

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, SEPTEMBER 8, 2008**

This Town Board Meeting was opened at 8:03 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  
John Giardiello, P.E., Director, OBZPAE  
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

The Town Board hosted a meeting with Orange and Rockland for the Tappan substation with residents of Orangetown. Orange and Rockland said the purpose of this substation is to convert the electricity from the transmission line voltage of 69kV to 13.2kV by two 50MVA transformers and a 13.2 kV switchgear building. Currently, the three substations that provide service are already strained to their capacities. This site is vacant, heavily wooded, far from any historic zone, 200 ft from the nearest house and in a Light Industrial/Office (LIO) zone. The substation would occupy less than an acre on an elevated plateau, outside of a 100 year flood plain and designated wetlands, about 75 ft south of Oak Tree Road. In attendance, there were about 200 residents against this proposal. Donald Sullivan, from Tappan, is concerned that this substation is too close to a residential area, as well as too close to the rail trail. He has concerns about flooding, noise, explosions and in the future, a possibility of there being an upgrade of this facility. He presented a signed petition with 388 signatures opposing this site and he asked if these plans have been reviewed by Rockland County Highway and Drainage. He also asked if alternate sites were reviewed? Nick Sfraga, from Tappan, said this should be in an industrial or commercial area. He questioned the notification to residents and asked if this substation will be built within a protected housing? Joe Luka, from Tappan, believes property values will decrease. He asked why the short Environmental Assessment Form was used and if Orange and Rockland would guarantee that the EMF's will not increase. David Yuan, from Tappan, searched medical journals and found studies proving that substations increase health issues. Mary Dress, from Tappan, wants this area to remain residential, open space and also wants the wetlands protected. The Historic route starts on Oak Tree Road and then enters Historic Tappan, and this Historic gateway should remain protected. Also she mentioned that these twenty-one acres have been submitted to Rockland County for open space.

A September 11<sup>th</sup> Memorial Service will be held on Thursday, September 11<sup>th</sup> at 6:30 p.m. on the Town Hall Lawn.

Congratulations to Guy DeVincenzo, who was appointed to the South Orangetown School District School Board.

#### Public Comment

Carmel Reilly, Pearl River RUSH supporter, spoke regarding comparison of Land Use Boards procedures. She would like the Land Use Boards to hear public comment on an item and then take a vote.

Eileen Larkin, Palisades, questioned the proposal from O'Connor Davies Munns & Dobbins and the short Environmental Assessment Form for the Orange & Rockland substation.

Ester Baitler, Sparkill, asked when will the sewer odors end and when will the sidewalks along Route 340 be completed?

Michael Mandel, Pearl River, requested full disclosure for any community funding and he questioned how a Board member could approve monetary remuneration to an organization that contributed to their campaign?

Andrew Wiley, Pearl River, spoke about the CSEA & PBA budget transfers, community funding, the economy and debt, and the ethics of accepting contributions for political fund raising. He suggested waiving fees as an incentive for installing energy efficient systems.

Donald Brenner, Attorney, requested a public hearing on the affordable housing guidelines.

Nick Sfroga, Tappan, asked the cost of the Tappan substation property and if the Town could purchase this property?

**RESOLUTION NO. 603**

**OPEN PH/SPARKILL HAMLET CENTER  
OVERLAY ZONING DISTRICT**

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

RESOLVED, that continuance of public hearing from July 21, 2008 to consider a proposed local law amending Chapter 43, entitled "Zoning" of the Code of the Town of Orangetown, so as to add a new Article XIV to Chapter 43 (Zoning), establishing and implementing the Sparkill Hamlet Center Overlay Zoning district (the "Overlay Zoning District"), adding same to the Town Zoning Map, and prescribing rules, regulations and procedures affecting the new Overlay Zoning District is hereby opened. The new Overlay Zoning District Local Law shall allow apartments above nonresidential (i.e., commercial or business) units, subject to and contingent upon certain prescribed conditions, requirements and circumstances and with certain restrictions.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 9-A-08 and made a part of these minutes.

