

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
THURSDAY, FEBRUARY 16, 2012**

This Town Board Meeting was opened at 7:38 p.m. Supervisor Stewart presided and the Deputy Town Clerk called the Roll. Present were:

Councilman Denis Troy (arrived 7:50 pm)
Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine

Also present: Teresa Accetta-Pugh, Deputy Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney (arrived 8:10 pm)
Charles Richardson, Director of Finance
Mike Yannazzone, Highway General Forman
Joseph Moran, Commissioner of DEMA
John Giardiello, Director of OBZPAE,
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Ben Roujansky led the Pledge of Allegiance to the Flag.

Summary of Public Comments (RTBM):

Kevin Regenhard, Pearl River, wishes the Town Code be amended in order to stop the "Pennysaver" and other commercial littering.

Mike Mandel, Pearl River, supports an American company to conduct a food and beverage operation at the OMM complex and he is concerned about alcoholic beverages being served.

John Flynn, Blauvelt, said it is unfair to homeowners, in certain circumstances, to pay for repairs of street laterals. He asked the Board to look at this issue again.

Ben Roujansky, Commander of the Orangeburg VFW Post, is concerned that the Town Board and Police are unaware that dangerous violent patients are not supposed to be sent to RPC. He requested the Town Board to contact the Dept. of Mental Health for their policy.

Mary Cardenas, Town Historian, presented to the Town Board and the Town Clerk, her book "Images of America - Orangetown" and Rosemarie Raccioppi, poet, read her introductory poem to this book "Orangetown, We Hail".

RESOLUTION NO. 62

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilmen Diviny, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

* * *

RESOLUTION NO. 63

**STREET NAMING/AL FOXIE
WAY/FEDERAL EXPRESS
SITE/BLAUVELT**

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

WHEREAS, the property located at 622 Route 303, Blauvelt, New York, tax lot 65.14, Block 1, Lot 11, has received Subdivision and Site Plan Approval from the Town Planning Board for construction of a facility to be owned and operated as a Fed Ex Warehouse and distribution site, and

Resolution No. 63 - Continued

WHEREAS, pursuant to said approvals, there is a private road way on the site and Rockland County 911 Emergency Services requires that such roads with addressable structures be formally named, and

WHEREAS, the Blauvelt Fire Department has requested the naming of said private road to be after life member and former Chief of the Blauvelt Fire Department, Al Deflumere, who was known by his nickname "Al Foxie" and

WHEREAS, Al owned and operated a restaurant known as "Al Foxie's" located a short distance from the 622 Route 303 site in Blauvelt and lived in the upstairs of the building with his wife and three children, and

WHEREAS, on October 26, 1996, on his 11th wedding anniversary with his wife Cathy, there was a fire at his home during which he led his wife and his 8 year old and 4 year old sons to safety, returning to the fire to rescue his 6 year old son Matthew but being overcome by smoke, Al and Matthew did not survive, being found in each other's arms, and

WHEREAS, in recognition of his years of service to the Blauvelt Fire Department, and in recognition of his heroics on that tragic day in Orangetown history,

NOW THEREFORE BE IT RESOLVED THAT the Town Board of the Town of Orangetown hereby authorizes and directs that the private road on the "622 Route 303 Subdivision Map and Site Plan", located at 622 Route 303 Blauvelt, New York, to be forever named and known as "Al Foxie Way" and that the Subdivision Map and Site Plan, and all future maps depicting said area indicate the naming of this private road as "Al Foxie Way".

Ayes: Councilmen Valentine, Troy, Diviny, Morr
Supervisor Stewart
Noes: None

RESOLUTION NO. 64

**OPEN CONTINUANCE PH/SPECIAL
PERMIT ORANGEBURG COMMONS
FB ORANGETOWN LLC/170 ROUTE
303 ORANGEBURG/74.15-1-21**

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

RESOLVED, that the 8:00 p.m. continuance of a public hearing to consider the application from FB Orangetown, LLC to amend a Special Permit previously approved by the Town Board, permitting mixed-use development of property located at 170 Route 303, Orangeburg (74.15-1-21) is hereby opened.

Ayes: Councilmen Morr, Troy, Diviny, Valentine
Supervisor Stewart
Noes: None

* * *

The Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 02-A-12 and made a part of these minutes.

Geraldine Tortorella and other representatives for FB Orangetown, LLC, were available to answer any questions.

Summary of Public Comments:

Ben Roujansky, Commander of the American Legion, is concerned about traffic, effects on the first responders, sewage odors and the contaminated soil on this site.
Eileen Larkin, Palisades, is still concerned about traffic, drainage, lights on the Palisades Parkway and tax deductions.

Mike Mandel, Pearl River, spoke about CSX making Highview Avenue one-way and the train crossing a quiet zone. He is not in favor of Highview Avenue becoming one-way.

John Collins, Applicant's Traffic and Transportation Consultant, said the findings from weekday rush hour traffic and Saturdays are part of the traffic study. An independent study, from this project, is being done regarding making Highview Avenue one-way.

Geraldine Tortorella, Applicant's Attorney, reiterated that the soil remediation work plan has been approved by NYSDEC. The contaminated soil will be excavated and spread out on the site. The soil will then be covered by pavement, buildings or a plastic lining with layers of clean soil or landscaping.

John Edwards, Town Attorney, said the applicant requested, for legal reasons, to continue the Public Hearing, and the Town Board only take action on SEQRA tonight.

RESOLUTION NO. 65

**CONTINUE PH/ SPECIAL PERMIT
ORANGEBURG COMMONS FB
ORANGETOWN LLC/170 ROUTE 303
ORANGEBURG/74.15-1-21**

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

RESOLVED, that this public hearing to consider the application, from FB Orangetown, LLC, to amend a Special Permit, previously approved by the Town Board, permitting mixed-use development of property located at 170 Route 303, Orangeburg (74.15-1-21), will continue on March 7, 2012 at 8 p.m.

Ayes: Councilmen Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 66

**NEGATIVE SEQRA DECLARATION/
AMENDED SPECIAL PERMIT
ORANGEBURG COMMONS/FB
ORANGETOWN LLC 170 ROUTE 303
ORANGEBURG/74.15-1-21**

Councilman Diviny 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 municipal entity, authorized under Chapter 43, § 4.32(O), and the related tables of General Use and Bulk and Area regulations, of the Town Zoning Ordinance, to issue a Special Permit allowing mixed use developments at certain interchange locations in the Light Industrial ("LI") zoning district in the Town of Orangetown; and

WHEREAS, on September 25, 2006, the Town of Orangetown Town Board issued a Special Permit for the development of an approximately 15.8 acre site at the intersection of N.Y.S. Route 303 and the Palisades Interstate Parkway (Tax Map designation Section 74.15, Block 1, Lot 21), with a mixture of economically viable and compatible non-residential uses planned as an integrated whole, consisting of the following: (1) two separate 4-story hotels (totaling approximately 160,000 square feet ["S.F."]), one being a residence inn designed to accommodate guests (including business guests) whose stays and needs may be longer and different than those of the typical hotel guest, and the other being a more typical hotel/motel; (2) food related uses, totaling approximately 15,000 S.F., inclusive of one stand alone restaurant building (approximately 5,200 S.F.); (3) two buildings intended for retail use (totaling approximately 45,000 S.F. of retail space), one with drive thru access; and (4) a drive thru bank (approximately 3,700 S.F.) (commonly referred to as "Orangeburg Commons"); and

WHEREAS, an application for amendment of such Special Permit has been filed with the Town Board by FB Orangetown L.L.C. for modification of the mixture of uses to substitute a

Resolution No. 66 - Continued

food market for all of the approved retail and the majority of the approved restaurant uses and modification of the approved Concept Plan to: (i) combine the two previously approved retail/restaurant buildings totaling 55,120 S.F. into a single food market building with a footprint of 51,823 S.F. and floor area of 54,614 S.F.; (ii) relocate an approved bank building on the site to accommodate a shift in the internal road system for the project and the food market parking field; (iii) increase the footprint and number of rooms in the approved extended stay hotel by 1,450 S.F. and 4 rooms, respectively; and (iv) reconfigure associated improvements (e.g. internal road, parking, loading areas/docks, trash receptacles) to accommodate such changes; and

WHEREAS, on or about October 14, 2011, the Town Board circulated amongst all other involved agencies notice of its intention to assume Lead Agency status for the purpose of environmental review of the Amended Special Permit application; and

WHEREAS, there being no challenge or objection filed to the Town Board's status as Lead Agency by any other involved agency, on December 13, 2011, the Town Board of the Town of Orangetown declared itself to be Lead Agency for coordinated environmental review of the Project; and

WHEREAS, the Town Board, acting in its capacity as Lead Agency has considered the following plans, reports, comments and other documents:

