

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, OCTOBER 21, 2014**

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

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

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation
Kevin Nulty, Police Chief
James Brown, Police Captain
Donna Morrison, Human Resource Coordinator

Esta Baitler, Sparkill, led the Pledge of Allegiance to the Flag.

Project Lifesaver is a new public safety service that will use technology to help the Police Department to track and locate missing persons with special needs.

The Town Board, the Orangetown Substance Abuse Committee and the Police Department presented Certificates of Appreciation to members of the U.S. Drug Enforcement Administration, New York Field Division, for the assistance they have provided to the Town of Orangetown in the way drug enforcement, education prevention programs and Federal asset forfeiture funding.

Also presented with Certificates of Appreciation were Michael Murphy, Chief of Operations, and Ray Florida, Executive Director, of the Rockland Paramedic Service, for their commitment to drug education and hours of instruction they provided to the members of the Orangetown Police Department in administering the opioid reversal medication “Narcan” to drug overdose victims.

Randy Martinez, a member of the Orangetown Auxiliary Police Unit, was presented with the “2015 Lt. Jack Lyman, Auxiliary Police Award.” This award is designed to recognize a current member of the Auxiliary Police Unit who has shown the same dedication, devotion and service during the tenure of Jack Lyman.

The Town Board congratulated Commander John Antonucci and all of the members of the Raymond W. DeMeola Post on their 40th Anniversary. Town Officials thanked them for all they do to honor the sacrifice of Sgt. DeMeola and all of our veterans.

RESOLUTION NO. 476

**APPROVE/PROMOTE JAMES E. BROWN
POLICE CAPTAIN**

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

RESOLVED, upon the recommendation of the Chief of Police, James E. Brown is hereby appointed to the position of Police Captain, from Rockland County Civil Service List # 12121/72-026 (Prom), effective October 28, 2104, at a salary and other compensation to be negotiated.

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

Charlotte Madigan administered the Oath of Office to Police Captain James Brown.

RESOLUTION NO. 477

**APPOINT/ELIZABETH M. MUCKELL
POLICE OFFICER**

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

RESOLVED, upon the recommendation of the Chief of Police, Elizabeth M. Muckell is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, effective October 27, 2014, at a salary consistent that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Charlotte Madigan administered the Oath of Office to Police Officer Elizabeth Muckell.

* * *

RESOLUTION NO. 478

**APPOINT/MICHAEL C. MEGDANIS
POLICE OFFICER**

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

RESOLVED, upon the recommendation of the Chief of Police, Michael C. Megdanis is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, effective October 27, 2014, at a salary that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Charlotte Madigan administered the Oath of Office to Police Officer Michael Megdanis.

* * *

RESOLUTION NO. 479

**APPOINT/PATRICK J. CASEY
POLICE OFFICER**

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

RESOLVED, upon the recommendation of the Chief of Police, Patrick J. Casey is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, effective October 27, 2014, at a salary that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Charlotte Madigan administered the Oath of Office to Police Officer Patrick Casey.

RESOLUTION NO. 480**APPOINT/KYLE J. BACH
POLICE OFFICER**

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

RESOLVED, upon the recommendation of the Chief of Police, Kyle J. Bach is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, effective October 27, 2014, at a salary that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Noes: None

Charlotte Madigan administered the Oath of Office to Police Officer Kyle Bach.

The Town Board took a fifteen minute recess.

RESOLUTION NO. 481**OPEN PH/ PROPOSED LOCAL LAW
NO. 6, 2014/AMENDING ZONING LAW
MIXED-USE EXPANSION SPECIAL
PERMIT**

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

RESOLVED, that the 8:00 p.m. public hearing to consider a Local Law, amending the Town Code of the Town of Orangetown, Chapter 43, Zoning, by adding a new § 4.32(P), [and] amendments to § 4.32(O), and amendments to Section 3.11 "Table of General Use Regulations" for the LI District, and signage regulations, relating to properties located in the "LI" Zoning District, in the vicinity of the intersection of State Route 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown is open.

