

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, MAY 12, 2008**

This Town Board Meeting was opened at 7:37 p.m. Supervisor Kleiner presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Marie Manning
Councilwoman Nancy Low-Hogan
Councilman Michael Maturo

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
John S. Edwards, Town Attorney
Teresa M. Kenny, First Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director, Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
John Giardiello, P.E., Director, OBZPAE

Charlotte Madigan, Town Clerk, led the Pledge of Allegiance to the Flag.

Annual Police Awards Ceremony, Thursday, May 15, 2008, 7:00 p.m.
Orangetown Museum Antique & Collectible Sale, Saturday, May 17, 2008, 10:00 a.m.
Dennis McHugh 5K Fun Run and Family Fair, Saturday, May 17, 2008, 9:30 a.m.
Annual Orangetown Highway Dept. Open House, Saturday, May 17, 2008, 10:00 a.m.
Walk Way of Heroes Ceremony, Sunday, May 25, 2008, 10:00 a.m.

Supervisor Kleiner said the past two scoping sessions regarding the development of RPC had to do with traffic studies and comments from the public. Once the Town Board decides which study to include in the environmental review, the public will then have the opportunity to comment.

John Giardiello, P.E., Director, OBZPAE, suggested that single-family homes not be included in the rezoning of Sparkill. Section, Block and Lot numbers and the number of lots should identify the areas. The rezoning will include artists' lofts and multi-family residential over retail space.

Public Comment

Michael Mandel, Pearl River, spoke regarding the un-built STEJ's sports complex, loss of tax revenue, the shared infrastructure cost, breach of contract fine and the Performance Bond payment. STEJ shouldn't be able to start any other projects in the Town until the sports complex is started.

Genevieve Coffey, Pearl River, requested a resolution stating the Town Board is part-time and no pension benefits shall be earned or paid.

Kevin Christmas, Pearl River, asked if the public will have any opportunity to speak regarding the Hillside Commercial Park?

Marilyne & Doug Coleman, Pearl River, are against the Hillside project and want this project taken care of in a fair way for the residents.

Jim Castagna, Sparkill, spoke in favor of the Sparkill Overlay. He asked the Town to control the number of occupants and he said parking should be included in any apartment plans.

Eileen Larkin, Palisades, spoke regarding employees, elected and appointed official who work for both the Town and other municipalities should be ineligible for health insurance and she's also concerned about all the increases for the baseball fields.

Carmel Reilly, Pearl River, and the members of RUSH, thanked the Town Board for addressing litigation regarding the Hillside project.

Mary Clark, Pearl River, said the Hillside project would cause flooding in the area to worsen and she is concerned about the 10 acres of over a 1,000 trees.

JoAnn DeLorenzo, Pearl River, is in favor of the Town Board to take legal action against the ZBA regarding the Hillside project. She spoke about a 1985 proposal for 4500 sq foot building, which the ZBA ruled this would be over development.

Andrew Wiley, Pearl River, said the Town Board should reverse the Hillside Planning Board decision and work order changes should not exceed \$10,000 without Town Board approval.

John Quevedo, Tappan, thanked the Town Board for considering the Traffic Calming policies and procedures that are being voting on tonight.

Bob Hoyt, Pearl River, is against the Hillside project because the water table in his backyard is rising and becoming more of a problem. The Hillside project would make the water problem worse.

Donald Brenner, Attorney for the developer of Hillside Commercial Park, said this property has been zoned for industrial use for over 50 years and is taxed at the non-homestead rate. He explained his client followed all the procedures outlined in the Town Code. Since the Town Attorney has the opinion that there could be a defect in the decision because SEQR (Negative Declaration) was not granted until after a variance was granted, his client will return to the Zoning Board before he proceeds to ACABOR. At the ACABOR meeting, the Public will have the right to speak regarding this project. He said the Town Board is interfering with a developer's right and holding back substantial revenues to the Town and School District.

Bill Clark, Pearl River, said his property is located next to Hillside and he never received any notice.

Lisa Sheridan, Pearl River, asked if the Public will be able to speak before ACABOR and the Zoning Board?