- (1) A Full Environmental Assessment Form prepared by Stuart Turner & Associates and Fred Doneit consisting of:
 - a. Part 1 and Part 2, dated June 24, 2011 and revised October 13, 2011;
 - b. Expanded Part 3, dated June 24, 2011 and revised October 13, 2011 and the Appendices thereto, consisting of:
 1. Traffic Impact Study for Orangeburg Commons, prepared by John Collins Engineers, P.C., dated June 27, 2011;
 2. Letters from Marc S. Godick, LEP, of AKRF Engineering, P.C., FB Orangetown's environmental and remediation consultant, dated April 12, 2011 and June 24, 2011, regarding the status of environmental approvals associated with the redevelopment of the property and its environmental clean-up and the affect of the Amended Concept Plan thereon;
 3. Site Photographs;
 4. Letter from Robert Torgersen, LA, CPESC, dated June 23, 2011 (with May 21, 2008 letter enclosure);
 5. Letter from Leonard Jackson Associates, dated June 24, 2011;
 6. New York State Department of Environmental Conservation ("DEC") Notice of Renewal of Coverage under SPDES General Permit, dated February 26, 2010;
 7. Plans:
 - "Amended Special Permit – Mixed Use Concept Plan with Foodmarket," prepared by Leonard Jackson Associates, dated June 24, 2011;
 - "Overall Landscaping Plan for Orangeburg Commons," prepared by Langan Engineering and Environmental Services, last revised June 24, 2011;
 - Proposed Foodmarket Rendering (Sheet A-5) and Stop & Shop Building Elevations (Sheet A-2), prepared by Rosenbaum Design Group, dated June 24, 2011;
 - Approved Site Development Plans for Orangeburg Commons, Approved for Filing by the Orangetown Planning Board on May 18, 2011, consisting of Drawings 1 through 17, Topographic Survey and Subsoil Investigations Results;
 - Site Cross Section Location Plan (Drawing P-5) and Site/Building Cross Sections (Drawing P-2), prepared by Leonard Jackson Associates, dated June 24, 2011.

Resolution No. 66 - Continued

- (2) "Amended Special Permit – Mixed Use Concept Plan with Foodmarket," prepared by Leonard Jackson Associates, dated June 24, 2011, last revised September 26, 2011;
- (3) Revised Full Environmental Assessment Forms, Parts 1, 2 and Expanded Part 3, revised October 13, 2011;
- (4) Letter from Kevin T. Mulhearn, Esq. to Town of Orangetown Town Board, dated September 30, 2011, with Letter from Marriott International, Inc. to FB Orangetown, LLC, dated September 28, 2011;
- (5) Approved Site Plan for Hotel and Stop & Shop Development in the Village of Tarrytown, Westchester County, New York, submitted to the Town Board on 10/4/11;
- (6) Town of Orangetown Project Review Committee Report, dated November 2, 2011;
- (7) Letter to Town of Orangetown Planning Board from the Town of Orangetown Department of Environmental Management and Engineering, dated November 4, 2011;
- (8) Memorandum to the Town of Orangetown Planning Board from John Giardiello, P.E., of the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, dated November 9, 2011 with respect to a Consultation on the Orangeburg Commons Amended Concept Plan;
- (9) Letter from Palisades Interstate Park Commission to the Orangetown Planning Board, dated November 22, 2011;
- (10) Memorandum from the Orangetown Planning Board to the Town Board, dated December 14, 2011;
- (11) Review of Orangeburg Commons Traffic Impact Study by Adler Consulting, dated December 16, 2011;
- (12) Communication from John Collins Engineers, P.C. to Teresa Kenny, Esq., dated January 10, 2012, responding to Adler Consulting's Review;
- (13) "Amended Special Permit – Mixed Use Concept Plan with Foodmarket," prepared by Leonard Jackson Associates, dated June 24, 2011, last revised December 22, 2011;
- (14) Communications from the New York State Department of Transportation ("DOT"), dated January 11, 2012 (Review Letter from Michael Sassi, P.E. to John Collins Engineers, P.C. and electronic mail communication from Mary Jo Russo to Town Attorney John Edwards, Esq.)
- (15) Communication from John Collins Engineers, P.C. to NYSDOT (Michael Sassi, P.E.), dated January 18, 2012;
- (16) Letter from Rockland County Planning Department to the Orangetown Town Board, dated January 20, 2012;
- (17) Stop & Shop Elevation Plan, prepared by WD Partners;
- (18) Truck Turning Analysis, prepared by Leonard Jackson Associates, dated November 8, 2011;
- (19) Comparison Chart of Approved Project with Amended Concept Plan last revised December 22, 2011; and

Resolution No. 66 - Continued

- (20) Negative Declaration adopted on September 26, 2006 and the documentation relied upon therein.

In addition to the foregoing, the Town Board has also considered the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed development:

- (1) Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003, and, in particular, Sections III-3 and V-I relative to the intersection area embraced by the proposed action;
- (2) The Town's existing Route 303 Overlay Zoning District zoning provisions;
- (3) The Route 303 Sustainable Development Study, dated December 2002, prepared by Wilbur Smith Associates, for the Town of Orangetown, the New York State Department of Transportation, the County of Rockland, the New York Metropolitan Transportation Council; and
- (4) PIPC Corridor Management Plan.

and,

WHEREAS, public meetings also were conducted before the Town Board in connection with the Board's SEQR and other review of the Applicant's Amended Special Permit application, at which public comment was received and considered by the Board; and

WHEREAS, having carefully considered all of the above referenced plans, reports, comments and other documents, and having taken a hard look at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impacts or effects caused or occasioned by the issuance of an Amended Special Permit or by the modifications of the development of the Project at the indicated interchange location.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board issues a Determination of Non-significance with respect to the referenced project in the form annexed hereto, and authorizes the Town Supervisor, or his designated agent, to circulate same, and 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.

Ayes: Councilmen Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

TOWN OF ORANGETOWN, ROCKLAND COUNTY**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: February 16, 2012

LEAD AGENCY: The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION:

Amendment of Special Permit for Orangeburg Commons Mixed Use Project, located in the Light Industrial Zoning District, at the State Route 303 and Palisades Interstate Parkway Interchange, to modify retail/restaurant use component to permit a foodmarket.

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

On September 25, 2006, pursuant to Chapter 43, Section 4.32(O) of the Town of Orangetown Zoning Ordinance, the Town Board issued a Special Permit for the development of an approximately 15.8 acre site, at the intersection of N.Y.S. Route 303 and the Palisades Interstate Parkway, with a mixture of economically viable and compatible non-residential uses planned as an integrated whole, consisting of: (1) two separate 4-story hotels (totaling approximately 160,000 square feet ["S.F."]), one being a residence inn designed to accommodate guests (including business guests) whose stays and needs may be longer and different than those of the typical hotel guest, and the other being a more typical hotel/motel; (2) food related uses, totaling approximately 15,000, inclusive of one stand alone restaurant building (approximately 5,200 S.F.); (3) two buildings intended for retail use (totaling approximately 45,000 S.F. of retail space), one with drive thru access; and (4) a drive thru bank (approximately 3,700 S.F.), all of the aforesaid commonly referred to as "Orangeburg Commons". The proposed action seeks to amend the approved mixture of uses to substitute a foodmarket for all of the approved retail and the majority of the approved restaurant uses, and, consistent therewith, to modify the Concept Plan to: (i) combine the two previously approved retail/restaurant buildings totaling 55,120 S.F. into a single foodmarket building with a footprint of 51,823 S.F. and floor area of 54,614 S.F.; (ii) relocate an approved bank building on the site to accommodate a shift in the internal road system for the project and the foodmarket parking field; (iii) increase the footprint and number of rooms in the approved extended stay hotel by 1,450 S.F. and 4 rooms, respectively; and (iv) reconfigure associated improvements (e.g. internal road, parking, loading areas/docks, trash receptacles) to accommodate such changes. As modified, the Applicant proposes the following mix of uses on the site which are permitted under the applicable zoning regulations of the Town of Orangetown: (1) two separate 4-story hotels (approximately 161,000 S.F.), one being a residence inn and the other being a more typical hotel/motel; (2) a food related use of approximately 5,200 S.F. in a freestanding restaurant building; (3) one building of approximately 51,800 S.F. for retail use as a foodmarket; and (4) a drive thru bank (approximately 3,700 S.F.).

The site on which the action will take place was previously used, until 1973, as a manufacturing facility for the manufacture of Orangeburg pipe. There has been no active use of the site since that time. In 2002, site plan development approval was granted by the Town of Orangetown Planning Board for the improvement of the site with a \pm 176,000 S.F. warehouse facility.

As an alternative to the warehouse facility, in 2006, a Special Permit for a mixed use development of hotel, retail, restaurant and personal service uses on the site was issued by the Town of Orangetown Town Board, pursuant to, and in accordance with, the provisions of a newly enacted amendment to the Town Zoning Law, i.e., Chapter 43 § 4.32(O). Prior to issuing such Special Permit, the Town Board conducted a coordinated environmental review under SEQRA and determined that there would be no significant environmental impact(s) as a result of such action.