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

Noes: None

The Town Clerk presented the Affidavit of Publication, and the Notice of Posting, and Comment Letters from Rockland County Department of Planning, NYS DEC and Orangetown Planning Board; copies are labeled Exhibit 10-B-14 and made a part of these minutes.

Summary of Public Comments:

Geraldine Tortorella, Attorney for the Petitioner, explained that this proposed local law will allow small parcels of land, in an LI zoning district, that abut existing approved, developed Mix-Use Special Permit sites to be developed as Mixed-Use purposes as long as they would be functionally intergraded with the larger site. The developers of Orangeburg Commons would like to expand to the Lent House parcel (2 Greenbush Rd).

Mary Cardenas, Town Historian, said the Lent House was built in 1752, before the Revolutionary War, making it 262 years old. She asked that a salvage company dismantle the house and re-assemble it elsewhere in the Town.

Eileen Larkin, Palisades, supports the house being dismantled rather than demolishing it. She asked if the Town Board is aware of Rockland County Planning's comments.

Tom Graff, owner of the Lent House, said he has no plans of demolishing the house but he will be deconstructing it. He understands it has historic value and he will cooperate 100%.

RESOLUTION NO. 482**CLOSE PH/LOCAL LAW NO. 6, 2014
TEXT AMENDMENTS /ZONING LAW
MIXED-USE EXPANSION SPECIAL
PERMIT**

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

RESOLVED, that the public hearing on this proposed Local Law is hereby closed.

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

* * *

RESOLUTION NO. 483**NEGATIVE DECLARATION/LOCAL
LAW NO. 6, 2014/TEXT AMENDMENTS
ZONING LAW/MIXED-USE EXPANSION
SPECIAL PERMIT**

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

WHEREAS, by Resolution No. 444 duly adopted September 23, 2014, the Town Board, in connection with its consideration and review of a proposed Local Law amending the Town Zoning Law, to provide for, among other things, the issuance of a "Mixed-Use Expansion" Special Permit permitting the development of a small lot adjoining a "Mixed-Use" Development as part of the larger unified project, and related amendments to Town Zoning Law § 4.32(O), Section 3.11 "Table of General Use Regulations" and the Zoning Law's signage regulations: assumed the role of Lead Agency for environmental review, and determined the proposed Local Law to be an unlisted action under the State Environmental Quality Review Act ("SEQRA"); and,

WHEREAS, in furtherance of its obligations as lead agency, the Town Board has reviewed and considered the environmental concerns identified in the Short Environmental Assessment Form (Exhibit 10-C-14) filed in connection with the proposed law, as well as recommended changes thereto, including limitations, restrictions and other mitigation, recommended by the Town Planning Board and the Rockland County Department of Planning; and

WHEREAS, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed-Use Development provisions of the Town Zoning Law (expressly incorporated herein by reference), as well as the empirical evidence that now exists relating to, and, as a result of, Mixed-Use Developments approved under such zoning provisions, including, but not limited to, post-construction and cumulative traffic and drainage data; and

WHEREAS, the Town board has carefully considered the public presentations on July 15 and September 23, 2014, by the parties who petitioned for the proposed amendments; and

WHEREAS, the members of the Board are each familiar with the locations affected by the proposed amendments; and

WHEREAS, the Town Board has carefully considered all of the above, as well as the comments and concerns of the various agencies that have submitted same, and which have resulted in changes to the Local Law from the form initially proposed, 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 adoption of the Proposed Local Law,

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 sign and circulate same, and to take

