

**TOWN OF ORANGETOWN
WORKSHOP/PUBLIC HEARING
TUESDAY, MAY 23, 2017**

This Workshop Meeting was opened at 7:59 p.m. Supervisor Stewart presided and the Town Clerk called the roll.

Present were: Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America: Charlotte Madigan

A moment of silence was held in memory of the 22 individuals killed in the terror attack in Manchester, England.

Representatives from Phillips & Millman, LLP, made a presentation regarding a zone change request from LO to CC zone for 576 Route 303, Blauvelt, NY.

RESOLUTION NO. 293

**OPEN PH /PROPOSED LOCAL LAW
AMENDING CHAPTER 43 (ZONING)
PERMIT VETERAN HOUSING/R-15
ZONING DIST/HOME FOR HEROES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the public hearing on the proposed Local Law amending Chapter 43 (Zoning) of the Town Code to allow Veteran Housing in the R-15 Zoning District is hereby opened.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

The Town Clerk presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 05-G-17 and made a part of these minutes.

Summary of Public Comments:

John Murphy, Chairman of Rockland Home For Heroes – currently there are eight apartments in four structures. He wants to construct more units.

Carl Thornbush, Army Veteran, is very thrilled to help with this project.

Barbara Delo, Blauvelt, is this only for Veteran's that are homeless?

Mr. Murphy confirmed that it is Federal Law, Veterans have to be homeless.

RESOLUTION NO. 294

**CLOSE PH/PROPOSED LOCAL LAW
AMENDING CHAPTER 43 (ZONING)
PERMIT VETERAN HOUSING/R-15
ZONING DIST/HOME FOR HEROES**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLUTION NO. 294 - Continued

RESOLVED, the public hearing on the proposed Local Law amending Chapter 43 (Zoning) of the Town Code to allow Veteran Housing in the R-15 Zoning District is hereby closed.

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari
Supervisor Stewart

Noes: None

RESOLUTION NO. 295

**LEAD AGENCY/ SEQRA/ PROPOSED
LOCAL LAW/AMENDING CHAPTER 43
(ZONING) / PERMIT VETERAN HOUSING
R-15 ZONING DIST/HOME FOR HEROES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

WHEREAS, by previous duly adopted the 2nd day of May 2017, the Town Board resolved to proceed with its consideration of the proposed action, consisting of a local law establishing a new Conditional Use by the Planning Board, permitting Attached Veteran Housing in the R-15 zoning district zoning district; and

WHEREAS, by the same resolution, the Town Board declared its intent to serve as lead agency for the environmental review thereof under the N.Y.S. Environmental Quality Review Act ("SEQRA"), and directed circulation of the proposed text amendment for review, comment and SEQRA to various involved and/or interested agencies, including, but not limited to, the Rockland County Department of Planning, pursuant to General Municipal Law § 239 l & m; and

WHEREAS, by letter with attachments, dated May 12, 2017, all materials relevant to the review of the proposed action were circulated to the various interested and involved agencies, and to the Rockland County Planning Department and the Village Planning Board, for review, comment and lead agency status; and

WHEREAS, no agency has objected to the Town Board acting as lead agency for the environmental review of the action; and

WHEREAS, for the purpose of amending the Town Code, as proposed, the Town Board is the only involved agency under SEQRA, and, therefore, is the only appropriate entity to act as lead agency,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby assumes lead agency status for purposes of environmental review of the action as set forth above under SEQRA; and

BE IT FURTHER RESOLVED, (1) that the proposed action is an unlisted action under SEQRA; and, (2) that, having taken a hard look at all of the environmental issues associated with the said action, and the areas affected, including all of the possible impacts identified on the Short EAF prepared and submitted in connection with the said action, the Town Board issues a Determination of Non-significance with respect to the referenced action, and authorizes the Town Supervisor, or his designated agent, to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency in accordance with the applicable provisions of law.

In reaching the within determination, the Town Board has considered, among other things, the specific lot and bulk controls which limit the parcels within the district to which the conditional use applies, including the number of units on any given parcel (5 units per acre on a minimum 5-acre parcel), and the further condition that such housing shall be on located on or along or in immediate proximity to a State or County road readily accessible to public transportation services, which mitigate any potential adverse impact.