Approval of the architectural plans for the buildings was granted by the Town of Orangetown Architecture and Community Appearance Board of Review on December 5, 2006. Final Site Plan Approval for the mixed use development was granted by the Town of Orangetown Planning Board in February 2007 and amended on May 14, 2008, and the Final Site Plan drawing set was approved for filing by the Planning Board Clerk on May 18, 2011 after all relevant conditions of approval had been met. The Planning Board's Final Site Plan Approval is still in effect.

As noted, the proposed action is a modification of the retail/restaurant component of the approved Special Permit to permit a foodmarket in lieu of all approved retail uses and one of the approved food related uses in a building with a smaller footprint and overall floor area. No changes are proposed to the approved points of access to the development (i.e. Stevens Way as the principal access and Greenbush Road as a secondary access to be used primarily for truck deliveries), the location or size of the stormwater quality basin, maximum building height, location of buildings to the Palisades Interstate Parkway, buffers, or amount of impervious coverage on the site. A slight increase in total floor area is proposed as a result of the proposed increase in the footprint of the residence inn hotel, but the ratio of retail/personal service/restaurant use floor area to total floor area is slightly less than under the approved special permit and less than the maximum percentage allowed under the Town Zoning Ordinance.

DETERMINATION :

There will be no significant adverse environmental impact(s) as a result of the proposed action.

REASONS SUPPORTING THIS DETERMINATION:

I. Background to the Action

As noted above, the present action involves the amendment of a previously issued Special Permit for the development of an approximately 15.8 acre site located at the intersection of N.Y.S. Route 303 and the Palisades Interstate Parkway in the Town of Orangetown that approved the development of the site with a variety of different, but compatible, uses, including two hotels, restaurants, a bank and a limited amount of retail. The site falls within an area presently zoned Light Industrial ("LI"), but an area that is also particularly well suited, because of its location and proximity to two transportation corridors, to large scale development involving a mix of other types of uses, compatible with each other and with other surrounding uses, if built pursuant to a single, integrated plan. Such mixed use developments are specifically authorized in the LI zone at such interchange areas by Special Permit of the Town Board subject to site development approval by the Planning Board.

As noted above, under the current approvals (Town Board Special Permit and Planning Board Site Plan), the site can be developed for (1) two separate 4-story hotels (totaling approximately 160,000 S.F.), one being a residence inn designed to accommodate guests (including business guests) whose stays and needs may be longer and different than those of the typical hotel guest, and the other being a more typical hotel/motel; (2) food related uses, totaling approximately 15,000, inclusive of one stand alone restaurant building (approximately 5,200 S.F.); (3) two buildings intended for retail use (totaling approximately 45,000 S.F. of retail space), one with drive thru access; and (4) a drive thru bank (approximately 3,700 S.F.)

The proposed action proposes to combine the two mainly-retail buildings with a total footprint of 55,120 S.F. into a single building for a Stop & Shop foodmarket with a footprint of 51,823 S.F. and a floor area of 54,614 S.F.

Since the existing Town approvals were granted, other developments in the Route 303 corridor near the project site have been approved or are pending (e.g. unoccupied Bradley Corporate Park, FedEx warehouse facility which includes the potential for up to 100,000 S.F. of light industrial space and 15,000 S.F. of office space, and "S" Corner Plaza).

II. Lead Agency Status

By Resolution dated October 11, 2011, the Town Board of the Town of Orangetown declared its intent to be lead agency of a coordinated environmental review of the project under SEQR. Circulation of the related application materials and SEQR documentation to all involved and interested agencies was made on or before October 14, 2011. The Town Board also referred the proposed application to the Rockland County Planning Board pursuant to General Municipal Law Section 239-m on October 14, 2011.

On December 13, 2011, after having received no objection to its Notice of Intent, the Town Board of the Town of Orangetown confirmed its status as Lead Agency for the coordinated environmental review of the Project.

III. Information Reviewed and Relied Upon

In making this determination of non-significance, the Town Board has considered the following:

- (1) A Full Environmental Assessment Form prepared by Stuart Turner & Associates and Fred Doneit consisting of:
 - a. Part 1 and Part 2, dated June 24, 2011 and revised October 13, 2011;
 - b. Expanded Part 3, dated June 24, 2011 and revised October 13, 2011 and the Appendices thereto, consisting of:
 1. Traffic Impact Study for Orangeburg Commons, prepared by John Collins Engineers, P.C., dated June 27, 2011;
 2. Letters from Marc S. Godick, LEP, of AKRF Engineering, P.C., FB Orangetown's environmental and remediation consultant, dated April 12, 2011 and June 24, 2011, regarding the status of environmental approvals associated with the redevelopment of the property and its environmental clean-up and the affect of the Amended Concept Plan thereon;
 3. Site Photographs;
 4. Letter from Robert Torgersen, LA, CPESC, dated June 23, 2011 (with May 21, 2008 letter enclosure);
 5. Letter from Leonard Jackson Associates, dated June 24, 2011;
 6. New York State Department of Environmental Conservation ("DEC") Notice of Renewal of Coverage under SPDES General Permit, dated February 26, 2010;
 7. Plans:
 - "Amended Special Permit – Mixed Use Concept Plan with Foodmarket," prepared by Leonard Jackson Associates, dated June 24, 2011;
 - "Overall Landscaping Plan for Orangeburg Commons," prepared by Langan Engineering and Environmental Services, last revised June 24, 2011;
 - Proposed Foodmarket Rendering (Sheet A-5) and Stop & Shop Building Elevations (Sheet A-2), prepared by Rosenbaum Design Group, dated June 24, 2011;
 - Approved Site Development Plans for Orangeburg Commons, Approved for Filing by the Orangetown Planning Board on May 18, 2011, consisting of Drawings 1 through 17, Topographic Survey and Subsoil Investigations Results;
 - Site Cross Section Location Plan (Drawing P-5) and Site/Building Cross Sections (Drawing P-2), prepared by Leonard Jackson Associates, dated June 24, 2011.
- (2) "Amended Special Permit – Mixed Use Concept Plan with Foodmarket," prepared by Leonard Jackson Associates, dated June 24, 2011, last revised September 26, 2011;
- (3) Revised Full Environmental Assessment Forms, Parts 1, 2 and Expanded Part 3, revised October 13, 2011;
- (4) Letter from Kevin T. Mulhearn, Esq. to Town of Orangetown Town Board, dated September 30, 2011, with Letter from Marriott International, Inc. to FB Orangetown, LLC, dated September 28, 2011;
- (5) Approved Site Plan for Hotel and Stop & Shop Development in the Village of Tarrytown, Westchester County, New York, submitted to the Town Board on 10/4/11;
- (6) Town of Orangetown Project Review Committee Report, dated November 2, 2011;
- (7) Letter to Town of Orangetown Planning Board from the Town of Orangetown Department of Environmental Management and Engineering, dated November 4, 2011;

- (8) Memorandum to the Town of Orangetown Planning Board from John Giardiello, P.E., of the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, dated November 9, 2011 with respect to a Consultation on the Orangeburg Commons Amended Concept Plan;
- (9) Letter from Palisades Interstate Park Commission to the Orangetown Planning Board, dated November 22, 2011;
- (10) Memorandum from the Orangetown Planning Board to the Town Board, dated December 14, 2011;
- (11) Review of Orangeburg Commons Traffic Impact Study by Adler Consulting, dated December 16, 2011;
- (12) Communication from John Collins Engineers, P.C. to Teresa Kenny, Esq., dated January 10, 2012, responding to Adler Consulting's Review;
- (13) "Amended Special Permit – Mixed Use Concept Plan with Foodmarket," prepared by Leonard Jackson Associates, dated June 24, 2011, last revised December 22, 2011;
- (14) Communications from the New York State Department of Transportation ("DOT"), dated January 11, 2012 (Review Letter from Michael Sassi, P.E. to John Collins Engineers, P.C. and electronic mail communication from Mary Jo Russo to Town Attorney John Edwards, Esq.)
- (15) Communication from John Collins Engineers, P.C. to NYSDOT (Michael Sassi, P.E.), dated January 18, 2012;
- (16) Letter from Rockland County Planning Department to the Orangetown Town Board, dated January 20, 2012;
- (17) Stop & Shop Elevation Plan, prepared by WD Partners;
- (18) Truck Turning Analysis, prepared by Leonard Jackson Associates, dated November 8, 2011;
- (19) Comparison Chart of Approved Project with Amended Concept Plan last revised December 22, 2011; and
- (20) Negative Declaration adopted on September 26, 2006 and the documentation relied upon therein.