Dennis Michaels, Deputy Town Attorney, John Giardiello, P.E., Director, OBZPAE, and the Town Board had a lengthy discussion. It was decided to 1) add to §14.5A paragraph 1, "only"; 2) add to §14.5B paragraph 1, "excluding floor area of closet space consisting entirely of and utilized exclusively for the storage of clothing, apparel, linens, personal belongings or household supplies, and not containing any windows, sinks/basins or toilets"; 3) delete from §14.5D, paragraph 2, "The availability of nearby public parking areas may be taken into account by the Town Board in its consideration of modifying the parking requirements"; 4) add to §14.5F, paragraph 5, "The Planning Board of the Town of Orangetown (hereinafter "Planning Board"), in its discretion, may modify the minimum side yard setback so long as and provided that any such modification does not compromise, and is consistent with advancing, public safety, health and welfare, including, but not limited to, ensuring emergency vehicular access"; 5) add to §14.5F, paragraph 6, "The Planning Board, in its discretion, may modify the minimum total side yard setbacks so long as and provided that any such modification does not comprise, and is consistent with advancing, public safety, health and welfare, including, but not limited to, ensuring emergency vehicular access"; and 6) add to §14.5F, paragraph 9, "(except for restaurants and food service establishments space).

**Public portion:**

Andrew Wiley, Pearl River, has parking concerns and believes the CS zone should remain 0/0 rather change to 0/15. He also spoke about the size of the bedrooms, closet space and handicap accessibility.

Jim Castagna, Sparkill, requested the following sentence be removed from §14.5D, paragraph 2, "The availability of parking spaces in nearby municipally owned parking lots, in close proximity to the site, may be taken into account by the Town Board in its consideration of modifying the parking requirements".

**RESOLUTION NO. 604**

**CLOSE PUBLIC PORTION/SPARKILL  
HAMLET CENTER OVERLAY  
ZONING DISTRICT**

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

RESOLVED, that the public portion is hereby closed.

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

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**RESOLUTION NO. 605**

**DESIGNATION OF LEAD AGENCY  
SPARKILL HAMLET CENTER  
OVERLAY ZONING DISTRICT**

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

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

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

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**RESOLUTION NO. 606**

**NEGATIVE SEQRA DECLARATION  
SPARKILL HAMLET CENTER  
OVERLAY ZONING DISTRICT**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 9-A-08 and made a part of these minutes.

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

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**RESOLUTION NO. 607**

**ADOPT LOCAL LAW 4, 2008  
SPARKILL HAMLET CENTER  
OVERLAY ZONING DISTRICT**

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

RESOLVED, that the Town Board hereby adopts Local Law 4, 2008, Sparkill Hamlet Center Overlay Zoning District.

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

**LOCAL LAW NO. 4, 2008  
OF THE TOWN OF ORANGETOWN**

**A LOCAL LAW AMENDING LOCAL LAW NO. 4, 1969 (CURRENTLY CODIFIED AS  
CHAPTER 43 OF THE CODE OF THE TOWN OF ORANGETOWN ENTITLED  
"ZONING").**

Be it enacted by the Town Council of the Town of Orangetown that Local Law No. 4, 1969 (currently codified as Chapter 43 of the Code of the Town of Orangetown entitled "Zoning")

**Local Law No. 4, 2008 - Continued**

adopted on July 7, 1969, as amended, be and hereby is amended by this Local Law No. 4, 2008, so as to add a new Article to Chapter 43 to be designated as Article XIV and to be entitled "Sparkill Hamlet Center Overlay Zoning District," as follows:

**§14.1. Title.**

The Town Council of the Town of Orangetown (hereinafter sometimes referred to as the "Town Board" or the "Town") determines that the title of this local law shall be "Article XIV: Sparkill Hamlet Center Overlay Zoning District."

