

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
WEDNESDAY, MARCH 1, 2006**

This Regular Town Board Meeting was opened at 7:49 p.m. Eliot Tozer, Deputy Supervisor, presided. The Town Clerk called the Roll. Present were:

Supervisor Kleiner (arrived 8:40 p.m.)
Eliot Tozer, Deputy Supervisor
Councilman Denis O'Donnell
Councilman Denis Troy
Councilwoman Marie Manning
Councilman Thomas A. Morr

Also present: Charlotte Madigan, Town Clerk
John S. Edwards, First Deputy Town Attorney
Suzanne Barclay, Exec Asst. to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
John Giardello, Director, OBZPAE
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

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

RESOLUTION NO. 177

CLOSED PUBLIC COMMENT

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the public comment portion is hereby closed.

Ayes: Councilpersons O'Donnell, Troy, Manning, Morr
Noes: None
Absent: Supervisor Kleiner

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RESOLUTION NO. 178

**APPOINT POLICE OFFICER
ANDREW P DEMEOLA**

Councilman Morr offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

RESOLVED, that upon the recommendation of the Chief of Police, Andrew P. DeMeola is hereby appointed from Rockland County Civil Service List #(OC) 04200 to the position of Police Officer/Permanent effective March 2, 2006 at a salary of \$35,992.00.

Ayes: Councilpersons Morr, O'Donnell, Troy, Manning
Noes: None
Absent: Supervisor Kleiner

Andrew P. DeMeola was sworn-in by the Town Clerk, Charlotte Madigan.

RESOLUTION NO. 179**JEWISH FILM FESTIVAL/AID/TABLED**

Councilwoman Manning offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously tabled:

RESOLVED, that the request from the Jewish Film Festival for support in the amount of \$1,000 is hereby tabled.

Ayes: Councilpersons Manning, O'Donnell, Troy, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 180**HDR CONTRACT/RETAIN
 PARRETT/WOLF/SUBCONTRACTORS/
 CHERRY BROOK DRAINAGE**

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

RESOLVED, that the HDR contract is hereby amended to retain the firm of Parrett/Wolf as subcontractors at a total cost of \$17,171.00 to perform geotechnical borings for Phase II of the Cherry Brook Drainage Improvement project.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 181**HDR CONTRACT/RETAIN/JAY
 GREENWELL PLS/CHERRY BROOK
 DRAINAGE**

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

RESOLVED, that the HDR contract is hereby amended to retain the firm of Jay Greenwell PLS, LLC at an estimated cost of \$30,400.00 to prepare surveys of the easements for the Phase II of the Cherry Brook Drainage Improvement project.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 182**ROCKLAND CTY/TOWNS/KEEP
 ROCKLAND BEAUTIFUL/HIGHWAY
 GRANT PROGRAM**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that James Dean, Superintendent of Highways, is hereby authorized to participate in a grant application with the four other Rockland County Towns and Keep Rockland Beautiful to the Shared Municipal Services Incentive Grant Program for the purchase of ten trash receptacles at a cost of \$3,310.00.

Ayes: Councilpersons O'Donnell, Morr, Troy, Manning
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 183**NEW LEAF VACUUM MACHINE TRIUS
INC/AWARD BID**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one (1) New Leaf Vacuum Machine, which were received and publicly opened February 1, 2006. The Superintendent made a recommendation to the Town Board; a copy is labeled Exhibit 3-B-06, and made a part of these minutes, Now Therefore, Be It

RESOLVED, that this bid is hereby awarded to Truis Inc., Bohemia, NY in the amount of \$37,683.00 (Acct #H5130-0200 – 2005 Equipment Bond), the only qualified bidder to meet the advertised standards and specifications.

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr
Noes: None
Absent: Supervisor Kleiner

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RESOLUTION NO. 184**HUDSON RIVER VALLEY GREENWAY
CONSERVANCY/ESPOSITO-HADER
LINK/HUDSON RIVER GREENWAY
TRAIL SYSTEM**

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

RESOLVED, that the Greenway Conservancy for the Hudson River Valley, Inc. is hereby requested to designate the Esposito-Hader Link as part of the Hudson River Greenway Trail System.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
Noes: None
Absent: Supervisor Kleiner

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RESOLUTION NO. 185**RFP/FOOD/BEVERAGE/GOLF
COURSES**

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

RESOLVED, that the issuance of RFP for food and beverage services at the golf courses is hereby authorized.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr
Noes: None
Absent: Supervisor Kleiner

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RESOLUTION NO. 186**APPROVE/CERTIFICATE OF
REGISTRATION/SEWER WORK**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for Sewer Work for 2006 is hereby approved for the following:

Monsey Excavating, Inc.