In addition to the foregoing, the Town Board has also considered the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed development:

- (1) Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003, and, in particular, Sections III-3 and V-I relative to the intersection area embraced by the proposed action;
- (2) The Town's existing Route 303 Overlay Zoning District zoning provisions;
- (3) The Route 303 Sustainable Development Study, dated December 2002, prepared by Wilbur Smith Associates, for the Town of Orangetown, the New York State Department of Transportation, the County of Rockland, the New York Metropolitan Transportation Council; and
- (4) PIPC Corridor Management Plan.

Public meetings were also conducted before the Town Board in connection with the Town Board's SEQR and other review of the Applicant's initial and Amended Special Permit

applications including the proposed modifications, at which testimony and public comment were received and considered by the Board.

In addition to the fact that the proposed site for the referenced Amended Special Permit already had been approved for a mixed use special permit which this Town Board found was a more preferable use for the site than the warehouse use previously approved and which the current zoning allows, in reaching this determination, the Town Board further weighed the fact that other development proposals in the area near the project site have been approved or are pending since the mixed use special permit was originally approved, including the Bradley Corporate Park, FedEx warehouse facility and "S" Corner Plaza developments.

IV. Familiarity with the Site

The members of the Town Board, in general terms, are also each personally familiar with the location affected by the proposed action, including its proximity to the Palisades Interstate Parkway and N.Y.S. Route 303, as well as other approved and/or proposed developments in the area.

V. Potential Impacts Ultimately Determined Not to Be Significant

In connection with the previously issued Special Permit for the mixed use development on the site, the Town Board of the Town of Orangetown adopted a Negative Declaration determining that the mixed use development would not have a significant adverse effect on the environment, including with respect to: traffic, aesthetics including visual impacts on the Palisades Interstate Parkway ("PIP"), drainage, sewer and wastewater discharge, site contamination and remediation, water supply, water quality, agricultural land resources, historic and archaeological resources, critical environmental areas, energy, public health, air quality and noise levels, and human health. A copy of the September 25, 2006 Negative Declaration is expressly incorporated herein, and made a part hereof, by reference.

In connection with the proposed amendment, the Town Board examined whether the proposed modifications to the mixed uses and reconfiguration of some of the improvements on the site would result in different effects on the environment than were anticipated with the approved mixed use plan and, if so, whether those differences would amount to significant adverse effects on the environment. The Board further examined whether there were any changes in conditions in the vicinity of the project site that would render their prior conclusions regarding environmental impacts valid. In connection with such analysis, the Town Board took into consideration impacts anticipated from projects approved or which are pending since the initial Special Permit for the mixed use development on the site was rendered in 2006, including the Bradley Corporate Park, FedEx warehouse facility, and "S" Corner Plaza developments.

In the course of its review, the Town Board paid particular attention to such potential impacts as traffic, aesthetics, drainage, and/or site remediation. These and other potential impacts were examined in Parts 1, 2 and Expanded Part 3 of a full Environmental Assessment Form and analyzed by the Town Board, with the assistance of its professional consultants and outside agencies, interested and involved alike, who elected to weigh in on potential impacts.

For the reasons set forth below, each of the potential impacts listed below, when considered in the light of the limited scope of the proposed amendment and further studies and/or responses undertaken or provided by the Applicant, was determined not to be significant either in the short or long term.

- ***Traffic***

In its prior Negative Declaration, the Town Board concluded, on the basis of considerable traffic analysis from John Collins Engineers, P.C. ("Collins") and input from the Rockland County Department of Planning, Rockland County Highway Department, Town Planning Department, and Town Department of Highways, that there would be no significant negative impact on the roadways in the vicinity of the site by reason of the now-approved mixed-use development.

In order to assess the potential traffic impacts of the proposed amendment to the Special Permit to permit a foodmarket, Collins updated its traffic analyses through the preparation of a Traffic

Impact Study, dated June 27, 2011 (the "TIS"), in which it evaluated and compared the potential traffic impacts of the previously approved mixed use development and the currently proposed one. Collins conducted turning movement traffic counts during the critical weekday and Saturday afternoon periods at 4 intersections in the vicinity of the project site (NYS Route 303/Orangeburg Road (C.R. 20), NYS Route 303/Route 340/Greenbush Road, NYS Route 303/Stevens Way and Western Highway/Highview Avenue) in order to identify current traffic conditions in the vicinity of the site. The counts were compared to those in the 2009 "S" Corner Plaza Traffic Impact Study (also conducted by Collins) and found to be lower. To be conservative, Collins used the higher "S" Corner Plaza counts as the "existing condition" traffic volumes.

A "Build Year" of 2014 was assumed. Background traffic volumes for the 2014 Build Year were calculated by increasing the existing condition traffic volumes by 3% to account for growth and adding to those volumes the traffic volumes associated with the unoccupied Bradley Corporate Park site, the FedEx warehouse facility (which includes the potential for 100,000 S.F. of light industrial space and 15,000 S.F. of office space), and the "S" Corner Plaza development. The resulting volumes were used as the 2014 No-Build Traffic Volumes. Collins then calculated the 2014 Build Traffic Volumes under the approved and proposed mixed use developments, referring to said scenarios in the TIS as the "Approved Mixed Use Development" and the "Proposed Mixed Use Development."

Using the foregoing data, Collins conducted capacity analyses (in terms of level of service (A-F) and vehicle delays) at each of the studied intersections in order to evaluate current and future operating conditions at those intersections under four conditions – (i) 2011 Existing Conditions; (ii) 2014 No-Build Condition; (iii) 2014 Build Condition with the Approved Mixed Use Development; and (iv) 2014 Build Condition with the Proposed Mixed Use Development. Collins also identified traffic signal coordination measures (i.e. timing measures) that could be implemented to maximize the overall efficiency of the intersections, factoring them into the analysis.

Based upon a comparison of the results between the 2014 Build Condition with the Approved Mixed Use Development and the 2014 Build Condition with the Proposed Mixed Use Development, Collins concluded that while there may be some increased delays and changes in the level of service at individual movements in an intersection, and an occasional change in the overall level of service in an intersection under the 2014 Build Condition with the Proposed Mixed Use Development, such changes will not be significant particularly with the implementation of the traffic signal coordination measures identified by the firm.

Nevertheless, Collins recommended that mitigation measures previously proposed in connection with the approved mixed use development continue to be implemented in connection with the proposed modifications. Such mitigation includes: (i) installation of a traffic signal on Stevens Way at the intersection of the site access/Lowe's access and interconnection of that signal with the one at NYS Route 303/Stevens Way; and (ii) monitoring of the Highview Avenue/Western Highway Intersection for potential signalization after the development is fully occupied for 6 months.

The independent consultant hired by the Town Board, Adler Consulting, reviewed Collins' TIS and found the methodology and analyses to be acceptable. Adler Consulting likewise concluded that the levels of service under the approved and proposed conditions would be "approximately the same" and that traffic from the proposed modification would result in slightly higher vehicle delays at the intersections. However, there was no indication in the record that traffic conditions with the proposed modifications would result in an unacceptable change or condition from a traffic impact perspective. Adler Consulting concurred with the mitigation proposed by Collins with the caveat that should monitoring of the Highview Avenue/Western Highway Intersection 6 months after full occupancy not support signalization, it be repeated 12 months after full occupancy to determine whether a signal is warranted. The Applicant did not object to additional monitoring, if determined to be necessary, and the Town Board has adopted such recommendation in arriving at this determination on non-significance.

The application and SEQR materials were forwarded to the New York State Department of Transportation ("NYSDOT"). Among other things, NYSDOT agreed with the signal timing measures identified by Collins and recommended pedestrian signal/crosswalk/sidewalk

improvements at the Route 303/Route 340 intersection. NYSDOT noted in its review that the site is in an area along Route 303 designated as a High Accident Location. NYSDOT asked that the Applicant perform a Highway Safety Investigation and recommend and implement low cost accident countermeasures as part of its NYSDOT Highway Work Permit. The Applicant has indicated a willingness to undertake this effort, determined to be necessary, and the Town Board has adopted such recommendation in arriving at this determination on non-significance.

Both the NYSDOT and the Rockland County Planning Department noted discussions at the State, County and local levels to make Highview Avenue one way eastbound (towards the project site) and recommended that the traffic analysis address the implications of such a measure on project-related traffic distribution. Collins responded by explaining that the impact of changing Highview Avenue to a one-way street would be materially the same under the Approved Mixed Use Development and the Proposed Mixed Use Development and that, in any event, vehicles affected by the one-way condition that might seek to travel west on Highview Avenue to Orangeburg Road would be likely to exit south onto Route 303 (right hand turn from Stevens Way) and travel on the Palisades Interstate Parkway to Orangeburg Road, at least at the peak travel times on Route 303.

