as

## **Applicant's Signature and Certification**

State of New York )
County of Rockland ) SS.:
Town/Village of
hereby depose and say that all the above statements contained in the papers submitted herewith are true.  VARGHESE JAMES Notary Public - State of New York  Signature:
Mailing Address: 12   RT 303 Blds #/  My Commission Expires Aug 14, 2021  Mailing Address: 12   RT 303 Blds #/  Or arzebay Ny 10962
SWORN to before this
Notary Fublic
Owner/Applicant's Consent Form to Visit Property
in the application submitted to the town fill and he applicant of the property described
in the application submitted to the town/village board, planning board, zoning board of appeals and/o
supporting staff, do hereby give permission to members of said boards and/or supporting staff to visit the property in question at a reasonable time during the day.
VARGHESE JAMES Notary Public – State of New York NO 01 JA6363159 Qualified in Rockland County My Commission Expires Aug : 4, 202:  Owner/Applicant Signature
SWORN to before this
day of January, 20_20
Notan Public /

## Affidavit of Ownership/Owner's Consent

State of New York )
County of Rockland SS.:
Town/Village of OR Augus Curl
1, Nuthan J. Linderbaum being duly sworn, hereby depose and say
that I reside in the county of Bergen in the state of New Tersey
I am the (* Nanger of the ) owner in the fee simple of premises located at: 121 ROUTE 303 ORANGEBURG, NY 10962
described in a certain deed of said premises recorded in the Rockland County
Clerk's Office in Liber of conveyances, page
Said premises have been in my/its possession since 1964.  Said premises are also known and designated on the Town of ORANGETOWN  Tax Map as: section: 74.19 block: 1 lot(s): 3
I hereby authorize the within application on my behalf and that the statement of fact contained in said application are true, and agree to be bound by the determination of the board.  Owner Signature:
Mailing Address: 200 Winston Drive  Sufe 22  Clifts Life Park, NJ 07010
SWORN to before this
day of January, 20 20  LISA YOURMAN  Notary Public - State of New Jersey Commission # 2382629 My Comm. Expires Feb. 23, 2024
Notary Dublia

\*If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list of all directors, officers and stockholders owning more that 5% of any class of stock.

## Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York )
County of Rockland ) SS.:
Town/Village of ORANGETOWN NETOWN ORANGETOWN
TIJU DANIEL, being duly sworn, hereby depose
and say that all the following statements and the statements contained in the papers submitted
herewith are true and that the nature and extent of any interests set forth are disclosed to the extent
that they are known to the applicant.
у стания стринали.
Print or type full name and post office address
TIJU DANIEL
121 ROUTE 303 BLDG #1
ORANGEBURG, NY 10962
Certifies that he/she is owner or agent of all that certain lot, piece or parcel of land and/or building
described in this application and if not the owner that he/she has been duly and properly
authorized to make this application and to assume responsibility for the owner in connection
with this application for the relief set forth:
2. To the ZBA of the Town/Village of ORANGETOWN, Rockland County, New York:
Application, petition or request is hereby submitted for:
( ) Variance or modification from the requirement of Section 9, 3
Special permit per the requirements of Section
( ) Exemption from a plat or official map;
( ) An order to issue a certificate, permit or license;
( ) An amendment to the Zoning Ordinance of Official Map or change thereof;
(*) Other (explain) RENEW SPECIAL PERMIT TO ALLOW CONTINUED COMPOSTING OPERATION PREVIOUSLY APPROVED 1999, 2005, 2010 & 2015
To permit construction, maintenance and use of <u>COMPOSTING OPERATION</u>
3. Premises affected are in a LIzone and from the Town of ORANGETOWN
Tax map, the property is known as Section 74.19 Block 1 Lot(s) 3

- 4. There is no state officer, Rockland County officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.
- 5. To the extent that the same is known to your applicant, and to the owner of the subject premises **there is disclosed herewith** the interest of the following officer or employee of the State of New York or the County of Rockland or of the Town/Village of <u>ORANGETOWN</u> in the petition, request or application or in the property or subject matter to which it relates:

#### (IF NONE, SO STATE)

a.	Name and address of officer or employee NONE	
b.	Nature of interest & A	
C.	If stockholder, number of shares NA	
d.	If officer or partner, nature of office and name of par	tnership
e.	If a spouse or brother, sister, parent, child, grandchi relatives of such state, county or town/village officer such relative and nature of relationship to officer and office, interest or participation or association having business entity sharing in such ownership.	ild or the spouse of any of these blood or employee, state name and address of d employee and nature and extent of an interest in such ownership or in any
f.	In the event of corporate or limited liability company and stockholders of each corporation or members of more than five (5%) percent of any class of stock or interest, must be attached, if any of these are officers or of the County of Rockland, or of the Town of Oran	each limited liability company owning more than five (5%) percent beneficial s or employees of the State of New York.
6. papers	I do hereby depose and say that all the above staters submitted herewith are true, knowing that a person ction is guilty of a misdemeanor.	ments and statements contained in the who knowingly and intentionally violates
uns se	Signature	: Marin
	Mailing Address	TIJU DANIEL
		121 ROUTE 303 BLDG #1
SWC	PRN to before this	ORANGEBURG, NY 10962
	28 day of January , 20 20	_
	Wotary Public	VARG∺ESE JAMES Notary Public – State of New York NO 01JA6363159 Qualified in Rockland County
		My Commission Expires Aug 14, 2021

### Reimbursement for Professional Consulting Services

The Town/Village Board, Planning Board and Zoning Board of Appeals in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with such charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the town/village for the cost of such consultant services upon receipt of the bill. Such reimbursement shall be made prior to final action on the application.

Permits will not be issued and site plan or subdivision will not be signed until bill is paid in full.

Applicant's Signature:

SWORN to before this

\_\_\_\_\_\_28 \_\_\_\_day of \_\_\_\_\_\_\_, 20 20

Notary Public – State of New York NO 01JA6363159 Qualified in Rockland County My Commission Expires Aug 14, 2021

**VARG~ESE JAVIES** 

### **PART II**

## **Application before the Zoning Board of Appeals**

Application, petition or request is hereby submitted for:	
☐ Variance from the requirement of Section	
Special permit per the requirements of Section	3
Review of an administrative decision of the Building Ins	spector;
☐ An order to issue a Certificate of Occupancy;	
An order to issue a Building Permit;	
☐ An interpretation of the Zoning Ordinance or Map;	
( Certification of an existing non-conforming structure or	use;
(7) Other (explain) RENEW SPECIAL PERMIT ALLOWING COMPOSTING OPERATION	
To permit construction, maintenance or use of COMPOSTING OPERATION	
If an area variance is required, please fill out below:	
This application seeks a variance from the provisions of Article  Specifically, the applicant seeks a	
(side yard, lot area, height, etc.) of	(feet height floor area ratio etc.)

Town of Orangetown 26 Orangeburg Rd Orangeburg, NY 10962

NY District - Corps of Engineers 26 Federal Plaza - Rm 2007 New York, NY 10278-0090 James O'Brien 10 Julia Ct Tappan, NY 10983

Jan Wolodkowicz 28 Bell Ln Tappan, NY 10983 Viktor Nijac 34 Bell Ln Tappan, NY 10983 Matthew P Lydon 304 Kings Highway Tappan, NY 10983

John Martin 358 Kings Highway Tappan, NY 10983 Mark Freitag 366 Kings Highway Tappan, NY 10983 Domingo Avecilla 31 Bell Lane Tappan, NY 10983

Palisades Interstate Park Com Administration Building Bear Mountain, NY 10911-0427

#### DECISION

#### PERFORMANCE STANDARDS APPROVED, WITH CONDITIONS, FOR FIVE YEARS

To: Donald Brenner (Organic Recycling) 4 Independence Avenue Tappan, New York 10983

ZBA #15-36 Date: May 6, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-36: Application of Organic Recycling for renewal of the Performance Standards (granted in ZBA#10-27 for five years) Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 4.12, for the continued composting operation taking place at 1754 Route 303, Tappan, New York and identified on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, and Sarah Torrens and Cassandra Lim appeared and testified.