Resolution No. 186 - Continued

Pearl River Plumbing, Heating & Electric, Inc.
 J. D. Backhoe
 Victor P. Zugibe, Inc.
 Ronald J. Tarigo
 Mike Dutra Excavating and Sewer, Inc.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 187**CLERK/TYPIST/PATRICIA QUINN
BUILDING DEPARTMENT**

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

RESOLVED, that Patricia Quinn is hereby appointed to the position of clerk/typist in the Building Department, provisional, grade 2-1, annual salary of \$28,877.00, effective March 6, 2006.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 188**ESTABLISH LABORER/DEME**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the position of Laborer in the Department of Environmental Management & Engineering is hereby established.

Ayes: Councilpersons O'Donnell, Troy, Manning, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 189**LABORER/JOHN F CURRAN/DEME**

Councilman O'Donnell offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that John F. Curran is hereby appointed to the position of laborer in Department of Environmental Mngt & Engineering, permanent, grade 9-1, at an annual of salary \$40,734.00, effective March 6, 2006.

Ayes: Councilpersons O'Donnell, Troy, Manning, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 190**SENIOR ACCOUNT CLERK
ROSEMARIE MAIORANO/TOWN
CLERK'S OFFICE**

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

Resolution No. 190 - Continued

RESOLVED, that Rosemarie Maiorano is hereby appointed to the position of senior account clerk, in the Town Clerk's Office, provisional, grade 7-3, at an annual salary of \$39,161, effective March 13, 2006.

Ayes: Councilpersons Morr, Manning, O'Donnell, Troy
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 191

**AUTHORIZE IMMEDIATE
 DEMOLITION OF FIRE-DAMAGED
 BUILDING (72.08-1-33) 110 SPARKILL
 AVE A/K/A 7 WILLIAMS ST/SPARKILL**

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

WHEREAS, the Town Board is in receipt of a report with attachments, dated February 21, 2006, from John Giardiello, P.E., Director of the Department of Building, Zoning, Planning Administration, wherein Mr. Giardiello concluded that the building at Section 72.08, Block 5, Lot 33, also known as 110 Sparkill Avenue, Sparkill, New York and/or 7 Williams Street, Sparkill, New York is an unsafe building and should be immediately demolished because it presents a clear and imminent danger to the life, safety or health of any person or property, and

WHEREAS, the Town Board is in receipt of an affidavit from Gregg Squires wherein he states that he is the owner of the parcel noted above, agrees with the conclusion above, consents to the building being demolished, consents to the expenses concerning same being assessed against the parcel, and that he does not have the ability to pay for said demolition himself, be it

RESOLVED that the Town Board, upon full consideration of all of the above, hereby ascertains and determines that with regard to Section 72.08, Block 5, Lot 33, also known as 110 Sparkill Avenue, Sparkill, New York and/or 7 Williams Street, Sparkill, New York, the building thereon is unsafe within the meaning of Chapter 37 of the Town Code for the Town of Orangetown, that pursuant to Section 37-9 of said Code there is present a clear and imminent danger to the life, safety or health of any person or property unless the building at Section 72.08, Block 5, Lot 33, also known as 110 Sparkill Avenue, Sparkill, New York and/or 7 Williams Street, Sparkill, New York is demolished immediately, and that pursuant to this same section and Section 37-8, the Director of the Department of Building, Zoning, Planning Administration and Enforcement is authorized to immediately cause the demolition of said building, with the expenses of such demolition to be assessed against the aforesaid parcel.

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 192

**TAX CERTIORARI SETTLEMENT
 FERL ACQUISITION CORP/ALTERRRA
 HEALTHCARE CORP/AHC EXCHANGE**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Assessor, and upon prior approval of the Pearl River Union Free School District, settlement of the tax certiorari proceeding FERL Acquisition Corp., LLC, as Assignee of Alters Healthcare Corporation & AHC Exchange Corp. v. Brian Kenney, Assessor, et al., Tax Map Designation 73.05-1-53.1, for the tax assessment year 2005/2006 only, reducing the total assessment for said year from \$5,292,100.00 to \$2,640,000.00, with no refund owed by the Town and a refund due by the School District of \$109,491.00 to the FERL Acquisition Corp., LLC., is hereby approved.

Resolution No. 192 –Continued

RESOLVED FURTHER, Thom Kleiner, as Supervisor and the Town Attorney is hereby authorized to execute same.

Ayes: Councilpersons Troy, Manning, O'Donnell, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 193**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting minutes for February 14, 2006 and Executive Session minutes for February 22, 2006 are hereby accepted.

Ayes: Councilpersons O'Donnell, Manning, Troy, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 194**NON-CRIMINAL FINGER PRINTING
SET PUBLIC HEARING DATE**

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

RESOLVED, that March 27, 2006, 8 p.m. is set for a public hearing to establish a local law to authorize non-criminal finger printing at the request of Orangetown residents, non-residents and the Orangetown Police Department.