**§14.2. Legislative Purpose and Intent.**

This local law is designed to provide and to implement a zoning and land use policy that harmonizes with the Town's overall comprehensive/master plan that furthers the purposes set forth in Article 16 of the Town Law of the State of New York, for the protection and promotion of the health, safety, comfort, convenience, prosperity and general welfare of the Town, while, at the same time, promoting orderly and controlled development and land use within the Sparkill Hamlet Center Overlay Zoning District (hereinafter sometimes referred to as "the Sparkill Overlay District"), yet also preserving and enhancing the Sparkill Overlay District's existing distinctive features, attributes and characteristics, especially its uniqueness, charm, quaint character and scenic qualities, including, but not limited to the following legislative goals:

- A. Encouraging an orderly pattern of residential development around and/or above existing or new businesses.
- B. Providing and/or facilitating adequate, safe and convenient access to and provisions for motor vehicle parking, including the furnishing of adequate off-street parking spaces.
- C. Protecting and conserving the value of land and the value of buildings appropriate to the Sparkill Overlay District.
- D. Guiding future development in accordance with a plan of land use that advances the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards, so that the Sparkill Overlay District may realize its potentialities as a place to live and to work.

**§14.3. Applicability.**

The Sparkill Overlay District is a zoning district enumerated in §2.1 ("Establishment of districts") of the Orangetown Zoning Code (Chapter 43 herein), which is a zoned district that overlays other zoning districts enumerated in the Zoning Code. The Sparkill Overlay District regulations apply to all land use applications for which any portion of the subject property is located within the Sparkill Overlay District as delineated on the Sparkill Overlay District Map and as described in §2.2 of the Zoning Code (i.e., the Zoning Map). Such properties are specifically designated on the Sparkill Overlay District Map attached and made part of this local law, and are described in §2.2 of the Zoning Code (i.e., the Zoning Map) of the Code of the Town of Orangetown. The standards of the Sparkill Overlay District shall be apply in addition to those of the underlying zoning district, and which Sparkill Overlay District standards prescribe additional land development regulations that supplement the relevant provisions of the underlying zoning district. No building or structure shall be erected, enlarged, or relocated, and no building, structure or premises shall be built in the Sparkill Overlay District, except in compliance with the provisions of this Article XIV and/or the underlying zoning district, and then only after securing all required permits and licenses.

**§14.4. Nonconforming Uses.**

Any structure, legally preexisting as of the effective date of this local law, and located within the Sparkill Overlay District, which shall be damaged or destroyed by flood, fire or other natural disaster, shall not be held to the requirements of this Article XIV, subject, however, to the provisions of Article XI of this Chapter 43 ("Nonconforming Use and Nonconforming Bulk Regulations"). Any building, structure, or use which is lawfully existing within the Sparkill

**Local Law No. 4, 2008 - Continued**

Overlay District at the time of passage of this Article XIV of the Zoning Code, although not in compliance therewith, may be maintained as provided in Article IX of this Chapter 43 ("Nonconforming Use and Nonconforming Bulk Regulations").

**§14.5. Special Permit Use regulations.**

**A. Permitted Uses.** In addition to all other permissible uses allowed in the underlying zoning district, the following uses are permitted:

1. Dwelling units may only be located above a legally permissible nonresidential unit (i.e., commercial or business).

**B. Unit Design Requirements.**

1. No dwelling unit shall contain more than two bedrooms, and only a bedroom shall be used for sleeping purposes. The maximum square footage of any bedroom cannot exceed 150 square feet; excluding floor area of closet space consisting entirely of and utilized exclusively for the storage of clothing, apparel, linens, personal belongings or household supplies, and not containing any windows, sinks/basins or toilets.
2. No other habitable space shall be converted or used for sleeping purposes.
3. Efficiency dwelling units shall not be permitted. For purposes of this Article XIV, "efficiency dwelling unit" shall mean a dwelling unit that has no floor-to-ceiling wall separations, with full operating doors, separating the different types of room areas functioning as a kitchen, dining room, living room and bedroom.
4. No dwelling unit shall be greater than 1,200 square feet in total gross floor area.
5. A non-residential use (e.g., commercial or business) is prohibited above a floor or space containing a dwelling unit or residential use. The main entrance for a non-residential use shall face the street side of the property.
6. Building height restrictions: a dwelling unit on an upper (e.g., third) floor may be located above another dwelling unit on a lower (e.g., second) floor so long as the ground or street level unit (e.g., first floor) is only occupied as a non-residential use (i.e., commercial or business). This shall only apply to existing structures that contain an existing third story.
7. A separate, suitable, safe, direct and attractive means of access shall be provided to each dwelling unit for pedestrian use. Said means of access shall not pass through any other units (commercial/business or residential) located in the same building.
8. Each dwelling unit shall be equipped with full kitchen facilities.
9. Balconies for dwelling units shall be permitted.

