

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 6, 2014**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
Stephen Munno, Senior Administrative Assistant of Highways
Joseph Moran, Commissioner of DEME
Aric Gorton, Superintendent of Parks and Recreation

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Announcement:

- National Public Works Week - May 18th through 24th
- National Police Week-May 11th through 17th
- Building Safety Month – May 2014
- National EMS Week – May 18th through 24th
- Charlotte Madigan is hosting Passport Day-Thursday, May 8th 3-6pm, Town Hall

Summary of Public Comments:

Charles Scholl, Tappan, thanked Charlotte Madigan for hosting Shredding Day. He looks forward to the next time.

Habib Hasan, Pearl River, commented that Charlotte Madigan is a “beacon of light for all of us” and is grateful for her continued presence. He is in favor of the Supreme Court’s decision on prayer at public meetings.

Eileen Larkin, Palisades, is opposed to the idea of privatizing the Sewer Department and she thinks Town employees would be more committed to Orangetown.

RESOLUTION NO. 255

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 256

**OPEN PH/ZONE CHANGE/HUNT RD
BRAUNSDORF RD/RG-GENERAL
RESIDENCE**

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

Resolution No. 256 – Continued

RESOLVED that the 8:00 p.m. public hearing to consider a proposed Local Law amending the Town Code, Chapter 43 entitled Zoning, Section 2.2, entitled “Zoning Map” is hereby opened.

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

Noes: None

The Town Clerk presented the Affidavit of Publication, and the Notice of Posting and letters from Rockland County Dept. of Highways, Rockland County Dept. of Planning, Orangetown Planning Board; copies are labeled Exhibit 05-A-14 and made a part of these minutes.

The public comment portion was opened and there were no public comments.

RESOLUTION NO. 257

**CLOSE PH/ ZONE CHANGE
 BRAUNSDORF RD/HUNT RD
 RG-GENERAL RESIDENCE**

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

RESOLVED that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 258

**LEAD AGENCY/ ZONE CHANGE
 BRAUNSDORF RD/HUNT RD/RG-
 GENERAL RESIDENCE**

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

RESOLVED that the Town Board declares itself Lead Agency in the matter.

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

Noes: None

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RESOLUTION NO. 259

**ADOPT/NEGATIVE DECLARATION
 LOCAL LAW NO. 5, 2014 BRAUNSDORF
 RD/HUNT RD/RG-GENERAL RESIDENCE**

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

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of three tax parcels in the hamlet of Pearl River as follows:

- 155 Braunsdorf Road, Pearl River (Tax Map Designation 68.16-5-21) from “CC” (Retail-Commerce) to “RG” (General Residence);
- 156 Braunsdorf Road, Pearl River (Tax Map Designation 68.16-5-54) from “CC” (Retail-Commerce) to “RG” (General Residence); and
- 166 Hunt Avenue, Pearl River (Tax Map Designation 68.16-5-20) from “MFR” (Multifamily Residence) to “RG” (General Residence);

And,

Resolution No. 259 – Continued

WHEREAS, on or about April 16, 2014, the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking 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 impact or effect caused or occasioned by the proposed change in the zoning classification of the three parcels affected by the proposed Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

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

Noes: None

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

DATE: May 6, 2014

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:

Adoption of Local Law No. 5 of 2014 of the Town of Orangetown, amending the Town Zoning Law, and Zoning Map, to change the zoning classification of three parcels in the Hamlet of Pearl River.

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The proposed action consists of a change to the zoning classification of three properties in the Hamlet of Pearl River from “CC” (Retail Commerce) or “MFR” (Multifamily Residence), as the case may be, to that of “RG” (General Residence), a zoning district that directly abuts each of the three said properties.

DETERMINATION:

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

REASONS SUPPORTING THIS DETERMINATION:

The proposed action simply changes the zoning district of three existing tax parcels already developed with residential structures, and for a residential use, from a commercial or multifamily use to “RG” (General Residence). The RG zoning district is an immediately adjacent zoning district to each of the properties affected.

The change is consistent with the existing use of the three lots; is consistent with the Town’s Master Plan; and is otherwise in the best planning and zoning interests of the Town and the owners’ of the parcels, each of whom has requested the change of zoning classification.

In addition, both the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 L & M, have reviewed the proposed law, and neither has concluded that the proposed action will have any significant adverse impact.

POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:

Based on the Short Environmental Assessment Form, prepared by the Town’s Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board’s familiarity with the parcels and the area in which they are situated, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Traffic;
- Agricultural Land Resources
- Historic and Archaeological Resources
- Surface or Groundwater Quantity or Quality
- Critical Environmental Areas
- Energy
- Public Health
- Air Quality and Noise Levels
- Human Health, or
- Future Development of Adjacent and Nearby Lands

In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that such action will not result in a significant adverse environmental impact.