Ayes: Councilpersons Troy, Manning, O'Donnell, Morr
 Noes: None
 Absent: Supervisor Kleiner

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RESOLUTION NO. 195**OPEN CONTINUANCE OF PUBLIC
HEARING/MIXED-USE DEVELOPMENT
AT CERTAIN INTERCHANGES**

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

RESOLVED, that the continuance of public hearing from February 14, 2006 to consider the proposed amendment of Local Law No. 4, 1969, Chapter 43 (Zoning) of the Code of the Town of Orangetown, to permit mixed-use development at certain interchange locations in the LI Zone upon issuance of a Special Permit by the Town Board is hereby opened.

Ayes: Councilpersons Troy, Manning, O'Donnell, Morr
 Noes: None
 Absent: Supervisor Kleiner

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 03-A-06, and made a part of these minutes.

Fred Doneit of Stuart, Turner & Assoc, planners for FB Orangetown LLC, the owners of the entire project, returned with supplemental information concerning the two 50' tall hotel buildings. He said the surrounding trees, which are 70 to 80 feet, will provide buffering for the PIP.

Mike Meyers, one of the owners of Marriott, addressed some of the Town Board's concerns. He explained that bringing the height up to 50' allows the designers to add additional screening, which will hide condensers and mechanical units. If restricted to 45', the architects will have no

way to screen any of the machinery that must be installed on the rooftop. He assured the Town Board that the proposed hotel would not be used for any type of public assistance housing. John Giardello, Director, OBZPAE, answered questions regarding the Town Code and height limitations.

John S. Edwards, First Deputy Town Attorney, added that the Town Board shall determine the percentage of retail and personal service uses, if any, that may be developed during any single phase. At no time can the retail or personal service space of the area exceed 30 percent.

The public portion was opened and the following people spoke:

Eileen Larkin, Palisades, inquired about the building height and asked if the building would be in earth tones? She spoke about the impact on the PIP and asked about the market study of Phase I and Phase II.

Ben Ostrer, Attorney, spoke regarding retail and the impact on current vacancy rates.

Steve Spiro, Blauvelt, spoke of the importance of this project to the community because of its tax revenue.

Watson Morgan, Blauvelt, hopes the design of this project will blend into the community both in color and size. He would like the signage to be appropriate as well as visibility pleasing from the PIP.

RESOLUTION NO. 196

CLOSE CONTINUANCE OF PUBLIC HEARING/MIXED-USE DEVELOPMENT AT CERTAIN INTERCHANGES

Councilman Troy offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:

RESOLVED, that the public comment portion of the public hearing for Mixed-Use Development at Certain Interchanges is hereby closed.

Ayes: Councilpersons Troy, O'Donnell, Manning, Morr
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 197

NEGATIVE SEQRA DECLARATION/MIXED-USE DEVELOPMENT AT CERTAIN INTERCHANGES

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

WHEREAS, the Town Board of the Town of Orangetown (the "Town Board") is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town's Zoning Law, and an "involved agency" under the State Environmental Quality Review Act ("SEQRA") with respect to the adoption of zoning text amendments applicable to property located within the Town of Orangetown; and

WHEREAS, the Town Board is considering the adoption of a zoning text amendment that would allow mixed use developments by special permit of the Town Board at certain interchange locations in the Light Industrial Zoning District with frontage on the Palisades Interstate Parkway and with frontage on, and/or with direct access to, N.Y.S. Route 303; and

WHEREAS, on or about May13, 2005, the Town Board circulated amongst all other involved agencies notice of its intention to assume Lead Agency status for the purpose of environmental review of the above referenced action; and

WHEREAS, after more than thirty (30) calendar days had passed since the Town declared its intent to be Lead Agency for environmental review, and no other involved agency had expressed a desire or intent to act as Lead Agency, or otherwise to contest the Town Board's authority to act in that capacity with respect to the referenced actions, the Town Board assumed the role of Lead Agency for environmental review; and

Resolution No. 197 - Continued

WHEREAS, the Town Board, acting in its capacity as Lead Agency for environmental review, having carefully considered all of the potential environmental impacts that might result from the proposed action, has concluded that there will be no significant environmental impacts or effects caused or occasioned by a change in the zoning text allowing mixed use developments by special permit of the Town Board at certain interchange locations in the Light Industrial Zoning District with frontage on the Palisades Interstate Parkway and with frontage on, and/or with direct access to, N.Y.S. Route 303;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental impacts contained in the Long Form Environmental Assessment Form, Parts 1 through 3, inclusive, and the Negative Declaration annexed hereto, and authorizes the Town Supervisor, or his designated agent, to execute the Environmental Assessment Form and to file and circulate the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
Supervisor Kleiner

Noes: None

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**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: March 1, 2006

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

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

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

TITLE OF ACTION:

Adoption of a Local Law of the Town of Orangetown, Amending the Town Zoning Ordinance to Allow Mixed Use Developments at Certain Interchange Locations in the Light Industrial Zoning District.