RESOLUTION NO. 295 - Continued

The Board has further considered the appropriateness, and site conditions, of the existing Homes for Heroes location, on Western Highway, which already has been partially developed with such use, including the green infrastructure drainage project proposed by the Town for an immediately adjacent parcel owned by the Town, and the various studies commissioned by the Town and by the U.S. government relating to the use of the entirety of such parcel.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

RESOLUTION NO. 296

**ROCKLAND CTY PLANNING
COMMENTS & CONDITIONS/ PROPOSED
LOCAL LAW/AMENDING CHAPTER 43
(ZONING) / PERMIT VETERAN HOUSING
R-15 ZONING DIST/HOME FOR HEROES**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

In adopting the within local law, the Town Board, pursuant to General Municipal Law § 239, has solicited, received and considered the comments and conditions of the Rockland County Department of Planning (Exhibit 05-H-17), set forth in a responsive letters, dated May 23, 2017, and adopts or overrides such comments and conditions as follows:

With respect to **County Planning Conditions 1, 2 and 3**, the Town Board will communicate comments received from the N.Y.S. Department of Transportation, the Rockland County Department of Highways and/or the Palisades Interstate Park Commission to the Town Planning Board, if and as may be received, inviting the Planning Board’s consideration. To the extent the County Planning department’s comment requires more than consideration, *the Town Board expressly overrides such condition.*

Comments 1, 2 and 3 on the Override (roll call):

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari
Supervisor Stewart
Noes: None

With respect to **County Planning Department Condition 4**, such comment is incomplete. That said, the square footage limitations/restrictions of the law, applicable to Attached Veteran Housing, are adequately set forth in the law, as modified below. To the extent the County Planning Department’s comment requires further clarification than set forth, *the Town Board expressly overrides such condition.*

Comment 4, on the Override (roll call):

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari
Supervisor Stewart
Noes: None

With respect to **County Planning Department Condition 5**, regarding the right of review by the Town of Clarkstown and the Village of Piermont, the Town Board will communicate any comments received from the such municipal entities to the Town Planning Board, if and as may be received, inviting the Planning Board’s consideration. To the extent the County Planning department’s comment requires more than consideration, *the Town Board expressly overrides such condition.*

RESOLUTION NO. 296 - Continued

Comment 5, on the Override (roll call):

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari
Supervisor Stewart

Noes: None

RESOLUTION NO. 297

**ADOPT LOCAL LAW 6, 2017/ AMEND
CHAPTER 43 (ZONING) /PERMIT
VETERAN HOUSING/R-15 ZONING DIST
HOME FOR HEROES**

Councilman Troy offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town’s Zoning Law; and

WHEREAS, the Town Board has before it for consideration a proposed local law that, if adopted, would amend Chapter 43 of the Town Code (the Town Zoning Law), adding “Attached Veteran Housing”, as defined, and as otherwise regulated by referenced lot and bulk regulations, as a new conditional use in the R-15 zoning district; and

WHEREAS, the proposed conditional use would allow the continued improvement of those lands located on Western Highway, in the hamlet of Tappan, in the manner in which such lands already have been partially developed, albeit as federally owned lands, and, thus, not subject to the Town’s zoning; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant adverse environmental impacts or effects caused or occasioned by the proposed changes to the Town’s Zoning Law; and

WHEREAS, following due and proper notice, on May 23, 2017, the Town Board held a public hearing on the proposed local law, at which a number of persons spoke concerning the proposed law; and

WHEREAS, the Town Board, and each of its members, are personally familiar with the locations affected by the proposed zoning text amendment;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts the proposed Local Law, amending Chapter 43, § 3.11 of the Town Code, which establishes and incorporates the various Tables of General Use Regulations, at 43 *Attachment 3*, Column 4, Use 2, Conditional Uses by Planning Board, with respect to the R-15 zoning district, to add “attached veteran housing”; amending Chapter 43 (Zoning) of the Town Code, Note 15 of the Notes to the Notes to the Use and Bulk Tables, shall be amended to add “attached veteran housing” ; amending Chapter 43, § 3.12 of the Town Code, which establishes and incorporates the various Tables of General Bulk Regulations, shall be amended at 43 *Attachment 13* with respect to the R-15 zoning district, to add “Attached veteran housing” to Use Group N, Column 3; amending Chapter 43 (“Zoning”), Article 10, § 11.2 (Definitions) to add a definition of “Attached veteran housing”; and amending Chapter 43 (“Zoning”), Article VIII, to add a new § 8.17 entitled “Attached Veteran Housing” as a Conditional Use of the Planning Board in the R-15 zoning district, as set forth in the proposed law, annexed hereto, and made a part hereof.

Ayes: Councilpersons Troy, Valentine, Diviny, Bottari
Supervisor Stewart

Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW 6, 2017
AMENDING CHAPTER 43 (ZONING)
PERMITTING VETERAN HOUSING
AS A CONDITIONAL USE IN THE R-15 ZONING DISTRICT**

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1. Chapter 43, § 3.11 of the Town Code, which establishes and incorporates the various Tables of General Use Regulations shall be amended at 43 *Attachment 3*, Column 4, Use 2, Conditional Uses by Planning Board, with respect to the R-15 zoning district, to add “attached veteran housing”. As amended, 43 *Attachment 3*, Column 4, Use 2, shall read:

2. Attached veteran housing, and single or attached adult housing residential uses as provided in Note 15 of the Notes to the Use and Bulk Tables. Adult housing (but not Attached veteran housing) shall be limited to families with 1 adult over age 50 and no child under 18 years.