RESOLUTION NO. 483 - Continued

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

* * *

RESOLUTION NO. 484

**ADOPT/LOCAL LAW NO. 6, 2014
TEXT AMENDMENTS/ZONING LAW
MIXED-USE EXPANSION SPECIAL
PERMIT**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and on a roll call 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, by Petition dated June 5, 2014, last revised September 12, 2014, FB Greenbush, LLC and FB Orangetown, LLC have petitioned the Town Board to amend the Town Zoning Law, to add a new § 4.32(P) to Chapter 43 of the Town Code (the Town Zoning Law), relating to properties located in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown, authorizing a "Mixed-Use Expansion" special permit by allowing development of a small lot adjoining a "Mixed-Use" Development as part of the larger unified project, as well as related amendments to § 4.32(O), and Section 3.11 "Table of General Use Regulations" and signage regulations; and

WHEREAS, in furtherance of the action requested by and through the said Petition, after notice duly given, and no other involved agency having expressed a desire or intention to act as Lead Agency, or otherwise having contested the Town Board's authority to act in that capacity with respect to the referenced action, the Town Board, by Resolution No. 444 duly adopted September 23, 2014 (i) assumed the role of Lead Agency for environmental review, and (ii) determined the proposed Local Law to be an unlisted action under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, by resolution 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 impacts or effects caused or occasioned by the proposed change in the Town's Zoning Ordinance; and

WHEREAS, in addition to the Petition, Proposed Local Law, Environmental Assessment Form and Determination of Non-significance, the Town Board has further considered the following in connection with its review of the proposed change and its decision thereon:

1. Concept Plan for Mixed-Use Expansion: Orangeburg Commons, Leonard Jackson Associates, dated June 2, 2014;
2. Conceptual Site Plan, "Shops at Orangeburg Commons", Leonard Jackson Associates, dated 7/30/14, last revised 8/1/14;
3. An aerial view of the affected area, dated 7/15/2014;
4. Various other maps and renderings;
5. Traffic Impact Study by John Collins Engineers, P.C., dated July 2005 (previously submitted as part of special permit /site development plan application for larger, adjacent site) as updated by:

RESOLUTION NO. 484 – Continued

6. Traffic Study, dated February 12, 2014, Maser Consulting;
7. Summary Traffic Analysis Letter, dated July 8, 2014;
8. Stormwater Management Letter, Leonard Jackson Associates, dated August 19, 2014;
9. Rockland County Department of Planning § 239-1 & m review letter, dated August 12, 2014, recommending specific modifications;
10. Comments of Town Planning Board, pursuant to Town Law Chapter 43, § 10.5 (via E-mail, dated August 5, 2014, from John Giardiello, Director Town OBZPAE);
11. Further Comments from Town Planning Board, Interdepartmental Memorandum, dated September 22, 2014;
12. N.Y.S. Department of Environmental Conservation letter / permit comments, dated July 25, 2014 and,

WHEREAS, the proposed zoning text amendment and related documents also were circulated for comment to the N.Y.S. Department of Transportation and the Palisades Interstate Park Commission, which, to date, have not offered comments; and

WHEREAS, in addition to the aforesaid, the Town Board also has evaluated the proposed amendments in the light of the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed amendment:

1. Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003, and, in particular, Sections III-3 and V-1 relative to the intersection area embraced by the proposed zoning text amendment;
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 State Metropolitan Transportation Council.

and,

WHEREAS, the members of the Board are each familiar with the locations affected by the proposed amendments; and

WHEREAS, following public presentations and discussions of the proposed amendments by and before the Board on July 15 and September 23, 2014, a public hearing on the proposed Local Law was conducted on October 21, 2014, at which time all members of the public wishing to speak were afforded the opportunity to do so,

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No.6, amending the Town Code of the Town of Orangetown, Chapter 43, Zoning, by adding a new § 4.32(P), relating to properties located in the "LI" Zoning District, in the vicinity of the intersection of State Route 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown, authorizing a "Mixed-Use Expansion" special permit by allowing development of a small lot adjoining a "Mixed-Use" Development as part of the larger unified project, as well as related amendments to § 4.32(O) and § 3.11 "Table of General Use Regulations" and signage regulations, as more fully set forth in Local Law No. expressly incorporated herein by reference.