The following documents were presented:

- 1. Plans labeled "Site Plan & Materials Flow Yard Waste Composting Facility at Organic Recycling" dated 8/5/2014, revised 1/15/2015 signed and sealed by Jay A. Greenwell, L.S. (1 page).
- 2. ZBA Decision #10-27 dated April 21, 2010.
- 3. Performance standards resume of operations and equipment dated April 19, 2015.
- 4. Fire Prevention Supplement.
- 5. A memorandum dated April 21, 2015 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.
- 6. A letter dated April 22, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
- 7. A letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
- 8. A letter dated April 15, 2015 from the Department of Environmental Management and Engineering signed by Joseph J. Moran, P.E., Town of Orangetown.
- 9. A letter in support of the project, dated May 1, 2015 from James Dean, Superintendent of Highways, Town of Orangetown (2pages).
- 10. A letter dated April 24, 2015 from the County of Rockland Department of Highways signed by Charles H. Vezzetti, Superintendent of highways.
- 11. A letter dated April 24, 2015 from the County of Rockland Drainage Agency signed by Vincent Altieri, Executive Director.
- 12. A letter dated March 27, 2015 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public health Engineer.
- 13. A letter dated May 5, 2015 from Daniel J. Scott, 21 Hansen Street, Tappan, in support of the application.
- 14. A copy of an e-mail from Ashley Wilson to Cass Lim regarding the DEC "Solid waste Management permit renewal, which anticipates the renewal permit will be issued as soon as possible and apologizes for the delay.

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

TOWN CLERKS OFFICE

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TOWN GF OF ANGETOWN

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

Cassandra Cass testified that they are no longer composting grass clippings; that they compost brush and leaves; that they need to renew the DEC permit every five years; that there is always material on site but things move out an in every three months; that they can keep the piles to no more than 20' high and they will provide a site plan with everything labeled as per Michael Bettmann's request.

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were thereupon reviewed in detail.

#### Public Comment:

No public comment.

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 Ms. Salomon and carried unanimously.

### FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all of the documents submitted, the Board found and concluded that:

Based upon the information contained in: (i) the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement dated April 19, 2015; (ii) the report dated April 15, 2015 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (iii) the report dated April 21, 2015 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (iv) the letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E.;(v) the letter three April 24, 2015 from the County of Highways signed by Charles H. Vezzett Superintendent of Highways; (vi) Rockland County Department of Health letter dated March 27, 2015 signed by Scott McKane, P.E., Senior Public Health Engineer; (vii) County of Rockland Drainage Agency letter dated April 24,2015 signed by Vincent Altieri, Executive Director; (viii) the letter dated April 22020 from the County of Rockland Department of Planning signed by Douglas J Schuetz, Acting Commissioner; (ix) the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and conclides that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and B.F.P., and all other departments having jurisdiction of the premises.

OWN OF ORANGETOWN

Organic Recycling ZBA#15-36 Page 3 of 4

DECISION: In view of the foregoing and the testimony and documents submitted, the Board RESOLVED that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: (1) that the Applicant adhere to all of the requirements set forth in the report by Chief Fire Inspector Bettmann, B.F.P., dated April 21, 2015; and (2) that the Applicant adhere to all of the requirements set forth by the report dated April 15, 2015 from Joseph J. Moran, P.E., Commissioner, DEME; and (3) the height of the compost piles shall not exceed 20'; AND FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

#### 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 OF GRANGETOWN
TOWN OF GRANGETOWN

Organic Recycling ZBA#15-36 Page 4 of 4

The foregoing resolution to approve the application for Conformance to Zoning Code §4.1 Performance Standards Review with the specific conditions set forth on the previous pages, was presented and moved by Ms. Salomon, seconded by Mr. Sullivan and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye.