The revised Amended Concept Plan (revised December 22, 2011) included a slight increase in the footprint and number of rooms in the residence inn hotel. Collins testified at the hearing that such modifications would have no material effect on its analyses in its TIS or require further mitigation. Adler Consulting agreed.

The Rockland County Planning Department made a number of other "Traffic Circulation" comments having to do with the provision and promotion of pedestrian, public transportation and bicycle transportation matters which this Board believes are most appropriately addressed with the Planning Board as part of its consideration of the amended site plan. None of the issues/recommendations addressed by those comments whether embraced or rejected by the Planning Board, in the Town Board's opinion, would result in a significant adverse environmental impact.

Based on the foregoing evidence, the Town Board determines that the proposed amendment will have no significant negative impact effect on traffic.

- *Aesthetics, Including Visual Impacts on Palisades Interstate Parkway*

Given the proximity of the site to the Palisades Interstate Parkway ("PIP"), the Town Board previously considered the visual impact of the development of the site from the PIP. Based upon the elevations of the proposed buildings along the PIP in relation to the project site, the buffer and landscape requirements of the Town's Zoning Ordinance applicable to the Project and embodied in the proposed landscape plan for the Project, the building height restrictions imposed in the zoning ordinance, and the ability of the Planning Board and Architectural Review Board to regulate the colors of the structures to be constructed so as to further mask any visual impact from the PIP, the Town Board concluded that the Project, as planned, would not have a significant adverse impact upon the scenic nature of the PIP.

In making its prior determination, the Board expressly recognized that it is impossible to develop the site in a manner that eliminates entirely any view of the site's development from the PIP. Indeed, notwithstanding the roadway's scenic nature, the development of lands adjacent to the PIP is readily visible all along its course other than where it passes through state parklands, in many locations in a much more obtrusive manner than was proposed for this site. To the extent the approved concept plan for this Project significantly limited and filtered its view from the PIP, the Town Board concluded that there would be no significant adverse impact occasioned thereby on the PIP.

Under the proposed modifications, the location and height of the approved hotel buildings will not change in any material respect and the proposed Stop & Shop building will be farther away from the PIP than the approved 40,000 S.F. retail/restaurant building it will replace. Specifically, the Stop & Shop building will be more than 900 feet from the bridge on the PIP; will have a first floor elevation lower than the residence inn hotel which lies between it and the PIP; and, overall, will be substantially lower in height than the residence inn building. The bank building which is proposed to be moved south of the Stop & Shop building is farther from the

PIP than the southern end of the approved retail building. Its mass is considerably less than the retail building (less than 3,700 S.F. in 1 story) approved in the same approximate location.

Existing forested areas adjacent to the PIP will remain and will continue to provide a vegetative buffer and screen to travelers on the highway. Buffers will be maintained around the perimeter of the site and additional screening will be provided at appropriate locations to augment existing vegetation and screening. Internal landscaping around the buildings and in the parking fields is proposed to provide visual relief where views into the site might be had. In combination, these factors continue to ensure that the mixed use development as proposed to be modified will not have an adverse aesthetic or visual impact, particularly on travelers using the PIP.

The ACABOR and Planning Board will have to review and approve the architectural plans for Stop & Shop and the revised site plan related to the Amended Concept Plan, and will have the opportunity to impose further, reasonable measures that would address aesthetic and visual impacts should any then be identified.

The PIP Commission ("PIPC") agrees that the proposed amendment will not have an adverse aesthetic or visual impact on its resource. In its November 22, 2011 letter commenting on the modified plan, the PIPC affirmatively states "... it appears that there will be no changes in visual impact to the Parkway. The Palisades Interstate Parkway Commission therefore has no objections to the proposed amendments."

The Rockland County Planning Department acknowledged the PIPC's acceptance of the revised concept plan. It went on to make a number of comments regarding the use of landscaping to address the potential visual impact of a number of construction features previously approved by the Planning Board and included on the approved Site Plan including retaining walls, buffers, and the stormwater basin along the project site's frontage on Route 303. Such conditions are not new or presented by the proposed modification and are addressed through the use of landscaping and vegetated buffers. The Town Board, on careful review, does not believe that the failure to implement the County's conditions will result in any significant environmental impact. Nevertheless, to the extent there may be benefits derivative of the County Planning Department's comments, the Town Planning Board, in its discretion, may consider same in its review of the amended site plan for the Amended Special Permit.

- ***Drainage***

The Town Board previously concluded that the plans to capture and control on-site drainage, and to achieve a zero net increase in runoff from the developed site would adequately address any drainage issues presented by the development of the site as proposed, that the above-ground detention basin in the front yard was necessary and warranted, and that with adequate buffering imposed by the Town Planning Board, there would be no significant adverse visual impact relating to the nature or placement of the basin in the front yard.

Since the prior Negative Declaration and approval of the mixed use development plan, the New York State Department of Environmental Conservation ("NYSDEC") approved coverage of the stormwater management plan for the project under the SPDES General Permit; that approval is currently effective until January 28, 2015.

The amount of impervious surface under the proposed modifications will not increase. In fact, there will be a small reduction in impervious area over the previously approved plan. Therefore, the stormwater collection and treatment system previously approved will be adequate for the project, as modified, and the approved water quality and detention pond should be sufficiently large to handle runoff from the modified project so that a zero net increase in the peak stormwater discharge rate from the project site is achieved. The Applicant will have to demonstrate compliance with such standards and with current NYS Stormwater Regulations to the satisfaction of the Town Engineer during the amended site plan review stage.

As such, drainage is determined not to be a significant adverse environmental impact.

- ***Site Contamination and Remediation***

The Town Board previously concluded that the existing environmental condition of the project site would not result in any significant adverse environmental impact if the closure and remediation plans under the jurisdiction of the NYSDEC were approved by NYSDEC and implemented by the Applicant.

Since the prior Negative Declaration was adopted and the Special Permit was approved in 2006, the Applicant's environmental and remediation consultant, AKRF Engineering, P.C., obtained approval of a Remedial Work Plan ("RWP") from the NYSDEC. In addition, the Applicant has had its Notice of Intent ("NOI") and Stormwater Pollution Prevention Plan ("SWPPP") approved for coverage under the SPDES General Permit (such approval being effective until January 28, 2015) and has been accepted into the Brownfield Cleanup Program ("BCP"). The RWP sets forth a detailed plan for remediation of the site as part of the construction process. In summary, it provides that grading and site preparation prior to construction on areas of the site that are to be developed will involve relocation of some fill material. However, all fill material will remain on-site. Areas containing fill material at the end of the site preparation phase will be covered with asphalt paving or buildings. All areas on the project site not covered by buildings or pavement will be covered with two-feet of clean soil and landscaped. Methane appears to be generated by natural materials at the project site and not by the fill material; therefore, removal of the fill material would not be expected to reduce methane generation at the site. Soil vapor barriers and methane venting systems will be incorporated into the design of the proposed buildings on the site to protect human health and safety.

A Site Management Plan will be developed to specify post-remediation measures that will be implemented on the site and will include a map which indicates the limits of the landfilled areas within the property boundary and the terms of post-remediation monitoring of cover materials, methane venting systems, and drainage structures. In addition, a site Easement will be recorded against the property to specify the location of contamination.

The proposed amendment would involve disturbance and construction in the same areas as the originally approved project and the foodmarket use is consistent with the plans included in the NYSDEC-approved RWP such that the proposed modification will not change the remedial requirements for the Property. The RWP will have to be amended to reflect the proposed site plan and include updates required under the BCP; however, modification of the actual remediation requirements for soil/fill management, groundwater, methane mitigation, and capping the site are not anticipated. Therefore, the proposed amendment does not change or affect the potential impacts evaluated as part of the prior environmental review of the Special Permit and approved Site Plan.

Notably, the RWP and all remediation work will be undertaken with the approval and under the supervision of the NYSDEC and will be subject to NYSDEC's final approval thereof.

VI. Other Potential Impacts Also Considered.

- ***Fiscal Impacts***

The vacant project site currently generates revenues in the amount of approximately \$25,400 to the Town of Orangetown, Rockland County, New York State, the South Orangetown School District, the Orangeburg Fire District, the South Orangetown Ambulance District, the Paramedics, and the South Orangetown and Tappan libraries. According to calculations in the Expanded EAF, Part 3, the total estimated tax revenues for the proposed redevelopment of the project site are approximately \$809,980.70 per year, an increase of approximately \$784,557 over the current revenues from the vacant site. (Although the estimated real property tax revenues may be somewhat less pending the Phase 2 development of the second hotel, the tax revenues that result from the Phase 1 development will still be far in excess of the vacant land revenues as to result in a positive fiscal impact.)

It is not likely that the mixed-use development will require any significant service from the Town, County or New York State. The proposed mixed-use development will have internal fire suppression systems and security systems, therefore reducing the potential need for fire and

police protection. Since there is no residential aspect of the project, the estimated school district revenue is net revenue of over \$569,000 per year.