Vincenza DiMuro, Pearl River, said in the past, proposals for the Hillside Commercial Park were denied because the site would be overdeveloped.

Sean Dolan, Pearl River, said he did an addition to his home and he had to notify everyone and believes the Hillside project will reduce the value of his home.

Bridget Killen, Pearl River Restaurant Owner, said the Muddy Brooke is filled to its capacity and always has flooding in her restaurant. The Town needs to reroute the water before any more water damage is done.

Alexis Stark, Tappan, asked how the Hillside project would not cause flooding?

John S. Edwards, Town Attorney, advise the Town Board if they do not file an Article 78, regarding Hillside Commercial Park, the statute of limitations on the ZBA decision would close. He also recommended the Town Board enter into an agreement with the developer and the ZBA with the following requirements.

1. The applicant must agree to vacate the 280-a variance and return to the ZBA for a rehearing and a re-determination. The ZBA will make the determination if SEQR has been complied with.
2. The applicant firmly agrees to "toll and suspend" any statute of limitations, effective this date applicable to the ZBA's failure to comply with SEQR prior to acting on the application for a 280-a variance.
3. The applicant consents to toll the statute for a period of up to ten (10) days following written notice to Town of his decision to withdraw that consent.
4. The applicant must confirm that Edmund Lane, who is a principal of Route 304 LLC, has the authority to make these assurances.
5. The ZBA must concur with these conditions also.
6. The applicant will not proceed to ACABOR until the ZBA resolves the ambiguity.

RESOLUTION NO. 330

CLOSE PUBLIC PORTION

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

RESOLVED, that the public portion of this meeting is hereby closed.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 331**OPEN PH/ZONE CHANGE/77.16-1-22
380 OAK TREE RD/PALISADES**

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the public hearing to consider a proposed local law amending Chapter 43, Article II of the Town Code entitled Zoning Districts, and the Town Zoning Map, to change the zoning district classification for property located at 380 Oak Tree Road, Palisades, NY, bearing Tax Map Designation S/B/L 77.16-1-22 on the Tax Map of the Town from Light-Industrial-Office to R-15 Medium-Density Residence District is hereby opened.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 5-A-08 and made a part of these minutes.

Public portion:

David Howe of Jan Degenshein Architects presented the plans and explained that the proposed zone change would conform entirely to the majority of the surrounding uses. The zone change will also conform with the Town's Comprehensive Plan and will preserve over three acres of passive open space.

Ben Roujansky, Orangeburg, spoke on behalf of Murray Roujansky. He had questions regarding the developer, traffic on Oak Tree Rd., a gas transmission line on the property, and possibly the Appalachian Trail.

June Stark, Tappan, asked if three acres of passive wetlands can be developed and she believes the parcels are too small and tight.

Eileen Larkin, Palisades, is in favor of this zone change.

Andrew Wiley, Pearl River, asked if a R-15 zone can be changed to a PAC zone and the Town Board should protect itself.

Alexis Stark, Tappan, asked about the comprehensive plan that was adopted by the Town and if the open space (wetlands) is protected? She is concerned that an R-15 zone will set a precedence.

RESOLUTION NO. 332**ZONE CHANGE/77.16-1-22 380 OAK
TREE RD/PALISADES/ADJOURNED
PUBLIC PORTION**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the public portion of this public hearing is hereby adjourned until June 23, 2008, 8:00 p.m.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner
Noes: None

RESOLUTION NO. 333**INTENT TO BE LEAD AGENCY
ZONE CHANGE/77.16-1-22/380 OAK
TREE RD/PALISADES**

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

RESOLVED, that the Town Board gives Notice of Intent to declare itself Lead Agency in the matter of the zone change application to change the zoning district classification for property

Resolution No. 333 - Continued

located at 380 Oak Tree Road, Palisades, NY, bearing Tax Map Designation S/B/L 77.16-1-22 on the Tax Map of the Town from Light-Industrial-Office to R-15 Medium-Density Residence District.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