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

Noes: None

**Rockland County Planning Department Comments and Conditions
(GML § 239 1 & m)**

In reaching this determination, the Town Board has considered the comments and conditions of the Rockland County Department of Planning, included in its GML § 239 1 & m review letter dated August 12, 2014 and determines as follows:

With respect to Condition #1, that the purpose and intent of Section 4.32(P) be modified, the Town Board expressly overrides such Condition because the considerations recommended by the Rockland County Planning Department are already incorporated into the proposed amendments.

With respect to Condition #2, that the Town should consider whether to increase the site acreage for Mixed-Use Expansion sites, the Town Board expressly overrides the Condition because it is the intent of the Town Board to limit the size of the sites on which Mixed-Use Expansion projects would be allowed under the amendments in order to limit the size of such projects so that they are developed to complement approved Mixed-Use Special Permit projects.

With respect to Condition #3, that a 20-foot buffer be required along property lines, the Town Board expressly overrides the Condition as inapplicable because a 20-foot buffer requirement is already included in the proposed amendments.

With respect to Condition #4, that a Conceptual Site Plan should be required with any Mixed-Use Expansion Special Permit, the Town Board expressly overrides the Condition as inapplicable because a Conceptual Site Plan requirement is already included in the proposed amendments.

To the extent County comments #5 and #6 require that the Town Board consider or address comments and/or concerns from agencies which have not yet provided, and may not provide, such comments, including, but not necessarily limited to, the Palisades Interstate Park Commission, and the N.Y.S. Department of Transportation, the Town Board hereby expressly overrides same, with the caveat that the Town Board shall forward such comments, when and if received, to the Town Planning Board to be considered by it in connection with any application for site development approval that may come before it, and further recognizing that the aesthetic and traffic concerns of those agencies, respectively, were considered and adequately addressed at the time Local Law No. 6, providing for the Mixed-Use Special Permit, amended and/or supplemented hereby was adopted.

**LOCAL LAW NO. 6, 2014
AMENDING CHAPTER 43 OF THE TOWN CODE
MIXED USE SPECIAL PERMITS IN THE "LI" ZONING DISTRICT**

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

Section 1: Section 4.32(O)(vi) shall be deleted in its entirety and replaced with a new section 4.32(O)(vi), which shall read as follows :

~~Sign regulations. Signs shall comply with the Table of General Use Regulations for uses permitted in the LI District as set forth under accessory uses, items 7 and 8. In addition, no signs shall face the Palisades Interstate Parkway, Freestanding signs along Route 303 may be designed to identify major uses with the mixed use development; however, such signs should not identify each individual establishment (e.g., each retail store).~~

vi Sign regulations. In addition to any other signs permitted by this Ordinance, signs within a Mixed-Use Development may include:

(a) a single freestanding sign along Route 303 which identifies the Mixed-Use Development and any or all of the establishments therein and in an adjoining

LOCAL LAW NO. 6, 2014 - Continued

Mixed-Use Expansion, which may be fully illuminated and which shall not exceed 300 square feet in Sign Area per side;

- (b) no more than three signs guiding the driver to non-retail uses within the Mixed-Use Development, which signs shall not exceed 30 square feet in Sign Area per side or 6 feet in height; and
- (c) a single directory sign as permitted under Section 4.32(P)viii in connection with a Mixed-Use Expansion which adjoins the site of the Mixed-Use Development.

Section 2: Section 4.32 shall be amended to add a new Section 4.32(P), which shall read as follows:

4.32(P) Mixed-use expansions.

- i. When a site adjoins a lot or lots for which a special permit has been issued authorizing a Mixed-Use Development under Section 4.32(O) (the "Site"), and the Site meets the criteria set forth in this Section, an expansion of the Mixed-Use Development may be permitted onto said Site upon the issuance of a special permit by the Town Board, whether or not the parcel is in common ownership with the land on which the existing Mixed-use development is located.