SEQRA STATUS:

Type 1 Action

DESCRIPTION OF ACTION:

The proposed action consists of the amendment of the Town's Zoning Ordinance to allow mixed use developments on sites of 10 acres or larger in the Light Industrial zoning district, with frontage on the Palisades Interstate Parkway and with frontage on, and/or with direct access to N.Y.S. Route 303 by Special Permit of the Town Board of the Town of Orangetown, subject to site development plan approval of the Town Planning Board.

Mixed-Use Development SEQRA - Continued**DETERMINATION:**

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

REASONS SUPPORTING THIS DETERMINATION:**I. Background**

The present action is limited to a zoning text amendment of the Town's Zoning Ordinance to allow mixed use developments on sites of 10 acres or larger in the Light Industrial ("LI") zoning district at certain interchange locations. By reason of the locational constraints made a part of the proposed amendment, the action affects only a small number of parcels, all within the Town's LI zoning district.

The amendment would enlarge, not supplant, the existing uses permitted in the LI zone, permitting a mix of certain specifically designated and compatible non-residential uses as part of an integrated plan for a single lot, and, then, not as a matter of right, but only by special permit of the Town Board.

Before granting the subject special permit (later subject to further review by the Town's Planning Board as part of the site development plan review process), the owner/applicant would be required to file an application with the Town Board that would include an illustrative or concept plan meeting specified lot and bulk controls that give due consideration, among other things, to the development's proximity to the Palisades Interstate Parkway, a scenic by-way.

As noted, the concept or illustrative site plan reviewed by the Town Board upon application for a special permit must be further evaluated under SEQRA at the site plan stage before the Planning Board.

On September 26, 2005, following due notice to all involved agencies, the Town Board declared itself to be Lead Agency for environmental review under SEQRA. Thereafter, in furtherance of its responsibilities in that capacity, the Town Board received and/or considered the following:

II. Information Reviewed and Relied Upon

In making its determination, the Town Board, acting in its capacity as Lead Agency, considered the following:

- (1) Memoranda from the Town's Planning Consultant, Saccardi & Schiff, dated April 29, 2005, May 3, 2005, November 4 and 23, 2005 and December 1, 2005 and January 18, 2006;
- (2) A Full Environmental Assessment Form for the action prepared by Stuart Turner & Associates, and reviewed by Saccardi & Schiff, Inc., the Town's Planning Consultant, and by the Town Board as Lead Agency consisting of:
 - Part 1 and Part 2, dated May 6, 2005;
 - Expanded Part 3, dated September 16, 2005;
- (3) A Traffic Impact Study by John Collins Engineers, P.C., dated July 2005;
- (4) A Closure Workplan, for portions of premises within the area of the proposed special permit area, prepared by Hydrosience Inc., dated January 23, 2001;
- (5) An application for a Mixed Use Special Permit (filed in anticipation of the subject zoning text amendment, but not yet acted on by the Town Board) filed on behalf of FB Orangetown LLC, including an illustrative layout, for a 15.8± acre site, located within the exiting LI zoning district, said site bearing tax map designation 74.15-1-21.

Mixed-Use Development SEQRA - Continued

- (6) Comments from the Rockland County Department of Highways dated October 31, 2005, declining comment on the zoning text amendment, but reserving the right to comment on applications before the Town's Land Use Boards;
- (7) Comments from the Rockland County Sewer District No. 1, dated November 7, 2005, offering no objection to the zoning text amendment;
- (8) Comments from the Palisades Interstate Park Commission, dated November 7 and December 2, 2005, and January 9, 2006, expressing concerns over site planning, landscaping, building design, height restrictions and signage aspects of the proposed amendment, given the affected sites proximity to the Palisades Interstate Parkway;
- (9) The comments of the Rockland County Planning Department pursuant to GML § 239, dated November 14, 2005 and January 9, 2006, recommending specific modifications;

The proposed zoning text amendment and special permit application also were circulated for comment to the following, who did not offer comment:

Rockland County Department of Health	N.Y.S. Department of Transportation
N.Y.S. Department of Environmental Conservation	Town of Orangetown Zoning Board of Appeals
Rockland County Drainage Agency	U.S. Army Corp of Engineers

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

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

A public hearing also was conducted on the proposed zone change, following which, in part due to comments of the Rockland County Department of Planning and the Palisades Interstate Park Commission, significant changes were made to the text of the proposed amendment, necessitating a further hearing. At those hearings, the sponsor of one proposed mixed use project, filed in the event the within amendment is adopted, provided testimony and other information from several consultants regarding various aspects of the proposal, including information on traffic, engineering and planning. The Town Board received and considered such testimony and information in furtherance of its obligation to consider all potential significant impacts that might flow from its action, and to avoid a segmented review.

The Board further considered the fact that the proposed site for the referenced special permit application already had been approved for a warehouse use.