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RESOLUTION NO. 260

**ADOPT LOCAL LAW NO. 5 OF 2014,
BRAUNSDORF RD/HUNT RD
RG-GENERAL RESIDENCE**

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy 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 considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of three tax parcels in the hamlet of Pearl River as follows:

Resolution No. 260 – Continued

- 155 Braunsdorf Road, Pearl River (Tax Map Designation 68.16-5-21) from the “CC” (Retail-Commerce) zoning district to the “RG” (General Residence) zoning district;
- 156 Braunsdorf Road, Pearl River (Tax Map Designation 68.16-5-54) from the “CC” (Retail-Commerce) zoning district to the “RG” (General Residence) zoning district; and
- 166 Hunt Avenue, Pearl River (Tax Map Designation 68.16-5-20) from the “MFR” (Mutifamily Residence) zoning district to the “RG” (General Residence) zoning district;

And,

WHEREAS, after notice duly given, and there being no other involved agency, by resolution duly adopted this 6th day of May 2014, the Town Board assumed the role of Lead Agency for environmental review; 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 environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law; and

WHEREAS, following due notice, a public hearing was conducted on the proposed zone change amendment; and

WHEREAS, the Board has concluded that the proposed zone change which simply changes the zoning classification of three existing parcels, each already developed with a residential structure, and used for a residential purpose, to the immediately adjacent “RG” zoning district is consistent with the Town’s Master Plan, and otherwise is in the best interests of the Town and the owners’ of the parcels, each of whom has requested the change of zoning classification; and

WHEREAS, the Town Planning Board, pursuant to pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 L & M, have each reviewed the proposed law,

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the three referenced parcels to “RG” General Residence.

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

Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW NO. 5, 2014,
AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF
ORANGETOWN TO CHANGE THE ZONING DISTRICT OF CERTAIN PROPERTIES
IN THE HAMLET OF PEARL RIVER**

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

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following properties:

- 155 Braunsdorf Road, Pearl River (Tax Map Designation 68.16-5-21) from the “CC” (Retail-Commerce) zoning district to the “RG” (General Residence) zoning district;
- 156 Braunsdorf Road, Pearl River (Tax Map Designation 68.16-5-54) from the “CC” (Retail-Commerce) zoning district to the “RG” (General Residence) zoning district; and

LOCAL LAW NO. 5, 2014 – Continued

- 166 Hunt Avenue, Pearl River (Tax Map Designation 68.16-5-20) from the “MFR” (Mutifamily Residence) zoning district to the “RG” (General Residence) zoning district.

Section 2: This law shall take effect immediately upon filing with the Secretary of State.

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RESOLUTION NO. 261

**ACCEPT BOND RIDER/FB
ORANGETOWN ORANGEBURG
COMMONS**

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

WHEREAS, pursuant to Town Board Resolution 2012-348, the Town accepted from FB Orangeburg, LLC, as the owner of certain property located at Route 303 and Stevens Way, Orangeburg, New York, (Tax Lot 74.15 Block 1 Lot 21) a Performance Bond in the amount of \$1,073,869.50 (one Million Seventy Three Thousand Eight Hundred Sixty Nine and 50/100 Dollars) to ensure the construction and completion of certain public improvements at the site and within the subdivision, and

WHEREAS, the applicant FB Orangeburg, LLC has received approval from the Planning Board in its decision 2014-19 for a reduction in the amount of the Performance Bond to the sum of \$92,400.00 and granted an extension of time for completion of certain public improvements at the site for a period of two years,

BE IT RESOLVED that upon the approval of the Town Attorney, from a legal standpoint, the Town hereby formally accepts, receives and files a Bond Rider dated April 14, 2014 from International Fidelity Insurance Company as Surety and FB Orangetown as Principal, which amends the previously submitted and accepted Performance Bond #0574305 in favor of the Town of Orangetown with respect to the Orangeburg Commons Site Plan, 170 Route 303 Orangeburg, NY (Tax Lot 74.15 Block 1 Lot 12) pursuant to Town Board Resolution 2012-348, which Performance Bond is reduced to the sum of \$92,400.00 and

BE IT FURTHER RESOLVED that, all public improvements must be completed no later than April 9, 2016.

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

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RESOLUTION NO. 262

**RESCIND RES. NO. 141/2014 APPROVE
AID/DATE CHANGE/ PEARL RIVER
DAY**

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

RESOLVED that Pearl River Chamber of Commerce/Pearl River Day Committee for October 11th 2014 requests of the use of Showmobile with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured, and 6 port-o-johns, 30-55 gallon drums for garbage, barricades for 4 intersections and 12 additional barricades for ride control on October 11, 2014 is hereby approved..