**C. Nonresidential Use Impacts.** The non-residential use on the ground or street level of the building shall not create any odor, dust, fumes, smoke, gas, vibration, light, noise or similar condition which is deemed to be a hazard to the residential use located above.

**D. Bulk or area regulations and other conditions.**

1. **Setbacks.** Designs and layouts must enhance the pedestrian atmosphere of the Sparkill Overlay District, and must be compatible with the building context of the underlying zoning district and areas adjacent to the proposed site, including building setbacks to maintain the contextual streetscapes. Building context shall

**Local Law No. 4, 2008 - Continued**

be determined by the Town Board through the review of actual dimensions (lot and bulk) of adjacent buildings and buildings across the street from the proposed special permit use site. The scale of the building's height and mass shall harmonize with the existing buildings within the Sparkill Overlay District.

2. **Parking.** The Town Board, in its discretion, may modify the underlying zoning district's (e.g., CS) off-street/on-site parking requirements as part of its consideration of the special permit use application, to ensure that suitable and adequate parking shall be conveniently located and readily accessible to the occupants and visitors of the proposed special permit use site. The availability of nearby public parking areas may be taken into account by the Town Board in its consideration of modifying the parking requirements. Parking shall not be permitted between the front lot line and the building line (façade) for new construction, which area, if any, shall be landscaped. Existing off-street/on-site parking spaces between the special permit use building and the front lot line shall be relocated wherever possible; where not possible, said parking shall be separated from the street by stone walls, opaque fencing and/or landscaped berms or hedges, as determined by the Town Board.
  3. **Lighting.** Artificial lighting of the proposed special permit use site shall provide the minimum illumination necessary for the convenience and safety of the occupants and visitors. A lighting plan shall be submitted as part of the special use permit application. This may be part of the conceptual site development plan or a separate drawing or plan.
  4. **Signage.** Signage shall comply with the regulations of the CS Zoning District. The sign wall area shall constitute the commercial wall area only for purposes of calculating sign area.
- E. Building Type.** Mixed-use consisting of dwelling/residential unit(s) above non-residential (i.e., commercial or business) use(s).

**F. Lot, Bulk/Area and Parking Requirements.**

1. Minimum lot area: 2,500 square feet.
2. Maximum floor area ratio: 1.0.
3. Maximum building height: Not to exceed two stories, and not to exceed 30 feet to the roof ridge or parapet.
4. Minimum front yard setback: 0 feet or 25 feet.
5. Minimum side yard setback (each side yard): 0 feet or 15 feet. The Planning Board of the Town of Orangetown (hereinafter "Planning Board"), in its discretion, may modify the minimum side yard setback so long as and provided that any such modification does not compromise, and is consistent with advancing, public safety, health and welfare, including, but not limited to, ensuring emergency vehicular access.
6. Minimum total side yard: 15 feet. The Planning Board, in its discretion, may modify the minimum total side yard setbacks so long as and provided that any such modification does not compromise, and is consistent with advancing, public safety, health and welfare, including, but not limited to, ensuring emergency vehicular access.
7. Minimum rear yard setback: 25 feet.
8. Minimum street frontage: 25 feet.

**Local Law No. 4, 2008 - Continued**

9. Minimum off-street/on-site parking: 1½ spaces per one-bedroom dwelling unit; 2 spaces per two-bedroom dwelling unit; 1 space per 300 square feet of retail, commercial or business space (except for restaurants and food service establishments); 1 space per 200 square feet of restaurant space or food service establishment space.