The foregoing estimates are based on preliminary data for the redevelopment of the project site and could change based on further site plan review by the various reviewing agencies. It is unlikely, however, that site plan changes will have a significant impact on the anticipated taxable value. Therefore, the Town Board determines that the project is likely to have a positive fiscal impact on the community when examined in light of real estate tax revenues.

- ***Sewer and Wastewater Discharge***

The Town Board previously determined that if the Applicant paid to relocate the existing Town siphon from Western Highway to the westerly side of State Rte. 303 (or another location determined by the Town Board), a portion of which runs through the Project site, development of the site would not result in any significant adverse environmental impact relating to sewer and wastewater disposal.

The pipe was relocated by and at the Town's direction, the Applicant paid the Town the Applicant's share of the cost of such work (\$540,000), and the Applicant granted to the Town a new easement over the project site for the relocated pipe.

The sewer system will continue to be adequate to provide service to the mixed use development on the site as proposed to be amended and, therefore, the project will have no adverse impact on sewer and wastewater discharge.

- ***Water Supply***

The Town Board previously found no significant adverse impact relating to water because there was no evidence that the public water supply would not be adequate for the then-proposed uses and because the Applicant ultimately would have to obtain Health Department approval at which time the local utility would have to demonstrate adequate supply and the ability to serve the project. As noted in the County Planning Department's review letter, since the special permit and site plan were originally approved, the public water supplier has certified to the Town that there will be a sufficient water supply for the project during peak and drought periods. There being no change in circumstances to invalidate these conclusions, the Town Board reaffirms its determination that the project, as modified, would not have a significant adverse impact on water supply.

- ***Water Quality***

With respect to water quality, the Town Board determined there would be no adverse environmental impact on water quality because the Applicant would be required to meet all applicable standards and requirements -- federal, state and local -- relative to discharges. The proposed modification does not change the Applicant's obligations in this regard and, therefore, the amendment does not pose a potential adverse environmental impact on water quality.

- ***Agricultural Land Resources***

The Board's prior determination that there would be no anticipated impacts on agricultural lands continues to be valid.

- ***Historic and Archaeological Resources***

In connection with the prior environmental review, the Town Board determined that to the extent there might be a small to moderate visual impact on a nearby historic house, i.e., the Abram Lent House, the proposed action provided for vegetative buffers and other landscaping and landscape features that would mitigate any such impact on the structure, such that the proposed action would not have a significant adverse impact on it. The proposed Stop & Shop building would be located farther away from the Abraham Lent House and, in any event, vegetative buffers and landscaping that were part of the previously approved project are not being diminished.

Therefore, the proposed amendment will not have a significant adverse effect on the Abram Lent House.

- ***Critical Environmental Areas (CEAs)***

The Board previously found that the mixed use development would have no anticipated significant impacts on any CEA. The proposed areas of disturbance are essentially the same as the approved areas of disturbance. As such, the Board's prior determination with respect to impacts on CEAs remains valid.

- ***Energy***

The Town Board previously found that any mixed use development on the site would require energy and, therefore, would impact energy resources, but that any such impact on the community's fuel and energy supplies was not expected to be significant. The proposed foodmarket is anticipated to create the same or lower demands for fuel and energy. Therefore, the amendment is not anticipated to adversely affect such resources.

- ***Public Health, Air Quality and Noise Levels, and Human Health***

The Town Board previously examined each of these areas of potential impacts and determined that none was expected to result in a significant adverse impact. No evidence was found to render those conclusions invalid. Given the lack of foodmarket services in the Town, the proposed market could have a positive effect on public and human health.

In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that the proposed amendment of the special permit for the mixed use development of the project site will not result in a significant adverse environmental impact

For Further Information, Contact:

Town Supervisor Andrew Stewart
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

Copies of this Notice Sent to:

Commissioner, Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-0001

Regional Director, Region 3
New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561-1696

Salvator Corallo, Commissioner
Rockland County Department of Planning
Building T
50 Sanatorium Road
Pomona, New York 10970

Executive Director
Rockland County Drainage Agency
23 New Hempstead Road
New City, New York 10956

Catherine Quinn
Environmental Health
Rockland County Health Department
50 Sanatorium Road
Pomona, New York 10970

* * *

RESOLUTION NO. 67**APPROVE 2012 CANDLE CONTRACT
(RENEWAL)**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Finance Director, the 2012 CANDLE contract, in the amount of \$60,965, is hereby approved.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 68**SET PUBLIC HEARING/AMEND TOWN
CODE/CHAPTER 6 - BUILDING
CONSTRUCTION ADMINISTRATION
ENERGY EFFICIENCY**

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

RESOLVED, that upon the recommendation of the Town Attorney and Director of the OBZPA, a public hearing for March 15, 2012, at 8:00 p.m. is scheduled to amend Chapter 6 of the Town Code relating to Building Construction Administration. The Town currently adheres to Energy Star Version 2.0. The proposal is to amend Town Code to refer to the HERS 70 Index, which maintains approximately the same level of energy efficiency, and to close a loophole in the current code by which a house torn completely down but rebuilt on the old foundation is not covered by Chapter 6 of the current Town Code. Absent this, or other, change to Town Code, state law will require the Town to graduate to Energy Star Version 3.0 which requires a much greater investment in efficiency and substantially burdens local builders and property owners.

Ayes: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 69**APPROVE 2011 BUDGET TRANSFERS**

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

RESOLVED, that upon the recommendation of the Finance Director, the following budget transfers, as recommended by the auditors, are hereby approved:

| <u>Highway - Town Wide</u> | | | <u>Increase</u> | | <u>Decrease</u> |
|----------------------------|--------------------|----|-----------------|----|-----------------|
| D.5130.200.05 | Highway Machinery | \$ | 31,887.00 | \$ | |
| D.5130.400.05 | Highway Machinery | | 24,837.00 | | |
| D.5120.400.05 | Bridge Repairs | | | | 21,340.00 |
| D.5140.011.05 | Misc Brush & Weeds | | | | 28,712.00 |
| D.5142.011.05 | Snow Removal | | | | 6,672.00 |

Highway - Part Town

| | | |
|---------------|---------------------------|--------------|
| D.0599 | Appropriated Fund Balance | (105,390.00) |
| D.9060.800.04 | Hospitalization | 22,805.00 |
| D.5110 | Highway Repairs | 192,485.00 |

| | | |
|---------------|------------------------|-----------|
| D.9010.800.04 | NYS Retirement | 24,461.00 |
| D.5112.457.04 | Permanent Improvements | 71,897.00 |
| D.9030.800.04 | Social Security | 13,522.00 |
| D.1980.457.04 | MCT Mobility Tax | 20.00 |

Sewer Fund

| | | | |
|---------------|---------------------------|------------|------------|
| G.8120 | Sewer Collection System | 125,201.00 | |
| G.8130 | Sewage Treatment Plant | 318,530.00 | |
| G.9730.700 | BAN Interest | 6,000.00 | |
| G.8110 | Sewer Administration | | 24,378.00 |
| G.9010.800.04 | NYS Retirement | | 816.00 |
| G.9030.800.04 | Social Security | | 8,637.00 |
| G.9060.800.04 | Hospitalization | | 61,497.00 |
| G.1980.457.04 | MCT Mobility Tax | | 1,280.00 |
| G.3989 | State Aid - FEMA | | 6,342.00 |
| G.4089 | Federal Aid - FEMA | | 38,956.00 |
| G.1011 | Intergovernmental Charges | | 162,964.00 |
| G.1010 | Sewer Charges | | 144,861.00 |

TOV - Other

| | | | |
|---------------|----------------------------|------------|-----------|
| B.0599 | Appropriated Fund Balance | (5,047.00) | |
| B.5182.455.17 | Street Lighting | 36,423.00 | |
| B.8011.015.17 | Habor Appointed Officials | 1.00 | |
| B.8160 | Refuse & Garbage | 27,955.00 | |
| B.1980.457.04 | MCT Mobility Tax | | 460.00 |
| B.3620 | Safety Inspection | | 17,498.00 |
| B.8010 | Zoning Board | | 954.00 |
| B.8020 | Planning Board | | 5,990.00 |
| B.8089.015.17 | Acabor Appointed Officials | | 1.00 |
| B.8560.457.17 | Shade Trees | | 13,479.00 |
| B.9010.800.04 | NYS Retirement | | 23.00 |
| B.9030.800.04 | Social Security | | 45.00 |
| B.9060.800.04 | Hospitalization | | 19,882.00 |
| B.9050.800.17 | Unemployment | | 1,000.00 |

TOV - Police

| | | | |
|---------------|------------------|----------|----------|
| B.3640 | Auxiliary Police | 298.00 | |
| B.9030.800.16 | Social Security | 6,258.00 | |
| B3120 | Police | | 298.00 |
| B.9060.800.16 | Hospitalization | | 6,258.00 |