Section 2. Chapter 43 (Zoning) of the Town Code, Note 15 of the Notes to the Notes to the Use and Bulk Tables, shall be amended to add “attached veteran housing” where the term “attached adult housing residences”, such that such note, in relevant part, shall read as follows: “. . . the Planning Board may also permit a cluster development of not more than four (4) attached veteran housing or adult housing residences, provided”

Section 3. Chapter 43, § 3.12 of the Town Code, which establishes and incorporates the various Tables of General Bulk Regulations, shall be amended at 43 *Attachment 13* with respect to the R-15 zoning district, to add “Attached veteran housing” to Use Group N, Column 3. As amended, Column 3, Use Group N, shall read:
Attached veteran housing and single-family attached residences for adults in buildings not more than 2 stories high**

A further note shall be added, by asterisk ***, relating to Additional Note 18, which shall read as follows:

The limitations of Note 18 shall not apply to Attached Veteran Housing to the extent same impose limits or requirements relating to bedroom count or prior construction within 500 feet.

Section 4. Amend the Town Code of the Town of Orangetown, Chapter 43 (“Zoning”), Article 10, § 11.2 (Definitions) to add a definition of “Attached veteran housing”, which shall read as follows:

ATTACHED VETERAN HOUSING – attached residential housing units for honorably discharged veterans of the United States armed services who meet the federal criteria as homeless, owned and/or operated by a private not-for-profit corporation, organized as such under the laws of the State of New York, and having status as an IRS 501[c]3 entity.

Section 5: Amend the Town Code of the Town of Orangetown, Chapter 43 (“Zoning”), Article VIII, to add a new § 8.17 entitled “Attached Veteran Housing” as a Conditional Use of the Planning Board in the R-15 zoning district, which section shall read as follows:

§ 8.17. Attached Veteran Housing.

- A. Attached Veteran Housing, as defined at § 11.2 hereof, shall be permitted as a conditional use in the R-15 zoning district.
- B. Such housing shall be subject to the Table of General Bulk Regulations, 43 *Attachment 13*, Use Group N.
- C. Such housing shall be on located on or along or in immediate proximity to a State or County road readily accessible to public transportation services.

Section 6: This local law shall take effect immediately on filing with the Secretary of State.

RESOLUTION NO. 298

**RETAINER AGREEMENT/KEANE &
BEANE/FEDERAL LITIGATION
FRANCIS BROOKE & FMB
ENTERPRISES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, upon the recommendation of the Town Attorney, approve the retainer of Keane & Beane, PC to represent the Town and Chief of Police, Kevin Nulty, as Defendants, with others, in connection with a federal lawsuit filed in the South District of New York, under Docket 17 CIV. 03166, entitled Francis Brooke and FMB Enterprises, LLC, Plaintiffs v County of Rockland etal., on the terms and conditions set forth in a proposed Retainer Agreement, incorporated by reference herein, and authorize the Supervisor, or his designated representative, to execute a copy thereof.

Ayes: Supervisor Stewart
Councilpersons Bottari, Troy, Diviny, Valentine
Noes: None

RESOLUTION NO. 299

**AID/ORANGEBURG FIRE DEPT
CARNIVAL**

Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, the Town Board hereby authorizes the Highway Department to lend assistance, which includes the use of barricades, trash barrels and a dumpster for the Orangeburg Volunteer Fire Association Carnival, to be held on May 31 thru June 4, 2017, at the Dominican College Parking Lot.

Ayes: Councilpersons Diviny, Valentine, Troy, Bottari
Supervisor Stewart
Noes: None

RESOLUTION NO. 300

**BUILDING DEPT (OBZPAE)/CHANGE
OF BASIC WORK WEEK**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, upon the recommendation of the Director of OBZPAE and the Labor Management Committee, approve a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from May 30, 2017, to September 1, 2017. However, in accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules.

Ayes: Councilpersons Diviny, Valentine, Troy, Bottari
Supervisor Stewart
Noes: None

RESOLUTION NO. 301

**ENTER EXECUTIVE SESSION
CSEA LABOR CONTRACT**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine and Bottari, John Edwards, and Teresa Kenny.

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLUTION NO. 301 - Continued

RESOLVED, at 9:00 p.m. the Town Board entered Executive Session to discuss the CSEA labor contract. Supervisor Stewart said no further votes will be taken.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 302

**RE-ENTERED WORKSHOP
ADJOURNED**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, at 9:35 pm, the Town Board re-entered the Workshop and adjourned.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

Charlotte Madigan, Town Clerk