- ii. Purpose and intent.

These Mixed-Use Expansion regulations recognize the advantages of allowing small commercial sites that would otherwise likely take access from local, secondary, or collector streets, to gain access through an adjoining Mixed-Use Development, thereby reducing the usage of public roads for trips between the uses on such properties, the potential tax ratables that such expansions could bring to the Town, and the value of having development of such sites fully integrated on both a functional and design basis with an existing Mixed-Use Development. They are intended to enhance the economic viability of the development of such sites by coordinating with the complimentary development of adjoining Mixed-Use Developments. The combined site plan for the site of the Mixed-Use Expansion and the Mixed-Use Development shall provide for adequate vehicular and pedestrian access, traffic circulation, parking and loading for each individual use.

- iii A Mixed-Use Expansion shall be allowed upon the issuance of a special permit by the Town Board if the following criteria are met:

LOCAL LAW NO. 6, 2014 - Continued

- (a) The Site must adjoin property which has received a special permit from the Town Board authorizing its use as a Mixed-Use Development.
- (b) The Site can be no less than ½ acre or greater than 2.0 acres in area.
- (c) The Gross Floor Area of the building or buildings on the Site cannot exceed 20,000 square feet.
- (d) The improvements on the Site will be designed and constructed so that they will be functionally integrated as a single project with the already approved Mixed-Use Development on the adjoining property, particularly with respect to parking, access, pedestrian and traffic circulation, landscaping, signage, drainage, infrastructure, building design and orientation.
- (e) The Site and the site of the adjoining Mixed-Use Development shall be encumbered by easements and/or restrictions insuring that the improvements on the two properties function as a single integrated development, with the form of such legal instruments being approved by the Town Board and recorded in the Rockland County Clerks Office prior to the issuance of the first permit authorizing construction activity on the Site.

iv Permitted Uses: All uses permitted in Section 4.32(O)iii.

v Bulk and Dimensional Requirements.

No bulk and lot requirements shall apply to the Site as an independent lot, but rather, the lot and bulk controls of Section 4.32(O) shall apply to the Site and the site of the adjoining Mixed-Use Development as if they were a single lot for zoning purposes.

vi Location of Parking and/or Loading.

Notwithstanding any other regulations in this Ordinance, accessory parking and/or loading shall be allowed within any required yard other than any required front yard along Route 303.

vii Mixture of Uses.

Due to the small size of the Sites that will qualify for a Special Permit authorizing a Mixed-Use Expansion, the limitations on the percentage of Gross Floor Area that can be devoted to specific categories of use, which are set forth in Section 4.32(O)iv(b), shall not apply to improvements on the Site of the Mixed-Use Expansion. Further, the Gross Floor Area devoted to various uses on the Site shall not be considered in calculating whether the existing Mixed-Use Development on the adjoining property meets the criteria of Section 4.32(O)iv(b).

LOCAL LAW NO. 6, 2014 - Continuedviii Signs.

In addition to signs otherwise allowed under this Ordinance, signs within a Mixed-Use Expansion may include:

(a) Panels installed on a freestanding sign erected on the site of the adjoining Mixed-Use Development as permitted under Section 4.32(O)vi (a) which identify the individual establishments located on the Site of the Mixed-Use Expansion.

(b) A single directory sign which identifies the Mixed-Use Expansion and the individual establishments located thereon erected on the site of the adjoining Mixed-Use Development, provided the sign is located at least 150 feet from the right of way of Route 303. Said sign may be fully illuminated. No such sign shall exceed 40 square feet in Sign Area per side or 10 feet in height.

ix Other Regulations.

Except as provided in this Section (4.32(P)), all provisions of Sections 4.32(O)v, vi, vii and viii applicable to Mixed-Use Developments shall apply to Mixed-Use Expansions, including, but not limited to, the application of the Route 303 overlay regulations, the sign regulations, the minimum buffer area requirement, and the minimum off-street parking and loading requirements, provided, however, that all such criteria will be applied to the Site and the site of the adjoining Mixed-Use Development as if they were a single lot for zoning purposes.

x Information required by the Town Board for consideration of the special permit.