General

| | | | |
|---------------|--------------------------|--------------|--------------|
| A.1622 | Shared Services | 5,584.00 | |
| A.7180 | Special Recreational Fac | 945.00 | |
| A.7620 | Adult Recreation | 307.00 | |
| A.9040.800.00 | Workers' Comp | 417,600.00 | |
| A.1910.043.00 | Unallocated Insurance | | 423,184.00 |
| A.7020 | Parks & Recreation | | 1,252.00 |
| | | 1,106,679.00 | 1,106,679.00 |

Ayes: Councilmen Morr, Diviny, Troy, Valentine
 Supervisor Stewart
 Noes: None

RESOLUTION NO. 70**HOME RULE/ORANGETOWN
PUBLIC LIBRARY DISTRICT
PALISADES- SPARKILL
BOUNDARIES**

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

RESOLVED, that the Town Board hereby authorizes the submission of a Home Rule Request for the enactment of special state legislation modifying Chapter 349 of the Laws of 1973, ("Orangetown - Public Library District"), as amended by Chapter 372 of the Laws of 1975, ("Orangetown, Town of - Library - Tax Rate Increase"), to amend the boundaries of Library District No. 4 (Palisades/Sparkill), and to amend the tax rate limit for each district to reflect the requirements of NYS General Municipal Law §3-c (the "Two Percent Tax Cap") and to authorize the Town Board to adopt appropriations for the individual free association libraries based on the individual needs of each such library as determined by the Town Board, in its discretion.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 71**GRANT PERMISSION/2012
GRASSROOTS ADVOCACY
CAMPAIGN/HIGHWAY**

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

RESOLVED, that permission is hereby granted for the Superintendent of Highways, to attend the 2012 Grassroots Advocacy Campaign, Local Roads and Bridges, Albany, NY, March 6-7, 2012 at a cost of \$187.00, to be charged to Acct. No. A5010.441, and \$50.00 to be charged to Acct. No. A5010.480, for a total amount of \$237.00.

Ayes: Councilmen Morr, Valentine, Troy, Diviny
Supervisor Stewart

Noes: None

RESOLUTION NO. 72**AUTHORIZE/HIGHWAY
DEPARTMENT/OPEN HOUSE**

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

RESOLVED, that the Highway Department is hereby authorized to host their 16th Annual Open House on Saturday, May 19, 2012 from 10:00 a.m. to 12:00 p.m. at the Highway Department Facility.

Ayes: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 73**ACCEPT 2012 FEE SCHEDULE
PARKS AND RECREATION**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the Orangetown Park Development Advisory Committee and the Orangetown Recreation Advisory Committee, the following 2012 Fee Schedule for Parks and Recreation are hereby accepted:

Resolution No. 73 - Continued

**Town of Orangetown Department of Recreation and Parks
2012 Fee Schedule**

| Orangetown Youth Groups 2.5 hrs. (softball 2 hrs.) | | |
|--|-----------|-----------|
| Location | 2011 Fee | 2012 Fee |
| Field/Courts/Rink w/o Light Use | No Charge | No Charge |
| Softball Fields/Courts w/Lights | \$20.00 | \$20.00 |
| Baseball Fields w/Lights | \$30.00 | \$30.00 |
| In-Line Rink w/Lights | \$20.00 | \$20.00 |

| Orangetown Adult Groups and Leagues 2.5 hrs. (softball 2 hrs.) | | |
|--|----------------------|-----------------|
| Location | 2011 Fee | 2012 Fee |
| Softball Fields w/o Lights | \$40.00 | \$40.00 |
| Softball Fields w/Lights | \$65.00 | \$65.00 |
| Baseball Fields w/Lights | \$50.00 | \$50.00 |
| Baseball Fields w/Lights | \$75.00 | \$75.00 |
| Athletic Fields/Courts w/o Lights | \$40.00 | \$40.00 |
| Athletic Fields/Courts w/Lights | \$65.00 | \$65.00 |
| College Field Use w/o Lights | \$300.00 3 hrs. Fall | \$300.00 3 hrs. |
| College Field Use w/Lights | \$350.00 3 hrs. Fall | \$350.00 3 hrs. |
| In-Line Rink Use w/o Lights | \$40.00 | \$40.00 |
| In-Line Rink Use w/Lights | \$65.00 | \$65.00 |

| Artificial Turf Field | | |
|---------------------------|------------------|------------------|
| Location | Resident | Non-Resident |
| Soccer Complex w/o lights | \$140.00 per hr. | \$280.00 per hr. |
| Soccer Complex w/ lights | \$155.00 per hr. | \$310.00 per hr. |

| General Fees | | |
|---------------------------------------|-----------------------------------|-----------------------------------|
| Location | 2011 Fee | 2012 Fee |
| Park Permit for General Use | \$35.00 Plus Labor | \$35.00 Plus Labor |
| Showmobile Use Fee | \$350.00 per event/day plus Labor | \$350.00 per event/day plus Labor |
| Greenbush Auditorium (outside groups) | \$45.00 | \$45.00 |
| Court Room (outside groups) | \$45.00 | \$45.00 |

| Non-Resident Groups/Organizations/Leagues 2.5 hrs. (softball 2 hrs.) | | |
|--|--------------------|--------------------|
| Location | 2011 Fee | 2012 Fee |
| Softball Fields w/o Lights | \$80.00 | \$80.00 |
| Softball Fields w/Lights | \$130.00 | \$130.00 |
| Baseball Fields w/o Lights | \$100.00 | \$100.00 |
| Baseball Fields w/Lights | \$150.00 | \$150.00 |
| Athletic Fields/Courts w/o Lights | \$80.00 | \$80.00 |
| Athletic Fields/Courts w/Lights | \$130.00 | \$130.00 |
| Park Permit for General Use | \$70.00 plus Labor | \$70.00 plus Labor |
| In-Line Rink Use w/o Lights | \$80.00 | \$80.00 |
| In-Line Rink Use w/Lights | \$130.00 | \$130.00 |

| Non-Profits/Civic Groups/Fundraisers 2.5 hrs. (softball 2 hrs.) | | |
|---|--------------------|--------------------|
| Location | Resident | Non-Resident |
| Softball Fields w/o Lights | \$20.00 | \$40.00 |
| Softball Fields w/Lights | \$30.00 | \$60.00 |
| Baseball Fields w/Lights | \$25.00 | \$50.00 |
| Baseball Fields w/Lights | \$37.50 | \$75.00 |
| Athletic Fields/Courts w/o Lights | \$20.00 | \$40.00 |
| Athletic Fields/Courts w/Lights | \$30.00 | \$60.00 |
| Park Permit for General Use | \$15.00 plus Labor | \$30.00 plus Labor |
| In-Line Rink Use w/o Lights | \$20.00 | \$40.00 |
| In-Line Rink Use w/Lights | \$30.00 | \$60.00 |

Ayes: Councilmen Diviny, Troy, Morr, Valentine
 Supervisor Stewart
 Noes: None

RESOLUTION NO. 74**BACK NINE, LLC/EVICTION
SETTLEMENT AGREEMENT/
RECEIVED/FILED**

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

RESOLVED, that upon the recommendation of the Auditors, the Eviction Settlement Agreement between Back Nine, LLC and the Town (dated 4/11/2011), just received from the Town Attorney's Office on January 31, 2012, is hereby received and filed in the Town Clerk's Office.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 75**ACCEPT/RECEIVE/FILE/DOCUMENTS
TOWN CLERK'S OFFICE**

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

RESOLVED, that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Letter Agreement (01/1/12 – 12/31/12) with Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, Government Affairs Counsel, for purchase of State owned land.
2. License Agreement, dated January 4, 2012, with the Town of Ramapo for use of the Town of Ramapo Police Firing Range for calendar year 2012.
3. Caretaker Agreements, dated January 17, 2012, with:
 - Anthony Limandri - Borst Memorial Park, Pearl River.
 - Thomas Iacobellis – Nike Site Park, Orangeburg.
 - Steven Bello – Residence/Blue Hill Golf Course, Pearl River.
4. Agreement, dated January 4, 2012, between Wyeth Holdings Corporation, The Nanuet Union Free School District and the Town for tax assessments.
5. Deed, dated October 24, 2011, from the Tappan Free Library for property located at 93 Main Street and 2 Oak Tree Road, Tappan. This deed has been filed in the Rockland County Clerk's Office as Instrument No. 2011-00044333.
6. Communications Site Lease Agreement, dated August 12, 2011, with MetroPCS New York, LLC, to lease space on the Town owned cellular tower located at 119 Route 303.
7. Settlement Agreement and Release (2011) with Orange & Rockland Utilities for street lighting services.
8. Letter of Agreement, dated October 7, 2011, with O'Connor, Davies, Munns & Dobbins, LLP, for audit services to be provided for 2011, 2012 and 2013.