II. Familiarity with the Site

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

Mixed-Use Development SEQRA - Continued

III. Potential Impacts Ultimately Determined Not to Be Significant

In the course of its review, the Town Board, with the assistance of its professional consultants, identified a number of potential impacts that required further analysis beyond the Parts 1 and 2 of the Full EAF, which analyses were included in an expanded Part 3 to the EAF (with studies). The potential impacts identified included traffic, land issues, including remediation, drainage and aesthetics. Each of the above possible impacts, when considered in the light of the further studies undertaken, and the mitigation contemplated, was determined not to be significant either short or in the long term.

With specific respect to traffic, the Town Board, as Lead Agency, has received a traffic study from John Collins Engineers, P.C, intended to determine the nature and extent, if any, of the traffic impact that might result from the change in the LI zone, to add mixed use development by special permit.

The Collins analysis, dated July 2005, among other things, included a review of the existing roadway and traffic conditions in the area affected by the proposed zoning text amendment, at various intersections, at peak traffic flows. It further considered both build and no-build traffic volumes to the 2008 design year. The analysis concluded that there would be no significant negative impact on the roadways in the vicinity of the site by reason of the contemplated mixed-use development.

Other potential impacts, including environmental conditions on one site affected by the zoning text amendment and overall aesthetic concerns also were considered.

With respect to environmental contamination on the site located to the west of the Rte. 303, formerly a part of an Orangeburg pipe manufacturing facility, the site is the subject of a Voluntary Cleanup Agreement with the NYS DEC, and there is a closure plan for the affected areas, a copy of which was submitted as part of the expanded Part 3.

With respect to aesthetic concerns relative to the proximity of the site to the PIP, the Town Board received and considered the written comments of the Palisades Interstate Park Commission, met with representatives of the Commission, and has revised the text of the proposed zoning amendment, particularly with respect to buffers, view sheds, signage, and similar such issues, expressly to meet those concerns. In short, the Board has taken a hard look at the issues raised and has addressed those issues in a manner, the Board believes, will not result in any significant impact on the PIP or other surrounding environs.

IV. Other Potential Impacts Considered and Determined Not to Be Significant

The Board has also considered a variety of other issues and potential impacts, and has concluded that neither individually nor cumulatively will they have a significant impact on the environment. Those other issues include:

- **Agricultural Land Resources**

There are no anticipated impacts on agricultural lands.

- **Historic and Archaeological Resources**

To the extent there might be a small to moderate visual impact on a nearby historic house, i.e., the Abram Lent House, the proposed action provides for vegetative buffers and other landscaping and landscape features that will mitigate any such impact on the referenced structure, such that the proposed action will not have a significant adverse impact on the structure.

- **Surface or Groundwater Quantity or Quality**

As noted in the Part 2, one application for a special permit for a mixed use development already has been filed in anticipation of the Town Board's adoption of the within zoning text amendment.

Mixed-Use Development SEQRA - Continued

That application anticipates water use in excess of 20,000 gallons per day. It also provides for an above ground detention basin in the front yard to handle drainage on the site.

Water usage at all sites within the area affected by the proposed action will be provided by the local water utility. Other than a generalized concern, there is no indication that the public water supply is not adequate for the proposed uses that would be permitted by special permit under the proposed zoning text amendment. Moreover, inasmuch as any mixed use development for which a special permit might be issued by the Town Board further requires site plan approval by the Planning Board at which time a more site specific review will be undertaken, it is the Town Board's conclusion that there will be no significant adverse environmental impact by the adoption of the proposed amendment

With respect to water quality, any special permit user shall have to meet all applicable standards and requirements -- federal, state and local -- relative to discharges so as to ensure no significant adverse environmental impact as a result.

- **Critical Environmental Areas (CEAs)**

There are no anticipated significant impacts on any CEA.

- **Energy**

Although there will be an impact on energy resources in that any mixed use development will require energy, it is not anticipated that there will be a significant impact the community's sources of fuel or energy supply.

- **Public Health**

There are no anticipated significant impacts on the public health.

- **Air Quality and Noise Levels**

The proposed actions are not expected to have a significant impact on local air quality or noise levels.

- **Human Health**

The proposed actions will not create a hazard to human health.

V. Future Development of Adjacent and Nearby Lands

As part of its environmental review of the proposed zoning text amendment, the Town Board also has considered and evaluated, to the extent possible, the potential impacts associated with the actual issuance of the special permits authorized by the proposed zoning text amendment, and the development of the affected lands in accordance therewith. Recognizing that each such application, when filed, will undergo a detailed environmental review both by the Town Board prior to the issuance of a special permit, and by the Town Planning Board in connection with a site specific site plan application, it is the Town Board's conclusion, at this juncture, that neither the proposed zoning text amendment nor the development of that affected sites subject to the conditions, limitations and restrictions required to be satisfied precedent to the issuance of a special permit, will have an significant adverse impact on the environment.