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: May 6, 2015

ZONING BOARD OF APPEALS TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

APPLICANT ZBA MEMBERS 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 CLERKS OFFICE SOIS MAY 29 PM 12 28 LOAN OF OFFICETOWN

## ZBA SEQRA FINDINGS & MOTIONS FOR "TYPE II" EXEMPT ACTIONS:

FOR PUBLIC HEARINGS OF 05/06/2015

### ZBA #15-32 (Applicant, Short):

"Based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since application ZBA number 15-32 (Applicant, Short),

- ⇒ seeks to construct or expand a single-family, a two-family or a three-family residence on an approved lot;
- ⇒ seeks to construct, expand or place a minor accessory/appurtenant residential structure;
- ⇒ seeks area or bulk variances for construction or expansion of, or relating to, a single-family, two-family or three-family residence; and/or
- ⇒ seeks only setback or lot line variances;

this application is exempt from environmental review under the State Environmental Quality Review Act pursuant to SEQRA Regulations 617.5(c)(9), (10), (12) and/or (13).

If you don't have any questions or comments, any Board member may adopt my legal opinion as a motion, if you wish."

## ZBA #15-33 (Applicant, Greenstar Restaurant), ZBA #15-34 (Applicant, Skae Training Center), and ZBA #15-35 (Applicant, Skae Training Center):

"Based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since application ZBA numbers 15-33 (Applicant, Greenstar Restaurant), 15-34 (Applicant, Skae Training Center), and 15-35 (Applicant, Skae Training Center)

⇒ seek to construct or expand a primary, or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area, and not involving a change in zoning or a use variance and consistent with local land use controls,

these applications are exempt from environmental review under the State Environmental Quality Review Act pursuant to SEQRA Regulation 617.5(c)(7).

If you don't have any questions or comments, any Board member may adopt my legal opinion as a motion, if you wish."

### ZBA #15-36 (Applicant, Organic Recycling), and ZBA #15-37 (Applicant, LSI Services):

"Based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since application ZBA numbers 15-36 (Applicant, Organic Recycling) and 15-37 (Applicant, ISI Services) entail the ZBA engaging in reviews to determine compliance with technical requirements, these applications are exempt from environmental review under the State Environmental Quality Review Act pursuant to SEQRA Regulation 617.5(c)(28).

If you don't have any questions or comments, any Board member may adopt my legal opinion as a motion, if you wish."

### **Application Instructions**

This application is to define equipment and operations for a new or existing facility or process to determine applicability to Town of Orangetown Performance Standards. The information herein is required for the Town Zoning Board to make such determination regarding the Applicant's proposed use of the land.

Do not start work before obtaining necessary permits to avoid subjecting the Applicant and contractors engaged in The Project to enforcement action, which could include: 1) civil or criminal court action, or both; 2) fines; 3) an order to remove structures or materials or perform other remedial action; or 4) both a fine and an order.

If the facility has existing and applicable local, county, state or federal permits, licenses or certifications, copies of such are to be listed below and included in this application.

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL

Type of Permit	Agency local, county, state, federal	Submitted				
e.g., air, water, waste, etc.		Paper Copy? Y or N	URL or Website Information			
SPECIAL PERMIT	LOCAL		www.organicrecycling.com			
<del></del>						

The Applicant must provide information and background showing the derivation of anticipated air emissions, water discharges and waste disposal, appropriate to the Projects' applicability to Town Performance Standards.

This PDF document is based on Microsoft's Excel format converted to PDF. Data can be entered directly into the areas designated, or the application may be printed and filled in by hand. To fill in electronically, open this document in Adobe Acrobat, click on "Typewriter" under "Tools", and begin typing. Font size is restricted. Additional pages can be included in the application.

This Application is required for the Town to make a determination regarding the applicant's proposed use of the land and buildings. Attach Additional Sheets as Needed.