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

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RESOLUTION NO. 263

**CERTIFICATE OF REGISTRATION
2014 SEWER WORK**

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

RESOLVED that upon the recommendation of the Town Attorney, from a legal standpoint, and the Commissioner of the Department of Environmental Management and Engineering, a certificate of registration for 2014 Sewer Work is approved to:

MRJ Excavating, Inc. 7 Beaver Court New City NY 10956.
Scaffidi & Sons, Inc. 34 North 9W West Haverstraw NY 10993

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

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RESOLUTION NO. 264

**APPOINT/BOARD OF ASSESSMENT
REVIEW/JOSEPH K BRADY-AMOON**

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

RESOLVED that the Town Board appointed new member, Joseph Kenneth Brady-Amoon, to the Board of Assessment Review, with term expiring 9/30/14 (filling the unexpired term of Charles Cross).

Ayes: Councilman Valentine, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 265

**PERMISSION GRANTED
EMERGENCY MANAGEMENT
CONFERENCE**

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

RESOLVED that permission is granted to Harold G. Johnson II of the Office of Emergency Management to attend a conference in Atlantic City NJ from Monday, May 5th to Friday, May 9th at a cost of \$620.00, to be charged to OEM account.

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

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RESOLUTION NO. 266

**CONSOLIDATE AGENDA ITEMS
APPROVE AID/TAPPAN MEMORIAL
DAY PARADE/COASTER CAR RACE
(SOAPBOX DERBY)**

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

RESOLVED, that agenda items 11 and 12 are hereby consolidated as follows:

Resolution No. 266 – Continued

RESOLVED that upon recommendation of the Highway Department and Parks & Recreation, aid, by providing barricades, trash barrels and 16 verticades with detour signs and bolts, to the American Legion Post 1271, for their Tappan Memorial Day Parade, on May 26th 2014.

RESOLVED that upon recommendation of the Highway Department and Parks & Recreation, the request by the Pearl River Rotary, to provide five port-o-sans, trash barrels, barricades and cones for the Coaster Car Race trial run on Sunday May 18th and the Derby Race Day on June 1st (with a rain date of June 8th) is hereby approved.

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

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RESOLUTION NO. 267

**ACCEPT RESIGNATION
RETIREMENT/POLICE CAPTAIN
ROBERT ZIMMERMAN**

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

RESOLVED that the Town Board hereby accepts, with regret, the resignation/retirement of Police Captain Robert Zimmerman, from the Orangetown Police Department effective April 26, 2014.

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

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RESOLUTION NO. 268

**ACCEPT RESIGNATION/NADIA
SHAPIRO/SUPERVISOR’S OFFICE**

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

RESOLVED accept with regret the resignation of Nadia Shapiro, Administrative Secretary I, effective May 30th 2014.

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

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RESOLUTION NO. 269

**ACCEPT/RECEIVE/FILE/ TOWN
CLERK’S OFFICE**

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

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

1. The Noble Ninth, Inc., Agreement, dated March 14, 2014, for Orangetown Summer Day Camp
2. Brooker Engineering, PLLC, Agreement and fee schedule, dated April 11, 2014, as Drainage Engineers for the Orangetown Planning Board.
3. April 8, 2014 Police Commission/Public Hearing/Executive Session Minutes.

RESOLUTION NO. 269

- 4. Payment in Lieu of Taxes Agreement-155 Corporate Drive LLC, Bloomberg, L.P. for 2014-2025.

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

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RESOLUTION NO. 270

**AUTHORIZE EXECUTION OF
RELEASE /ORANGE & ROCKLAND**

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

RESOLVED, that the Town Attorney is hereby authorized to compromise a claim by the Town against Orange & Rockland Utilities, relating to expenses incurred in the relocation of utilities in connection with a sewer repair project for the sum of Five Thousand Four Hundred Fifty Nine Dollars 63/00 (\$5,459.63/00), and

BE IT FURTHER RESOLVED that the Town Attorney is hereby authorized to execute a Release in favor of O&R in furtherance of the said resolution

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

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RESOLUTION NO 271

**REJECT/ZONE CHANGE/BRIGHTVIEW
SENIOR LIVING LLC/INDEPENDENT &
ASSISTED LIVING FACILITY/SHELTER
DEVELOPMENT/115 ROUTE 303**

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

RESOLVED, that the Town Board hereby rejects the petition from Shelter Development, LLC, for a zone change to develop Brightview Senior Living LLC., an Independent and Assisted Living Facility, at 115 Route 303, Tappan.

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

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RESOLUTION NO 272

AUTHORIZE PAY VOUCHERS

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

RESOLVED, the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,912,719.35.

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

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RESOLUTION NO. 273

ENTER EXECUTIVE SESSION

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr and Valentine, Superintendent of Parks & Recreation, Aric Gorton and Town Attorneys, John Edwards and Teresa Kenny.

Resolution No. 273 - Continued

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

RESOLVED, that the Town Board entered Executive Session to discuss the contract regarding the concession stand at Veteran’s Park, at 8:36 p.m. Supervisor Stewart said no further votes will be taken.

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

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RESOLUTION NO. 274

RE-ENTER RTBM/ADJOURNED

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned, at 8:45 p.m.

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

Charlotte Madigan, Town Clerk