The information required by the Town Board for consideration of the special permit shall be the same as that set forth in Section 4.32(O)ix. In meeting these requirements, any documentation which was employed in obtaining approval of the special permit for Mixed-Use Development of the adjoining property may be utilized and supplemented and updated as deemed necessary by the Town Board.

xi Site Plan Approval.

Following issuance of a special permit, the plan for the Mixed-Use Expansion shall be subject to site plan review by the Planning Board, consistent with the applicable provisions of this Ordinance.

LOCAL LAW NO. 6, 2014 - Continuedxii Subdivision Approval.

A Mixed-Use Expansion and the adjoining Mixed-Use Development may be subdivided into separate parcels, or re-subdivided to change existing lot lines, subject to applicable approvals of the Town Board, Planning Board and/or Zoning Board of Appeals. If subdivided, the overall site plan for the entire area of the Mixed-Use Expansion and adjoining Mixed-Use Development shall remain in effect.

xiii Conditions and Approval.

Prior to issuance of a special permit, the Town Board shall make findings as specified in Section 4.31 of this Ordinance. The Town Board may attach reasonable conditions to the special permit, including general comments on the conceptual site plan, in order to ensure compliance with its findings and with the purpose and intent of this Chapter and may prohibit the issuance of any other special permit(s) authorizing: (a) a Mixed-Use Expansion on property adjacent to the Mixed-Use Development which adjoins the site for which the special permit is being issued; and (b) a Mixed-Use Expansion adjoining any property for which the Town Board has previously approved a Mixed-Use Expansion. The Planning Board may, however, pursuant to its site plan approval procedures, review and approve the site plan with modifications it deems necessary, consistent with the Town Board=s special permit conditions, but shall have no authority to modify a condition imposed by the Town Board prohibiting the issuance of further approvals of Mixed-Use Expansions.

Section 3: Chapter 43, Article III, Section 3.11, which establishes and incorporates the “Table of General Use Regulations”, applicable to the “LI” zoning district (Attachment 7:2), shall be amended to add a new item 3 to column 3, “Uses by Special Permit – Town Board”, which shall read as follows:

3. Mixed-Use Expansions on sites of not less than 0.5 acre nor more than 2 acres in area that adjoin a site for which a Mixed-Use Development special permit has been issued as provided in § 4.32(P).

Section 4: Chapter 43, Article III, Section 3.11, Attachment 7:2, column 5 (“General Accessory Uses”), item 7, shall be amended, and, as amended, shall read as follows:

7. Same as CC for those uses allowed in the LI District except that the total sign area shall not exceed 60 square feet, and the illuminated portion shall not exceed 30 square feet. For Mixed-Use Developments and Mixed-Use Expansions the sign regulations included in § 4.32(O)vi and 4.32(P)viii,

LOCAL LAW NO. 6, 2014 – Continued

respectively, shall control in instances where such provisions are inconsistent with this Table or any other provision of the Zoning Law.

Section 5. Severability. If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

Section 6: This Local Law shall take effect immediately upon filing with the Secretary of State.

Summary of Public Comments (RTBM):

Eileen Larkin, Palisades, spoke about the Palisades Community Center's Book Sale this weekend.

Esta Baitler, Sparkill, said the correct terminology for People With Special Needs is People Who Have Intellectual and Development Disabilities. She wants sewer odors eliminated; Town funding for Camp Venture; and a completion date for the sidewalks along Route 340.

Mary Cardenas, Town Historian, asked if a Mixed-Use Expansion Special Permit is restricted to this parcel and how many parcels are involved.

Mike Mandel, Pearl River, asked that the school district name be added to the tax certiorari resolutions. The free green fees should be restricted to Town residents and building permit fees should not be waived.