Certification and Identification Information							
Type of Actio X	Ype of Action/Application: Place an "X" to the left of the appropriate categories.         New       Significant Modification       Other:         X       Renewal       Administrative Amendment         Minor Action       Major Action						
PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL							
I certify under penalty of law that I have personally examined and am familiar with the information submitted herein in this application, and information in support of it, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.							
Responsible Print	Official: <sub>TI</sub>	JU DANIEL			Title: PRO	DJECT COOF	RDINATOR
Signature:					Date:		
Phone: 845-3	398-1012		Email: TDA	ANIEL@ORG	GANICREC	YCLING.CO	M
Facility / Owner Information  Facility Name: ORGANIC RECYCLING INC  Facility Address: 121 ROUTE 303  Owner Name: ORGANIC RECYCLING INC  Street: 121 ROUTE 303  City/Town: ORANGEBURG  Facility / Owner Information  Business EIN:  ZIP: 10962  State/Province: NY							
Ownership:	Х	Corporation			Individual		
of box	VM 33 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	Partnership	Andre San San San San		Other:	ess contra est con es e sugar con estado	
		The state of the s	/Firm/Fa	cility Co	ntact		
Name: BINEL	ASSOCIAT	TES LLC	-			Phone: <sup>201</sup>	-886-9090
		NSTON DRIVE - STE 221	1			Fax:	
City/Town: C	LIFFSIDE P	ARK				ZIP: <sup>07010</sup>	
	State/Province: NJ Country: USA					ISA	
Affiliation: PR	Affiliation: PROPERTY OWNER Title:						
Email:							

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL	

### **BUILDING & PROPERTY**

Property Footprint, total sq. ft./acres	
Footprint, Largest structure, sq. ft.	N/A
Highest 'Story' on Site	N/A
Total No. Structures	N/A

Parking sq. ft.	
No. Parking Spots	
Full Time Employees	7
Part Time Employees	1

### STATE ENVIRONMENTAL QUALITY REVIEW

This application requires completing and submitting to the Town only, the New York State Department of Environmental Conservation's Short Environmental Assessment Form, Appendix B to 6NYCRR 617.20. Some of this information may be duplicated herein. This form can be accessed at:

http://www.dec.ny.gov/docs/permits\_ej\_operations\_pdf/seafpartone.pdf

The applicant must provide floor plans showing location of equipment, work stations, vents, exhausts, chimneys or stacks, and associated industrial processes.

### **OPERATIONS**

Primary Line(s) of Business:	NAICS:	SIC:	
1. Producing - mulch, compost and topsoil	1.		
2.	2.	2.	
3.	3.	3.	
Week Days Operating 6			
No. Shifts per Day			
Hours per Day Operating 7AM-7PM			

### **Principal Products of Manufacture/Assembly/Business**

1.	Receiving of garden trimmings, tree branches, leaves and grass
2.	Grinding of Woodwaste
3.	Screening Compost and Mulch
4.	
5.	

PROJECT NAME: ORGANIC REG	YCLING - 2020 PERM	T RENEWAL
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#### **NOISE**

Based on descriptive decibel levels of Table A (following page), decibel corrections shown below as appropriate, and in accordance with the Town's Noise Performance Standard 4.181, evaluate the noise level for the processes you list below.

When appropriate, "frequency band cycles' as described in the Town's Noise Performance Standard will be evaluated by the facility in the event of non-compliance with levels proposed for this project. The Town may request this evaluation during the application process if more complex noise patterns are expected.

	Decibel
Type of Operation of Character of Noise	Correction
Daytime operation only	Plus 5
Noise source operates less than 20% of any one hour period	Plus 5
Noise source operates less than 5% of any one-hour period	Plus 10
Noise source operates less than 1% of any one-hour period	Plus 15
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

Use dB categories in Table A following page	Noise Level/Range Anticipated Outdoor:			
'Loudest' Producers of Noise Include construction and process operations.	During Time of Busiest Activity	During Time of Slowest Activity	Frequency per day or Specific Time Ranges	Duration, denote hours or minutes
1. Grinding & Screening Operation	55db@100'	42db@100'	8am - 5pm	8 hours
2.				
3.	i			
4.				
5.				