**G. Application for Sparkill Overlay District Special Permit Use.** Application for a Sparkill Overlay District special permit use shall be made to the Town Board in a form sufficient to enable the Town to evaluate the applicant's proposal and its consistency with the intent, purposes and general design standards and regulations set forth herein, which application, at minimum, shall include and be accompanied by the following:

1. A written description of the proposed development.
2. Photographs of the real property seeking the special permit use, adjacent properties and properties across the street.
3. Conceptual architectural plans, including:
  - (i). Delineation of residential areas indicating the number of dwelling units.
  - (ii). Square footage and number of bedrooms, by each housing type.
  - (iii). Sample floor plans for each unit type.
  - (iv). Delineation of non-residential areas and use.
  - (v). Square footage for non-residential uses.
  - (vi). Building height.
  - (vii). Signage (if applicable).
4. A conceptual site development plan showing parking areas, access driveways, building setbacks, loading areas, dumpster locations, signage and lighting fixtures.

**H. Town Board Review.** The Town Board may retain professional consultants as it may deem necessary in order to review any proposed Overlay District special permit use application, which payment, remuneration and/or funding for said consultants shall be the responsibility of the applicant for the Overlay District special permit use through the establishment of an escrow account with the Town. The amount of said escrow shall be determined by the Town Board in consultation with the applicant.

This Local Law No. 4, 2008, shall take effect immediately upon filing in the Office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law.

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**RESOLUTION NO. 608****OPEN PH/ZONE CHANGE/283 NORTH MIDDLETOWN RD/PEARL RIVER**

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 of the Town of Orangetown entitled Zoning Districts, and the Town Zoning Map, to change the zoning district classification for property located at 283 North Middletown Road, Pearl River, NY, bearing Tax Map Designation S/B/L 68.12-3-24 on the Tax Map of the Town of Orangetown from MFR (Multifamily Residential) to RG (One Residential Home) is hereby opened.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 9-B-08 and made a part of these minutes.

Public portion:

Donald Brenner, Attorney for the Petitioner, said the parcel is in an MFR zone, bordered by MFR to the north, CO to the east, CO partial to the south and the residual RG to the south and west. The property is being used for a landscape-nursery business. The Petitioners propose to subdivide the parcel into two lots. Lot No. 1 would be in the RG zone and surround by the residential RG zone property. The remainder of the parcel would remain in the MFR zone, as related to land areas, and conforms to requirements of the Town Zoning Code.

John Buonadonna, owner, said he wants the re-zone to build a single-family ranch for himself and his son will live in the present house.

Andrew Wiley, Pearl River, said that the number of days has not met Article 78 requirements and he asked if one of the lots could be subdivided in the future?

**RESOLUTION NO. 609**

**TOWN BOARD DECISION/ZONE  
CHANGE/283 NORTH MIDDLETOWN  
RD/PEARL RIVER /RESERVE**

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

RESOLVED, that the Town Board reserves their decision until September 22, 2008 at 8:05 p.m.

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

Noes: None

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**RESOLUTION NO. 610**

**OPEN PH/ZONE CHANGE/ROUTE 303  
AND SPRUCE STREET/BLAUVELT**

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

RESOLVED, that the continuance of the public hearing from August 11, 2008 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 Route 303 and Spruce Street, Blauvelt, NY, bearing Tax Map Designation S/B/L 70.19-1-2 on the Tax Map of the Town of Orangetown from LIO (Light Industrial-Office) to R-15 (Medium-Density Residence District) is hereby opened.

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

Noes: None

Public portion:

David Resnick, Attorney for Petitioner, presented a new subdivision plan and answered several questions by the Town Board. The decision by the Town Board will be reserved until comments are received from the County Planning, the Town Planning Board and John Saccardi.

Keith Tierney, Blauvelt, abuts this property on the east side and is concerned about flooding.

Andrew Wiley, Pearl River, spoke about drainage, access, dedication, retention, drywells and road maintenance and he said the slope of the land could be an issue.