Carol Baxter, Palisades, thinks it is a great idea to dismantle the Lent House and re-assemble it elsewhere in the Town. She thanked the Town Board, Jim Dean and the Highway Crew for the sidewalks along Oak Tree Road and invites all to attend their Sidewalk Ribbon Cutting.

RESOLUTION NO. 485**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

* * *

RESOLUTION NO. 486**APPROVE/2015 PRELIMINARY
BUDGET/RECEIVED/FILED**

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

RESOLVED, upon the recommendation of the Town Board, mandatory amendments to the 2015 Preliminary Budget are hereby adopted and the Budget is filed in the Town Clerk's Office, for public review.

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

Noes: None

RESOLUTION NO. 487**APPROVE/TAX CERTIORARI
MANUFACTURERS AND TRADERS
TRUST COMPANY/75.54-2-24**

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

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Settlement Agreement regarding the tax certiorari proceeding Manufacturers and Traders Trust Company v. Assessor of the Town of Orangetown, et ano, Tax Map designation 75.54-2-24, for the tax assessment years 2012 and 2013, for a total refund by the County of \$684, a total refund by the Town of \$479 and a total refund by the School District of \$6,036. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

The Town Board asked that the property address and school district be named in all Tax Certiorari's resolutions.

RESOLUTION NO. 488**APPROVE/TAX CERTIORARI
535-539 ROUTE 303 INC./ TAX MAP
NO. 70.19-1-34, 35, 36**

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

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Settlement Agreement regarding the tax certiorari proceeding 535-539 Route 303 Inc. v. Assessor of the Town of Orangetown, et ano, Tax Map designation 70.19-1-34, 35, 36, for the tax assessment year 2013, for a total refund by the County of \$933, a total refund by the Town of \$2,958 and a total refund by the School District of \$8,199. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

* * *

RESOLUTION NO. 489**AID & SHOWMOBILE/PEARL RIVER
ROTARY CLUB/SHARE CHRISTMAS
AND HOLIDAYS**

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

RESOLVED, that aid to the Rotary Club of Pearl River, for use of the Showmobile, sound system, personnel to operate same, message board, trash receptacles, barricades and rental of two port-o-johns, to be used for the annual "Share Christmas and Holidays" program to be held on Friday, December 12, 2014, with a rain date of December 19, 2014, is hereby approved. The requesting organization will provide a certificate of insurance listing the Town of Orangetown as additionally insured and pay the rental fee of \$ 350.00

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

Noes: None

* * *

RESOLUTION NO. 490**SHOWMOBILE/ORANGEBURG FIRE
DEPARTMENT HOLIDAY
PARADE/SHOWMOBILE**

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

RESOLVED, at the request of the Superintendent of Parks & Recreation, for use of the Showmobile on Saturday, December 13, 2014, by the Orangeburg Volunteer Fire Department for the Orangeburg Fire Department Holiday Parade at a rental fee of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

Noes: None

* * *

RESOLUTION NO. 491**APPROVE/O'CONNOR DAVIES
AUDIT CONTRACT**

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

RESOLVED, upon the recommendation of the Director of Finance and the Supervisor, the Town Board hereby approves a two year contract with O'Connor Davies, et al. for audit services for fiscal years 2014 and 2015 at a cost of \$98,900.00 per year (This is the same cost for 2013).

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

Noes: None

* * *

RESOLUTION NO. 492**APPROVE/VETERANS DAY/FREE
GREENS FEES**

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

RESOLVED, upon the recommendation of the Orangetown Gold Advisory Committee and the Superintendent of Parks and Recreation, free greens fees are hereby granted to all U.S. Military Veterans, regardless of residency, on November 11th 2014, at Blue Hill Golf Course and Broadacres Golf Course, in gratitude for their service to this country. Marketing materials related to this benefit will request the Veterans be prepared to show proof of service.