Mixed-Use Development SEQRA - Continued

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

For Further Information, Contact:

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

Copies of this Notice Sent to:

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

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

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

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

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

* * *

RESOLUTION NO. 198**ADOPT LOCAL LAW/MIXED-USE
DEVELOPMENT AT CERTAIN
INTERCHANGES**

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

WHEREAS, the Town Board of the Town of Orangetown (the "Town Board") is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town's Zoning Law; and

WHEREAS, the Town Board has considered the adoption of a zoning text amendment that would allow mixed use developments, by special permit of the Town Board, at certain interchange locations in the Light Industrial Zoning District with frontage on the Palisades Interstate Parkway and with frontage on, and/or with direct access to N.Y.S. Route 303; and

WHEREAS, 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

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authority to act in that capacity with respect to the referenced action, the Town Board assumed the role of Lead Agency for environmental review; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant environmental impacts or effects caused or occasioned by the proposed change in the Town's Zoning Ordinance; and

WHEREAS, in addition to the Petition, the Town Board also has considered the following in connection with its decision to enact the proposed amendment:

- (1) Memoranda from the Town's Planning Consultant, Saccardi & Schiff, dated May 3, 2005, November 4 and 23, 2005 and December 1, 2005;
- (2) A Full Environmental Assessment Form for the action prepared by Stuart Turner & Associates, and reviewed by Saccardi & Schiff, Inc., the Town's Planning Consultant, and by the Town Board as Lead Agency consisting of :
 - Part 1 and Part 2, dated May 6, 2005;
 - Expanded Part 3, dated September 16, 2005;
- (3) A Traffic Impact Study by John Collins Engineers, P.C., dated July 2005;
- (4) A Closure Workplan, for portions of premises within the area of the proposed special permit area, prepared by Hydrosience Inc., dated January 23, 2001;
- (5) An application for a Mixed Use Special Permit (filed in anticipation of the subject zoning text amendment, but not yet acted on by the Town Board) filed on behalf of FB Orangetown LLC, including an illustrative layout, for a 15.8± acre site, located within the exiting LI zoning district, said site bearing tax map designation 74.15-1-21.
- (6) Comments from the Rockland County Department of Highways, dated October 31, 2005, declining comment on the zoning text amendment, but reserving the right to comment on applications before the Town's Land Use Boards;
- (7) Comments from the Rockland County Sewer District No. 1, dated November 7, 2005, offering no objection to the zoning text amendment;
- (8) Comments from the Palisades Interstate Park Commission, dated November 7 and December 2, 2005, and January 9, 2006, expressing concerns over site planning, landscaping, building design, height restrictions and signage aspects of the proposed amendment, given the affected sites proximity to the Palisades Interstate Parkway;
- (9) The comments of the Rockland County Planning Department pursuant to GML § 239, dated November 14, 2005 and January 9, 2006, recommending specific modifications;

and

WHEREAS, the proposed zoning text amendment and special permit application also were circulated for comment to the following who did not offer comment:

Rockland County Department of Health

N.Y.S. Department of Transportation

N.Y.S. Department of Environmental Conservation

Town of Orangetown Zoning Board of Appeals

Rockland County Drainage Agency

U.S. Army Corp of Engineers

And

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WHEREAS, in addition to the aforesaid, the Town Board also has considered 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, a public hearing also was conducted on the proposed zone change, following which, in part due to comments of the Rockland County Department of Planning and the Palisades Interstate Park Commission, significant changes were made to the text of the proposed amendment, necessitating a further hearing; and

WHEREAS, the Board has further considered a development proposal for one interchange location that would be affected by the proposed special permit use, and, in connection therewith received the testimony and/or other information from several consultants regarding various aspects of the proposal, including information on traffic, engineering and planning; and

WHEREAS the Board has further considered the fact that one proposed site affected by the proposed zoning text amendment has been approved for a warehouse use, a permitted, albeit, less desirable use than those mixed uses permitted under the proposed amendment; and

WHEREAS, the Town Board, and each of its members, are personally familiar with the interchange locations affected by the proposed zoning text amendment;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts a Local Law, amending the Town's Zoning Ordinance to allow mixed use developments, by special permit of the Town Board, at certain interchange locations in the Light Industrial Zoning District with frontage on the Palisades Interstate Parkway and with frontage on, and/or with direct access to N.Y.S. Route 303.

The Rockland County Planning Department's Comments and Conditions

The Town Board has received, and has considered, the General Municipal Law § 239 l & m review submitted by the Rockland County Department of Planning (November 14, 2005 and January 9, 2006). For the reasons hereinafter stated, the Town Board expressly overrides (or, where required, clarifies) the following conditions on approval sought to be imposed in the County's letter dated January 18, 2006:

County Comments 1 and 4 relate to the Town's Comprehensive Plan and the Palisades Interstate Parkway Corridor Management Plan, and whether the proposed zoning text amendment is consistent therewith and with the Land Use Map (Exhibit 10) made a part thereof of the Comprehensive Plan.