Ayes: Councilmen Morr, Valentine, Troy, Diviny
Supervisor Stewart
Noes: None

RESOLUTION NO. 76**GRANT PERMISISON/TOWN
CLERK/NYS CLERKS CONFERENCE**

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

RESOLVED, that permission is granted for Town Clerk, Charlotte Madigan, to attend the NYS Town Clerks Conference, Saratoga Springs, NY, April 22-25, 2012, at a cost of \$1,560.00, to be charged to Acct. A1410/0441.

Ayes: Councilmen Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 77**ESTABLISHING POSITION/MAINTENANCE
SUPERVISOR (AUTOMOTIVE) - DEME**

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

WHEREAS, the Town Board, in consultation with the Commissioner of the Department of Environmental Management and Engineering ("DEME"), has determined that the efficient operation of the Department warrants and justifies the establishment of the position of Maintenance Supervisor (Automotive) - DEME; and

WHEREAS, the Rockland County Department of Personnel, following desk audit, has approved the establishment of the position of Maintenance Supervisor (Automotive), a competitive promotional position in the Classified Civil Service,

NOW, THEREFORE, BE IT RESOLVED, the position of Maintenance Supervisor (Automotive), in the Department of Environmental Management & Engineering, in the Town of Orangetown is hereby established.

Ayes: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

RESOLUTION NO. 78**AUTHORIZE POSTING POSITION -
MAINTENANCE SUPERVISOR
(AUTOMOTIVE), DEME, AND THE
REALLOCATION OF FUNDS NECESSARY
TO FILL SUCH POSITION**

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

WHEREAS, by resolution of even date herewith, the Town Board has established the position of Maintenance Supervisor (Automotive) in the Department of Environmental Management and Engineering ("DEME"), a competitive promotional position in the Classified Civil Service; and

WHEREAS, sufficient funds exist to cover the costs associated with filling such position, provided (i) that the newly established position is filled by an existing Town employee; (ii) that the current position of the employee who fills the newly established position is not filled; and (iii) that there is a reallocation of the funds budgeted for the position to be vacated to the newly established position;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Commissioner of DEME, pursuant his authority under § 8-A(6)(B) of the Town Code, to the terms of the CSEA contract, to post the position of Maintenance Supervisor (Automotive) in DEME, and, thereafter, to fill the said position, provisionally or permanently, as the law shall allow, subject to the reallocation of the funds necessary to in accordance with the terms of this Resolution; and

BE IT FURTHER RESOLVED, that insofar as this Resolution authorizes the reallocation of funds from an existing position to the newly established position, it is expressly conditioned on, and made subject to, it not having an impact on a department other than DEME without the prior approval and authorization of the Town Board.

Ayes: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

RESOLUTION NO. 79**APPROVE SHOWMOBILE/THE
PENGUIN PLUNGE INC.**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation and at the request of Penguin Plunge Inc, the use of the Showmobile on Sunday, March 4, 2012, at a rental fee of \$350.00, with Penguin Plunge Inc. providing a Certificate of Insurance listing the Town of Orangetown as additionally insured is hereby approved.

Ayes: Councilmen Morr, Valentine, Troy, Diviny
Supervisor Stewart
Noes: None

RESOLUTION NO. 80**RESCHEDULE WORKSHOP
MARCH 8/MARCH 7/RTBM**

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

RESOLVED, that upon the recommendation of the Supervisor, the Workshop meeting scheduled for Thursday, March 8th has been rescheduled to Wednesday, March 7th and the Town Board will also enter a Regular Town Board Meeting to appoint members to the Land Use Boards and other Committees.

Ayes: Councilmen Valentine, Morr, Troy, Diviny
Supervisor Stewart
Noes: None

RESOLUTION NO. 81**DEME/AMEND RESOLUTION NO.
645/2011/CONSULTANT/KENECK
SKIBINSKI**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME and the Director of Finance, Resolution No. 645/2011 is hereby amended, increasing the contract amount with Keneck Skibinski, for consultant work at DEME, from \$60,000 to \$72,000.

Aye: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 82**ESTABLISH/ORANGETOWN OFFICE
OF EMERGENCY MANAGEMENT**

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

WHEREAS, the Town of Orangetown desires to maintain a high level of planning and preparedness, to protect the citizens of Orangetown, to reduce loss of life, protect important assets, and reduce any disruption or destruction to local commerce and institutions; all while assisting and supporting the town government and emergency services with preparing, responding and recovering from a disaster;

WHEREAS, to accomplish this task, the Town of Orangetown shall create the Office of Emergency Management to support the town government and emergency services with preparing, responding and recovering from a disaster;

Resolution No. 82 – Continued

WHEREAS, the role of the Office of Emergency Management will be to identify personnel and institutions in the community that can play a key role in improving Orangetown's response to major incidents or disasters and will maintain open communications with these entities;

WHEREAS, the Office of Emergency Management will assist in the education of the public, town employees and emergency services about emergency preparedness; and

WHEREAS, the Office of Emergency Management will collect and disseminate emergency information as well as liaison with the Rockland County Office of Emergency Management and other agencies as needed to accomplish the stated mission;

WHEREAS, the initial Orangetown Office of Emergency Management will be comprised of the following members:

Orangetown Police - 2 members - Recommendation of Chief of Police
 Orangetown Fire - 2 members - Recommendation of Town Fire Chiefs Council
 Orangetown EMS - 2 members - Recommendation of Town EMS Captains
 Orangetown Highway - 2 members - Recommendation of Highway Superintendant
 Orangetown Environmental - 1 member - Recommendation of Environmental Director
 Orangetown OBZPAE - 1 member - Recommendation of OBZPAE Director
 Orangetown Building/Parks - 1 member - Recommendation of Building/Parks Director
 Orangetown Town Board - 1 member - Recommendation of Town Board;

WHEREAS, members will be appointed to the foregoing committee by the Town Board in consultation with the Town Department Heads and emergency services commanders/first responder commanders.

WHEREAS, the Office will be run as a Committee and will be chaired by a member of the Police Department who is assigned as the "Orangetown Emergency Coordinator" as designated by the Town of Orangetown Emergency Operations Plan (EOP).

WHEREAS, Committee Tasks will be accomplished through use of the following sub-committees:

Training Emergency Operations Center
 Planning Sheltering
 Logistics Outreach
 Notification Community Response Team
 Recovery/Debris Management Schools

WHEREAS, the members and responsibilities of the Orangetown Office of Emergency Management will be reviewed by the Committee and Town Board in consultation with the Town Department Heads and emergency services commanders/first responder commanders annually and may be updated as needed; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the establishment of the Orangetown Office of Emergency Management and authorizes the aforementioned appointments to said Committee.

Aye: Councilmen Diviny, Valentine, Troy, Morr
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 83**APPOINT/OFFICE OF EMERGENCY
MANAGEMENT**

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

Resolution No. 83 - Continued

RESOLVED, that the following persons are hereby appointed to the Office of Emergency Management for a one-year term:

Name/Agency

PO Harold G. Johnson II – Orangetown Police Department (Chairman)
 A/Lt Donald Butterworth – Orangetown Police Department
 Peter Byrne – Orangetown Fire Chiefs Council
 Robert Daly – Orangetown Fire Chiefs Council
 Steve Harris – South Orangetown Ambulance Corps
 Mary Anne Portoro – Pearl River Ambulance
 James Dean – Orangetown Highway Department
 Mike Yannazzone – Orangetown Highway Department
 Joseph Moran – Orangetown DEMA
 Paul Witte – Orangetown OBZPAE
 Mark Albert – Orangetown Building/Parks
 Tom Diviny – Orangetown Town Board

Aye: Councilmen Diviny, Morr, Troy, Valentine
 Supervisor Stewart
 Noes: None

* * *

RESOLUTION NO. 84

**AUTHORIZE/REVOCABLE LICENSE
 ORANGETOWN MIGHTY MIDGETS
 (OMM)/ATHLETIC FIELDS
 FEASIBILITY ASSESSMENT**

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

RESOLVED, that a Revocable License permitting Orangetown Mighty Midgets (OMM) to conduct a feasibility assessment, at no cost to the Town, of undeveloped land at the former Rockland Psychiatric Center, for athletic fields is hereby authorized.

Aye: Councilmen Diviny, Troy, Morr, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 85**ENTER AUDIT MEETING**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:10 p.m.

Aye: Councilmen Diviny, Morr, Troy, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 86**PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds in the amount of \$12,184,059.69.

Ayes: Councilmen Diviny, Morr, Troy, Valentine
 Supervisor Stewart
 Noes: None

RESOLUTION NO. 87

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of Michael (Mickey) Sullivan, Pearl River; at 9:15 p.m.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

Teresa Accetta-Pugh, Deputy Town Clerk