#### **VIBRATION**

It is understood that the applicant is familiar with, and anticipates compliance with, the Town's Vibration
Performance Standard, 4.171, during project construction and ultimate project operations. Any
anticipated aberrations from this expectation should be detailed below.
There is no noticeable vibration involved on site.

### TABLE A **Decibel Levels**

0	healthy hearing threshold
10	a pin dropping
20	rustling leaves; quiet rural area, nighttime
30	whisper, faint; quiet suburban area, nightime
40	babbling brook, bird calls; quiet urban area,nighttime; computer
50	light traffic; quiet urban area, daytime; refrigerator; residential air conditioner @ 50'
60	conversational speech @ 3'; air conditioner; heavy trafiic @ 300'
70	shower: living room music: dishwasher
75	toilet flushing; vacuum cleaner; gas lawnmower @ 100', commercial area
80	alarm clock; garbage disposal; noisy urban area, daytime
85	passing diesel truck; snow blower
90	squeeze toy; lawn mower, food blender, motorcycle @ 25'; arc welder; diesel truck @ 50' @ 50 mph.
95	inside subway car; food processor; belt sander
100	motorcycle (riding); loud auto horn @ 10'; lawn mower @ 3'; handheld drill
105	sporting event; table saw

ost noise levels are given in dBA, which are decibels
justed to reflect the ear's response to different
equencies of sound. Sudden, brief impulse sounds, like
any of those shown at 120 dB or greater, are often given
dB (no adjustment).
faint

110	rock band; jackhammer, jet flyover @ 1000 ft.
115	emergency vehicle siren; riveter
120	thunderclap; oxygen torch
125	balloon popping
130	peak stadium crowd
135	air raid siren, near jet engine
140	jet engine at takeoff
145	firecracker
150	fighter jet launch
155	cap gun
160	shotgun
165	.357 magnum revolver
170	safety airbag
175	howitzer cannon
180	rocket launch
<b>194</b>	sound waves become shock waves

30 faint

50 moderate

70 loud

90 very loud 120 deafening 130 threshold of pain

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL

## Permits and Applicable Local, County, State & Federal Regulations

Does the new or modified facility, process(es) or equipment require ANY additional permits, licenses, certifications or other authorizations under local, county, state or federal jurisdiciton, or adherence to the regulations below? If so, list the main applicable regulatory parts for each category.

For example, NYSDEC Air State Facility Permit: Part 201-5; industrial wastewater discharge, State Pollutant Discharge Elimination System (SPDES), Part 750; large gas burning engines, NSPS Subpart IIII.

Answers in the positive may cause the Town to only conditionally approve this project until these other requirments are

met. Additional information and specificity of regulations may proof of evidience of meeting all requirements.	be required. It is the applicant's responsibility to provide
AIR*	PRIMARY APPLICABLE REGULATIONS
EPA New Source Performance Standards	
NYSDEC:	DEC PERMIT :3-3924-00177/00003
Registration	
Air State Facility Permit	
Federal Title V Major Facility Permit	
WASTE**	
Pesticide Control	N/A
Solid & Hazardous Waste	N/A
Radiation	N/A
Mineral Resources & Mined Land Reclamation	N/A
Noise from Heavy Motor Vehicles	Noise is below allowable limits.
RESOURCE MANAGEMENT***	
Land Use	N/A
Mineral Resources	N/A
Invasive Species	N/A
Real Property and Land Acquisitions	N/A
Water Regulaton	N/A
WATER***	
All other water applicable matters	DEC PERMIT :3-3924-00177/00003
GENERAL	
State Environmental Quality Review	
New York State Department of Health	
Uniform Procedures per 6NYCRR 621.1	
NYS Department of State	N/A
Additional	N/A

- http://www.dec.ny.gov/regs/2492.html
- http://www.dec.ny.gov/regs/2491.html
- \*\*\* http://www.dec.ny.gov/regs/2490.html
- \*\*\*\* http://www.dec.ny.gov/regs/2485.html