The Town Board concludes that the proposed zoning text amendment is consistent with the Land Use Plan that is a part of the Comprehensive Plan. Among other things, the Plan discusses a land use vision within the Rte. 303 corridor, which seeks to "limit", not restrict new retail development, and encourages a broader mix of uses. The same is true of the Town's Route 303 Overlay zoning applicable to the interchange locations affected by the amendment.

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The Comprehensive Plan further recognizes the long term potential of sites on and along Route 303 at the Palisades Interstate Parkway interchange for possible upscale office, research and development, hotel or conference center uses as preferable to retail uses (not permitted under current zoning) and industrial uses that are permitted.

The proposed zoning text amendment comports well with the land use vision set forth in the Comprehensive Plan, the Rte. 303 Overlay Zone and the Rte. 303 Sustainable Development Study, ensuring that whatever new retail may be permitted as part of a mixed-use development, if any, is limited in scope, including during the development process, and providing for a mix of other compatible uses. Insofar as the Land Use Map made a part of the Plan is concerned, that map must be viewed in the context of the Plan as a whole, and the addition of a special permit use applicable to a distinct area neither alters the fundamental character of the Plan nor necessitates its amendment.

To the extent the County Planning Department deems the proposed zoning text amendment to be inconsistent with the referenced studies and/or Plan, the Town Board expressly overrides its comments and/or condition.

County Comments 5 and 6 relate to the screening requirements incorporated into the proposed zoning text amendment and the visual impacts possibly associated with potential future development of the affected sites by special permit of the Town Board. The County is also concerned that, without additional limiting language or measures, a site might be developed with uses that have little or no recognizable physical, functional or visual relationship to one another.

Since receiving the comments from both the County and the Palisades Interstate Park Commission, the Town Board has made textual modifications to the language of the proposed amendment specifically to address the concerns of those agencies.

With respect to the mix of uses that would be permitted on an affected site, the Board believes the language of the proposed amendment, and the roles played by both the Town Board and the Town Planning Board in the special permit and site plan processes, are sufficient to ensure that the intent of the enactment is realized. The Board further concludes that the textual modifications made in response to the concerns expressed by the County and PIPC adequately address those concerns. To the extent the County Planning Department may conclude otherwise, the Town Board expressly overrides the said conditions.

County Comment 7 requests the Town Board to clarify whether the proposed amendment would allow a mix of uses that include both uses permitted as of right, but not specified in subsection 4.32.O(B)(iii), or only those uses set forth in that subsection.

The law permits only a mix of the uses set forth in subsection sub-section 4.32.O(B)(iii).

County Comment 8 relates to the absence of definitions of certain uses permitted as special permit uses, and requires that definitions of certain uses be incorporated into the law.

The Board believes that the proposed zoning text amendment is sufficiently clear and does not require further amendment with respect to the nature of the uses permitted. To the extent the County disagrees and requires further textual additions, the Town Board expressly overrides that condition.

County Comments 9 and 10 relate to the method by which land coverage and lot area will be calculated.

Land coverage and lot area will be calculated in the same manner they are otherwise calculated under the Town's Zoning Ordinance. To the extent Note 16 of the Zoning Ordinance requires deductions in the case of residential uses, those deductions do not apply.

To the extent the County requires further textual additions providing additional clarification or guidance, the Town Board expressly overrides that condition.

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County Comment 11 relates to building height and other possible visual impacts associated with the lot, bulk and other controls provided.

The Town Board has considered the County's comments and believes that the proposed text amendment which limits the height of buildings and structures to 45 feet and 4 stories, and which otherwise provides for buffers, setbacks and screening as set forth, is adequate to protect the PIP and surrounding environs from any adverse visual impact as a result of the future development of the affected sites by special permit. To the extent the County recommends greater buffers or setbacks, or otherwise seeks to reduce the permitted height of buildings constructed on the affected sites, by incorporating more restrictive lot and bulk controls, the Town Board expressly overrides any such condition.

County Comment 12 recommends a revision to the law to specify the types and colors of materials for building surfaces potentially visible from the PIP and/or Route 303.

The proposed amendment has been modified to address the County's concerns in this regard. To the extent the proposed changes made in response to the County's comments do not fully meet the County's expressed concerns, or address its concerns in a manner different than recommended, the Town Board expressly overrides the County's comment.

County Comment 13 suggests that the proposed law fails to provide a rationale for the waiver of four requirements of the Route 303 Overlay Plan, including a waiver of the prohibition therein of above ground storm water detention basins in the front yard.