**RESOLUTION NO. 611**

**REFER OUT FOR COMMENTS AND  
TOWN BOARD DECISION/ZONE  
CHANGE/ROUTE 303 AND SPRUCE  
STREET/BLAUVELT/RESERVE**

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

**Resolution No. 611 - Continued**

RESOLVED, that the Town Board reserves their decision until October 14, 2008 at 8:00 p.m. and it is authorized to be referred out to interested and involved agencies.

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

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**RESOLUTION NO. 612****COMBINE AGENDA ITEMS**

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

RESOLVED, that items sixteen (16) through thirty-six (36) are hereby combined.

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

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**RESOLUTION NO. 613****AID/PEARL RIVER SPECIAL  
EDUCATION PARENT TEACHER  
ASSOCIATION/APPROVED**

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

RESOLVED, that the request of the Pearl River Special Education Parent Teacher Association for the use of the Showmobile, four portable toilets, and trash receptacles for its Fundraiser to be held on September 27, 2008 to be charged to Account No. 7550-50020/50457 is hereby approved.

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

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**RESOLUTION NO. 614****AID/TAPPAN REFORMED CHURCH  
ANNUAL FALL FESTIVAL/APPROVED**

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

RESOLVED, that the request of Tappan Reformed Church for the use of the Showmobile and staff, at an estimated cost of \$400.00, for its Annual Fall Festival on September 21, on the Manse Lawn in Tappan, to be charged to Account No. A7550012 is hereby approved.

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

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**RESOLUTION NO. 615****APPROVE FUNDING /FRIENDS OF THE  
NYACKS MOSTLY MUSIC CONCERT  
SERIES**

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

**Resolution No. 615 - Continued**

RESOLVED, that the request of the Friends of the Nyacks, in the amount of \$1,000 for the 2008 Mostly Music Concert series to be charged to Acct. No. A7550004/50457 is hereby approved.

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

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**RESOLUTION NO. 616**

**WAIVE BUILDING/LAND USE BOARD FEE/VOLUNTEER FIRE ASSOCIATION OF TAPPAN/APPROVED**

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

RESOLVED, that the request of the Volunteer Fire Association of Tappan to waive the building and land use board fees (\$200.00 est) for the replacement of a memorial is hereby approved.

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

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**RESOLUTION NO. 617**

**WAIVE PERMIT/GIS/STREAM FEES/PALISADES/SPARKILL BASEBALL LEAGUE/APPROVED**

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

RESOLVED, that the request of the Palisades Sparkill Baseball League to waive a permit fee, a GIS fee and a stream fee totaling \$810 for field lighting is hereby approved.

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

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**RESOLUTION NO. 618**

**AID/PEARL RIVER HOOK AND LADDER COMPANY NO.1/ANNUAL CAR SHOW/APPROVED**

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

RESOLVED, that the request of the Pearl River Hook and Ladder Company No. 1, Inc. for the use of 4 portable toilets and 15 trash receptacles, at an estimated cost of \$600.00, for their annual Car Show on September 21 (rain date of September 28) at Central Avenue Field in Pearl River, to be charged to Account No. A7550-50020/5045, is hereby approved.

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

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**RESOLUTION NO. 619**

**ACCEPT PROPOSAL/O'CONNOR DAVIES MUNNS AND DOBBINS AUDITORS**

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

**Resolution No. 619 - Continued**

RESOLVED, that the proposal from O'Connor Davies Munns & Dobbins, LLP in the amounts of \$91,400, \$95,100 and \$98,900 for 2008, 2009 and 2010 respectively is hereby accepted.

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

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**RESOLUTION NO. 620**

**APPROVE BUDGET TRANSFERS FOR CSEA AND PBA LABOR AGREEMENTS**

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

RESOLVED, that the following budget transfers for CSEA and PBA labor agreements are hereby approved.