RESOLUTION NO. 334**ADJOURNED/PUBLIC HEARING
ZONE CHANGE/77.16-1-22/380 OAK
TREE RD/PALISADES/JUNE 23, 2008**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that this public hearing is adjourned until June 23, 2008, 8:00 p.m.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 335**SUPPORT GRANT APPLICATION/NYS
GREENWAY COUNCIL ROCKLAND FARM
ALLIANCE/GLYNWOOD
CENTER/VILLAGE OF CHESTNUT
RIDGE/PRESERVING FARMS**

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

WHEREAS, the Rockland Farm Alliance is a grass roots organization of farmers and other Rockland residents who are interested in preserving and promoting sustainable farming within Rockland County, and

WHEREAS, the Lower Hudson-Long Island Resource Conservation and Development Council Inc. is an offshoot of the U.S. Department of Agriculture and has offered to work with the Rockland Farm Alliance to obtain grants from Federal, State and private agencies for studying, implementing and maintaining farms and farmland within Rockland County, and

WHEREAS, the Glynwood Center is a not-for-profit corporation that provides contractual services that help organizations such as the Farm Alliance to design and implement programs that encourage the preservation and creation of farms and farmland within municipalities, and

WHEREAS, the Village of Chestnut Ridge has agreed to be the municipal applicant and grantee of a planning grant from the New York State Greenway Council that, if approved, will provide the funds to enable the Glynwood Center to work with the farmland within Rockland County, and

WHEREAS, the Town of Orangetown is supportive of local farms within Rockland County and believes that these farms are essential to the health, well-being and quality of life of Rockland County residents,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Orangetown supports the application submitted by the Village of Chestnut Ridge to the New York State Greenway Council for projects that provide for the planning and implementation of programs to maintain existing farms and to encourage new farms to be established within Rockland County.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 336**AUTHORIZE ARTICLE 78/LEGAL
PROCEEDING/ROUTE 304 LLC**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the filing of an Article 78, or other, legal proceeding, against the Town Zoning Board of Appeals and Route 304 LLC relating to the failure of the Town Zoning Board of Appeals to comply with SEQRA prior to the grant of a Town Law 280-a Variance is hereby authorized.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Manning
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 337**RPC/BASEBALL FIELDS/CHANGE
ORDER NO. 8/W. HARRIS & SONS
APPROVED**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning and on a roll call was adopted:

RESOLVED, that Change Order No. 8 in the amount of \$53, 248 to the contract with W. Harris & Sons, Inc. for the installation of fencing and railings at the baseball fields on Town property at RPC is approved.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Supervisor Kleiner
Noes: Councilperson Maturo

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RESOLUTION NO. 338**FINANCE/DEME/CREATE BUDGET
STORMWATER CAPITAL PROJECT**

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that a capital project budget in the amount of \$25,000 for stormwater repairs is hereby created.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 339**COMBINE AGENDA ITEMS**

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

RESOLVED, that items ten (10) through twenty-four (24), except item 14, are hereby combined.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 340**AWARD BID/HIGHWAY/NEW LIGHT
DUTY 3-4 YARD DUMP TRUCK
WICKER FORD**

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

Resolution No. 340 - Continued

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the purchase of one new light-duty 3-4 dump truck with accessories, which were received and publicly opened on March 19, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 5-B-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Wiker Ford, Ticonderoga, NY, the lowest qualified bidder, in the amount of \$46,262 to be charged to Account No. D5130052/50200.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 341**AWARD BID/HIGHWAY/NEW PICK UP TRUCKS (2)/STEVENS FORD**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the purchase of two new pick up trucks, which were received and publicly opened on March 19, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 5-C-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Stevens Ford, Patchogue, NY, the lowest qualified bidder, in the amount of \$40,999 to be charged to Account No. D5130052/50200.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 342**HIGHWAY/NATIONAL PUBLIC WORKS WEEK/MAY 18, 2008**

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

RESOLVED, that the week of May 18, 2008 is proclaimed National Public Works Week in the Town of Orangetown.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 343**RPC/AUTHORIZE HIGHWAY PAVE WALKWAYS/BASEBALL FIELDS**

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

RESOLVED, that the Highway Department is hereby authorized to pave walkways at the baseball fields on Town property at RPC at a cost of \$21,000 to be charged to Acct. No. H7110742/50200.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