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL
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### **Combustion Sources**

Combustion Source (engine, turbine, boiler, etc.)	No. of Units	Equipment Rating List HP, KW, MMBtu/hr, CFM with units	Fuels (e.g., natural gas, fuel oil, distillate or residual oil, waste oil, wood)
Front End Loaders	3	192HP - 417HP	Diesel
Grinders	2	765HP	Diesel
Screener	1	127HP	Diesel
Excavator	1	223HP	Diesel

### **Processes**

Will any process, including combustion, use or storage, disposal, discharge, emission, or release to the environment, be applicable and/or reportable to:	*
EPA Greenhouse Gas Reporting	
EPA Toxic Release Inventory	
National Emission Standards for Hazardous Air Pollutants	
High Toxicity Air Contaminants per NYSDEC Part 212-2.2 Table 2	
Emergency Planning and Community Right-to-Know Act (EPCRA)	
Tier II NYS Emergency Response Commission	
Solid Waste	
Hazardous Waste	
FHWA or NYSDOT	
SPDES or NPDES	

<sup>\*</sup> Mark with an 'X' those that are applicable.

## **Chemical Characterization Codes**

Does any operation involve the use of any of the following:

Table B

Y or N

Use these codes to characterize chemicals and chemical products.

plasting agents iquid,l; solid,s id d	N N N
iid d	N N
d	N
d	
	7,
	N
: specify propane and/or butane	N
OS	N
	N <sup>.</sup>
de	N
ıuid	Y
terial	N
rial	N
en wet" material	N
erial	N
pers	N
	de quid terial rial nen wet" material erial pers

### Does any operation consist of the following:

Ω	produces dust subject to explosion or spontaneous combustion	
Q	broadces and amplect to explosion of should depois compastion	N
R	product poisonous fumes or gases	N
T	spray operations	N
U	fuel dispensing	Y
٧	propane gas forklifts	N
w	any other operation which may present a fire, explosive, radiological or other hazard	N

### If none of the above, identify substances as:

Α	aerosol
G	gas
L	liquid
S/P	solid/powder
S/L	slurry

### **Chemical Bulk Inventory**

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL

SINGLE, NON-MIXTURE CHEMICALS Top 5 by Amounts Used/Stored	CAS Identification*	Table B Characterization Code List all that apply	Yearly Use/Stored (list gallons or pounds)
1. Diesel	68476-34-6	U	1000 Gallons
2. Oil		K	250 Gallons
3.			
4.			
5.			

	NO	
Is there any mixing on-site of any combination of single,		
bulk substances and/or purchased mixtures? Indicate YES or NO		

Identify <u>any</u> on-site, single non-mixture chemical that is:				
Known Human Carcinogen - KHC Probable Human Carcinogen - PrHC Possible Human Carcinogen - PHC Other - Indicate	Carcinogen Characteristic <sup>#</sup>	Yearly Consumption (gallons or pounds)		
1. N/A	N/A	N/A		
2. N/A	N/A	N/A		
3. <sup>N/A</sup>	N/A	N/A		

#### CAS Identification\*

 $https://ofmpub.epa.gov/sor\_internet/registry/substreg/searchandretrieve/substancesearch/search.do?search= \& substanceName=ethyl% 20 ketone \& substanceNameScope=contains \& substanceType=-1 \& has Components=both & substanceNameScope=contains & substanceType=-1 \& has Components=both & substanceNameScope=contains & substanceNameScope=co$ 

<sup>&</sup>lt;sup>#</sup> As would be expected to be found in agreement among bodies such as the National Academy of Sciences, the U.S. Department of Health and Human Services' *Agency for Toxic Substance and Disease Registry*, the World Health Organization's *International Agency for Research on Cancer*.