		ORIGINAL	REVISED	SEPTEMBER	REVISED
		APPROP	BUDGET	CHANGES	BUDGET
A GENERAL FUND					
A1310001	50011	\$ 257,812	\$ 271,812	\$ 3,000	\$ 274,812
A1355001	50011	\$ 249,597	\$ 249,597	\$ 16,000	\$ 265,597
A1420001	50011	\$ 102,159	\$ 115,159	\$ 1,000	\$ 116,159
A1440001	50011	\$ 239,066	\$ 254,566	\$ 9,000	\$ 263,566
A1622004	50457	\$ 50,000	\$ 50,000	\$ 15,000	\$ 65,000
A5010001	50011	\$ 197,968	\$ 202,968	\$ 1,000	\$ 203,968
A7110001	50011	\$ 446,118	\$ 476,118	\$ 1,000	\$ 477,118
A7550001	50011	\$ 20,000	\$ 20,000	\$ 3,000	\$ 23,000
A7310004	50457	\$ 15,000	\$ 15,000	\$ 5,000	\$ 20,000
A1990004	50500	\$ 356,139	\$ 218,639	\$ (54,000)	\$ 164,639
B TOV FUND					
B3120161	50011	\$ 8,567,031	\$ 8,567,031	\$ 200,000	\$8,767,031
B1989164	50478	\$ 1,956,000	\$ 1,944,500	\$ (201,000)	\$1,743,500
B3122161	50011	\$ 298,598	\$ 310,098	\$ 1,000	\$ 311,098
B3621171	50011	\$ 140,934	\$ 141,934	\$ 9,000	\$ 150,934
B1990174	50500	\$ 56,000	\$ 43,500	\$ (9,000)	\$ 34,500
				\$ -	
G SEWER FUND					
G8110001	50011	456379	701879	\$ (160,000)	\$ 541,879
G8130001	50011	1077852	1077852	\$ 160,000	\$1,237,852

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

\* \* \*

**RESOLUTION NO. 621**

**APPROVE CO-SPONSORED FUNDING PALISADES/SPARKILL BASEBALL**

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

RESOLVED, that co-sponsored funding in the amount of \$5,000 for the Palisades/Sparkill Baseball League, to be charged to Account No. A7310004-50482 is hereby approved.

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

**RESOLUTION NO. 622****AUTHORIZE LEASE AGREEMENT  
SHARP COPIERS**

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

RESOLVED, that a lease agreement for five (5) Sharp copiers at a monthly cost of \$1,180.36 for 36 months to be charged to Account No. 50444 in various departments is hereby authorized.

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

\* \* \*

**RESOLUTION NO. 623****POLICE/PERMISSION GRANTED  
ANNUAL INTERNATIONAL  
ASSOCIATION OF CHIEFS OF POLICE  
LAW ENFORCEMENT EDUCATION  
AND TECHNOLOGY EXPOSITION**

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

RESOLVED, that permission is hereby granted to Chief Kevin Nulty to attend the 115th Annual International Association of Chiefs of Police (IACP) Law Enforcement Education and Technology Exposition in San Diego, CA from November 8-12, 2008 at a cost of \$2,396 to be charged to Acct. No. B/3120/50441/0480.

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

\* \* \*

**RESOLUTION NO. 624****HYUN SUBDIVISION/CONSERVATION  
EASEMENT/ACCEPT/RECEIVE/FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Conservation Easement for the Hyun Subdivision, 139 Washington Springs Road, Palisades (Tax Lot 78.18, Block 2 Lot 13), Planning Board Decision 08-01 is accepted, received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 625****PALISADES FARM STAND STORMWATER  
MAINTENANCE  
AGREEMENT/ACCEPT/RECEIVE/FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney and DEME, the Stormwater Maintenance Agreement for Palisades Farm Stand, 243 Route 9W, Palisades, NY (78.18-1-2) Planning Board Decision 05-67 is accepted, received and file in the Rockland County Clerk's Office, and that upon filing with the Rockland County Clerk's Office, the original be filed and maintained in the Town Clerk's Office.

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

**RESOLUTION NO. 626****ACCEPT MINUTES**

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

RESOLVED, that the Special Town Board Meeting minutes of August 4, 2008, August 11, 2008 and August 29, 2008; the Regular Town Board Meeting minutes of August 11, 2008; Audit Meeting minutes of August 4, 2008 and August 11, 2008 and the Executive Session minutes of August 4, 2008 and August 11, 2008 are hereby accepted.