The proposed law does not provide for the waiver of any significant restriction set forth in the Overlay Zone, other than the prohibition of above ground storm water detention basins in the front yard. Moreover, even in that regard, the relief available to a developer only applies where "...site engineering conditions are such that neither subsurface nor above ground storm water drainage basins are feasible other than in the front yard. . ." (emphasis added), in which case the Planning Board may, as part of the site development plan approval process, permit such basins in the front yard with suitable landscaping and screening.

The Town Board believes that the provisions of the proposed zoning text amendment, in this regard, appropriately balance the aesthetic and other concerns addressed in the Rte 303 Overlay Zone with the practical difficulties that may exist in the development of certain sites within the zone, requiring the developer to demonstrate to the satisfaction of the Planning Board during the site plan review process that there is no more feasible means by which to address drainage than through the installation of above ground detention in the front yard. And, even in that instance, such basins must be adequately screened.

To the extent the County's approval is conditioned on the changes set forth at Comment13, Town Board expressly overrides the County's comment.

County Comment 15, relates to the ability of the Planning Board to permit open loading, where it determines that enclosed loading is not warranted for the uses(s) to be installed.

The Town Board believes that it is an appropriate delegation of authority to the Planning Board to determine, in the course of the site plan review process, whether open loading should be permitted or prohibited. To the extent the County's approval is conditioned on a prohibition of open loading, the Town Board expressly overrides the County's comment

County Comment 17 and 18 recommend a referral to the Town Planning Board for its advisory review before the issuance of a special permit, and further invites comment whether a tree survey will be required prior to the Town Board's approval of a conceptual site plan.

The proposed amendment has been modified to provide for a preliminary, advisory review by the Town Planning Board during the special permit process. Insofar as a tree survey is concerned, the Town Board may, but need not, require such a survey in the course of its review.

No override is necessary.

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County Comments 19 and 20, relate to the proposed amendment's subdivision provisions.

The proposed zoning text amendment recognizes that there may be circumstances under which the subdivision of a mixed use site may be appropriate, and thus provides for that possible eventuality. That said, the proposed amendment gives equal, if not greater, recognition to the underlying purpose and intent of the amendment, i.e., that the site be planned and developed as an integrated whole, with an appropriate mix of uses, and that it include provisions ensuring adequate vehicular and pedestrian access, traffic-circulation, parking and loading for each individual use as a part of the whole.

To the extent the proposed amendment envisions the possibility of a subdivision following or contemporaneously with site plan approval, but authorizes such action only if it is consistent with the overall approved plan for the unified mixed use development, and then only if the applicant undergoes all of the review processes generally required for any other subdivision, the amendment's provisions, in the Board's judgment, deal adequately and appropriately with the issue. If it is not sufficiently detailed to meet the County's concerns, that is by design.

To the extent the County's approval is conditioned on a change to the subdivision provisions of the proposed textual amendment, the Town Board expressly overrides the County's comment

County Comment 21 relates to view shed analyses, recommending specific methods by which to conduct such analyses.

The Town Board believes that the proposed amendment adequately addresses the concern over view sheds. The protocol to be employed is intentionally flexible in the discretion of the Town Board. The PIPC appears to be comfortable with the proposed language.

To the extent the County's approval is conditioned on the adoption of its specific recommendations in this regard, the Town Board expressly overrides the County's comment.

County Comment 22, relates to the list of possible uses that may be developed by special permit and expresses concern that some of the contemplated uses may be incompatible with the more industrial type uses otherwise permitted in the LI zone.

There is adequate discretion in the special permit process to ensure that the uses permitted are not only compatible with each other, but with existing and/or other permitted uses in the surrounding LI zone.

To the extent the County's approval is conditioned on an adoption of additional textual changes to avoid the result it views as possible, the Town Board expressly overrides the County's comment.

County Comments 23 and 24 are expressly overridden. The proposed amendment provides adequate opportunity both at the Town Board and at the Planning Board levels to address the concerns referenced by the County to the extent they do, or may, exist.

Ayes: Councilpersons Manning, Morr, O'Donnell, Troy
 Noes: None
 Absent: Supervisor Kleiner

* * *

RESOLUTION NO. 199**RPC/TOWN OWNED HOUSES
TOWN'S LEASE WITH OVESC**

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

RESOLVED, that notwithstanding any express or implied restriction in the Town's Zoning Ordinance, relating to the use of structures in the R-80 zoning district, the Town owned structures covered under the Lease Agreement between the Town and OVESC for volunteer

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emergency service responder housing may be used for single room occupancy or dormitory style housing, provided the said premises otherwise meet all applicable building and fire code regulations.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 200

ADJOURNMENT/MEMORY

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

RESOLVED, that this Regular Town Board Meeting adjourned at 9:20 p.m. in memory of Michael Maiorano, Tappan, Diane Tobin, Pearl River, Stanley Denison, former council member and Emmett C. Maines, former Police Chief.

Ayes: Councilpersons Troy, Morr, O'Donnell, Manning
Supervisor Kleiner

Noes: None

Charlotte Madigan, Town Clerk