### **Chemical Mixtures Inventory**

### PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL

PURCHASED CHEMICAL MIXTURES List Top Three By Amount Used or Stored, and % of top three components of each mixture, excluding water.	CAS Identification* & Percentage	Table B Characterization Code List all that apply	Yearly Used/Stored (include units: gallons, g, or pounds, p)
M1. <sup>N/A</sup>	<b>-</b>	N/A	N/A
a. N/A	N/A	N/A	
b. N/A	N/A	N/A	
c. N/A	N/A	N/A	<del></del> 1
M2. N/A		N/A	N/A
a. N/A	N/A	N/A	
b. N/A	N/A	N/A	
c. N/A	N/A	N/A	
M3. <sup>N/A</sup>	-	N/A	N/A
a. N/A	N/A	N/A	
b. N/A	N/A	N/A	
c. N/A	N/A	N/A	

Identify <u>any</u> on-site chemicals in any mixtures that are: Know Human Carcinogen - KHC Probable Human Carcinogen - PrHC Possible Human Carcinogen - PHC Other - Indicate	Carcinogen Characteristic	Yearly Used/Stored, gallons or pounds
1. N/A	N/A	N/A
2. N/A	N/A	N/A
3. N/A	N/A	N/A

### **Chemical Discharges**

## PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL

List raw material, or products, that emit to atmosphere or discharge to land or water				
SINGLE, NON-MIXTURE CHEMICALS				
N/A	N/A			
1.				
N/A	N/A			
2.				
N/A	N/A			
<b>3.</b>				
N/A	N/A			
4.				
N/A	N/A			
5.				
N/A	N/A			
6.				
N/A	N/A			
7.				

CHEMICAL MIXTURES			
1. N/A	N/A		
2. N/A	N/A		
3. N/A	N/A	-	
N/A <b>4.</b>	N/A		
N/A 5.	N/A		
N/A <b>6.</b>	N/A		
N/A <b>7</b> .	N/A		

### **Primary Process Descriptions**

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL			
Describe Primary Processes:		Characterization Codes from Table B	
Provi	de a facility blueprint, drawing or schematic showing	List all that apply	
locat	ions of the processes described below.		
PP1	"ORGANIC RECYCLING INC COMPOSTING SITE PERMITTED SEPARATELY" - OIL TANK (250 GAL)	U	
PP2			
PP3			
PP4			
PP5			
PP6			
PP7			
PP8			
PP9		·	
PP10			

## **Control Systems**

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL  Describe control methods such as pollution and odor controls, fire alarm systems, automatic fire suppression devices such as sprinklers, portable fire extinguishers, and any other safety devices.			
C2	Water Truck on site, 2 water tanks, and connected water pump		
С3	Aerobic Composting, reduces and controls odors.		
C4			
<b>C</b> 5			
C6			
С7			
C8			
С9			
C10			

### **DEFINITIONS**

**Responsible official**. A president, vice president, secretary, treasurer, general partner, proprietor, principal executive officer, ranking elected official, or any other person who performs policy or decision making functions and is authorized to legally bind a corporation, partnership, sole proprietorship, or government entity which operates a facility that is subject to the provisions of this Application. Whenever the term responsible official is used in this document or in any other Town regulations, it shall be deemed to refer to the "designated representative" with regard to all matters under this application.

**Major action/project** - actions for which permit applications are to be sent to the NYSDEC under 6NYCRR621.1.

Refer to:

https://govt.westlaw.com/nycrr/Document/I4ec443aacd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)

Minor Project - Projects as described under NYSDEC's Uniform Procedures, 6 CRR-NY 621.4

https://govt.westlaw.com/nycrr/Document/I4ec46aa7cd1711dda432a117e6e0f345?viewT

Refer to:

ype=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)

**Modification** means any change or amendment whatsoever to a permit that is currently in force, including permit transfer.

**Research and Development** activities. The primary purpose of such activities is to conduct research and development into processes and products, where such activities are conducted under the close supervision of technically trained personnel. Research and development activities do not include activities whose primary purpose is to produce commercial quantities of materials.

# RESERVED

## **Additional Information or Explanantions**

PROJECT NAME: ORGANIC RECYCLING - 2020 PERMIT RENEWAL