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

\* \* \*

**RESOLUTION NO. 627****ROCKLAND COUNTY INTELLIGENCE AGREEMENT/RECEIVED/FILED**

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

RESOLVED, that the fully signed original of the 2008 Agreement between the County of Rockland and the Town of Orangetown for reimbursement for participation in the Rockland County Intelligence Center for the period 1/1/08 – 12/31/08 (Res. No(s). 310/2008) is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 628****TOWN-WIDE INTERMUNICIPAL STORMWATER DISTRICT FORMATION & COOPERATIVE PHASE 2 NYSDEC CONTRACT NO C302918 RECEIVED/FILED**

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

RESOLVED, that the fully executed Town-Wide Intermunicipal Stormwater District Formation & Cooperative Phase 2 Program Implementation Project-NYSDEC, Contract No. C302918 is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 629****VERIZON WIRELESS/NYNEX TERMINATION OF RESTRICTIVE COVENANT FOR PARKING RECEIVED/FILED**

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

RESOLVED, that the original Termination of Restrictive Covenant for Parking between Verizon Wireless/NYNEX (73.15-1-18 & 19 and 73.19-1-1) and the Town of Orangetown (Rockland County Clerk Instr. No. 2008-20404 rerecorded 2008-26417) is received and filed in the Town Clerk's Office.

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

**RESOLUTION NO. 630****CHANGE ORDER NO. 1/JETT INDUSTRIES/WWTP-06-1G/HUNT RD SIPHON LINES/RECEIVED/FILED**

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

RESOLVED, that the original executed Change Order No. 1 with Jett Industries regarding Contract WWTP-06-1G, the Hunt Road Siphon Lines to the Wastewater Treatment Plant is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 631****CSEA EMPLOYEE BENEFIT FUND/EQUINOX DENTAL AND PLATINUM 12 VISION CONTRACT RECEIVED/FILED**

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

RESOLVED, that the original executed contract between the Town of Orangetown and CSEA Employee Benefit Fund for the Equinox Dental and Platinum 12 Vision with photo-chromic/Occ. Rider Plans is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 632****COUNTY OF ROCKLAND/LAND TRANSFER AGREEMENT/OLD BLUE HILL RD/HUNT RD/RECEIVED/FILED**

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

RESOLVED, that the original executed agreement, dated September 3, 2008, between the County of Rockland and the Town of Orangetown, relating to the Land Transfer on Old Blue Hill Road West and a parcel of land with improvements adjacent to Hunt Road (73.15-1-17) is received and filed in the Town Clerk's Office.

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

\* \* \*

**RESOLUTION NO. 633****BOYLE SUBDIVISION SANITARY SEWER EASEMENT/ DRAINAGE EASEMENT/AUTHORIZE/ACCEPT RECEIVED/FILED**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, authorize the Supervisor to execute all documents necessary to accept, receive and file in the Rockland County Clerk's Office the Sanitary Sewer Easement and the Declaration of Drainage Easement

**Resolution No. 633 - Continued**

for the Boyle Subdivision, 55 Terrace Drive, Blauvelt, NY (70.14-1-24). In addition, acceptance of these easements is subject to the applicant submitting \$2,500.00 to be held in escrow subject to the applicant issuing an exception free title policy upon transfer of the property. These will be filed and maintained in the Town Clerk's Office, upon receipt of the original documents.

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

\* \* \*

**RESOLUTION NO. 634****ADJOURNMENT/MEMORY  
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this meeting in memory of Mary P. Goldrick, Blauvelt, Frank P. Cuomo, Pearl River, Judge Joel Flick, New City, Henry C. Eck, Blauvelt, Nancy J. Parsells, Tappan, Paul Melone, Tappan, Helen Ringner, Pearl River, Patrick G. Benn, Pearl River, Patrick J. Shanahan, Pearl River, John F. Keenan, Nanuet, Mary Hyland, Pearl River, and Kathleen Parisi, Pearl River and entered the Audit Meeting at 11:15 p.m.

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

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**Charlotte Madigan, Town Clerk**