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

Noes: None

* * *

RESOLUTION NO. 493**APPROVE/WAIVE PERMIT FEES
GAELIC ATHLETIC LEAGUE**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Morr and on a roll call was adopted:

RESOLVED, upon the recommendation of the Town Board, the Building Department is hereby directed to waive the permit fees of \$3,500.00, for the construction of a building on the property of the Gaelic Athletic League, in the RPC-R zone.

Ayes: Councilpersons Troy, Morr, Diviny

Noes: Councilperson Valentine, Supervisor Stewart

RESOLUTION NO. 494**ADOPT/AMENDED WORKPLACE
VIOLENCE POLICY**

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

RESOLVED, that, in compliance with the requirements of “NYS Public Employer Workplace Violence Prevention Law”, NYS Labor Law Section 27-b, and in order to ensure a more safe and secure workplace for the employees of, and visitors to, the various work locations of and throughout the Town of Orangetown, the Town Board hereby adopts an amended Workplace Violence Policy (and Plan) as prepared by WD Risk Management, a copy of which is annexed hereto and incorporated herein by reference (Exhibit 10-D-14).

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

Noes: None

* * *

RESOLUTION NO. 495**APPROVE/SEWER SYSTEM
MECHANIC I/GRADE CHANGE**

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

RESOLVED, upon the recommendation of the Commissioner of DEME, the Human Resources Coordinator and the Labor Management Committee, the grade of Sewer System Mechanic I from Grade 17 to Grade 14 is hereby approved.

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

Noes: None

The Town Board had a lengthy discussion regarding the appointment to the position of Sewer System Mechanic I and the resolution below was pulled from the agenda.

RESOLVED, upon the recommendation of the Commissioner of DEME, the Human Resources Coordinator and the Labor Management Committee, appoint Kevin McGarvey to the position of Sewer System Mechanic I, Grade 14A, Step 8/13, at a salary of \$79,871.00, effective October 20, 2014.

Councilman Valentine asked do we have any existing Sewer System Mechanic I's that are now effective. We have made a brand new title and we do not have to post this job opening? Supervisor Stewart said, just to clarify, it is not a new title. It is a change in grade over an existing title.

Donna Morrison explained this is not a new position. This is a position the Town vacated years ago. The position is open and we are moving Kevin McGarvey into it.

Councilman Valentine said he is not convinced that someone is not going to file a grievance, and asked why it was not posted.

John Edwards said well you can post it. In some respect, Paul, I think what you are saying is accurate. The posting is a contractual matter. It is not a County Personnel issue, as for example, with the creation of the position. We have a Labor Management Committee, which is advisory to the Town Board.

Jim Dean explained that when his department has a job opening, including non-competitive positions, he always posts a notice, so employees, of the Town of Orangetown, can have an opportunity to bid on it. When I didn't, I heard it from everybody, Labor Management and anybody else. It is a very bad move not to post an open position. My personal opinion and experience, as an appointing authority for one of the Town's departments, I would always post a job opening.

Councilman Troy asked Tom Diviny what he wants to do. Do you want to pull it?

Councilman Diviny said he wants it to be posted. Our attorney is saying we should post it and one of the department heads says it is going to create some turmoil if we don't post.

Councilman Valentine mentioned and maybe Mr. McGarvey is the one.

RESOLUTION NO. 496**PAY VOUCHERS**

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy 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 \$724,925.05.

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

* * *

RESOLUTION NO. 497**ENTER EXECUTIVE SESSION LEGAL
COUNSEL/PRIVATE BUSINESS**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr, and Valentine, Charlotte Madigan, Jeff Bencik, and John Edwards.

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 receive legal counsel regarding a private business, at 10:10 p.m. Supervisor Stewart said no further votes will be taken.

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

* * *

RESOLUTION NO. 498**REENTERED RTBM/ADJOURNED
MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Mary Grace Farley, Pearl River; Gerald R. Kane, Nyack, and Margaret Stewart, Nanuet, at 10:47 p.m.

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

Charlotte Madigan, Town Clerk