RESOLUTION NO. 344**TRAFFIC CALMING POLICIES AND PROCEDURES/ADOPT**

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

RESOLVED, that the policies and procedures outlined in the Town of Orangetown Traffic Calming Program as prepared by the Traffic Calming Task Force are hereby adopted.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 345**APPOINT/COMPUTER NETWORK SPECIALIST/NICK DI MARCO**

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

RESOLVED, that Nick Di Marco is hereby appointed to the position of Computer Network Specialist, Town wide, subject to a satisfactory background investigation, grade 15-1, annual salary \$55,248, effective May 12, 2008.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 346**APPOINT/MATTHEW JOHNSTON AUTOMOTIVE MECHANIC II/DEME**

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

RESOLVED, that Matthew Johnston is hereby appointed to the position of Automotive Mechanic II in the Department of Environmental Management and Engineering, with a mandatory probationary period of six months, grade 16-19, annual salary \$84,449, effective May 13, 2008.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 347**SET PUBLIC HEARING DATE DEMAPPING PORTION OF FIRST STREET/PEARL RIVER**

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

RESOLVED, that upon the petition of Melissa Wilkison and David Wallach and upon the recommendation of the Town Attorney's Office, a public hearing is scheduled June 23, 2008, 8:00 p.m. to consider the demapping of a portion of First Street, between Carroll Street and Crooked Hill Road, Pearl River.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 348**AWARD BID/PARKS DEPT/ONE
BUNKER RAKE/WILFRED
MACDONALD**

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

WHEREAS, the Superintendent of Parks, Recreation and Buildings duly advertised for sealed bids for the purchase of one bunker rake, which were received and publicly opened on May 8, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 5-D-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Wilfred MacDonald, South Hackensack, NJ, the sole qualified bidder, in the amount of \$12,347 to be charged to Line Item No. ER725102/50200.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturro
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 349**ACCEPT MINUTES**

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

RESOLVED, that the April 28, 2008 Regular Town Board Meeting and Audit Meeting minutes are hereby accepted.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturro
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 350**ACCEPT POLICE RETIREMENT
DETECTIVE THOMAS HOFFMAN**

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

RESOLVED, that Detective Thomas Hoffman's retirement from the Orangetown Town Police Department, effective June 7, 2008, is hereby accepted with regrets.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturro
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 351**NYNEX/VERIZON/TERMINATION OF
DECLARATION OF COVENANTS
AND RESTRICTIONS/RECEIVE/FILE**

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

RESOLVED, that the fully executed Termination of Declarations of Covenants and Restrictions between NYNEX Properties (Verizon Wireless) and the Town of Orangetown is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturro
Supervisor Kleiner

Noes: None

RESOLUTION NO. 352**THE NOBLE NINTH/2008 SUMMER
DAY CAMP LETTER EXTENSION
AGREEMENT/RECEIVE AND FILE**

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

RESOLVED, that the Letter Extension Agreement between The Noble Ninth, Inc. and the Town of Orangetown, dated April 17, 2008 for use of their property for the 2008 Summer Day Camp Program is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 353**CONTRACT 2007-1 NYACK SEWER
SYSTEM MAINTENANCE/CHANGE
ORDERS NO. 1 & 2/NATIONAL
WATER MAIN/RECEIVE AND FILE**

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

RESOLVED, that the original executed Change Orders No. 1 and No. 2 - Contract 2007-1 Sewer System Maintenance Project in Nyack for additional services provided by National Water Main are received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 354**CERTIFICATE OF TITLE/TITLE
INSURANCE POLICY /DEED
EASEMENT/RECEIVE AND FILE**

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

RESOLVED, that the Certificate of Title, the Owner's Policy of Title Insurance, the Deed and Easements for Nottingham Estates Subdivision, PFC Dorsey Court and Friar Tuck Court, Orangeburg are received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 355**ADJOURNMENT/MEMORY
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this meeting in memory of Hugh Artrip, Piermont, and Anthony C. Zacharakis, Tappan and entered the Audit Meeting at 10:40 p.m.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

Charlotte Madigan, Town Clerk