

**TOWN OF ORANGETOWN  
SPECIAL TOWN BOARD MEETING  
MONDAY, NOVEMBER 21, 2005**

This Special Town Board Meeting was opened at 7:00 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis O'Donnell  
Councilman Denis Troy  
Councilwoman Marie Manning  
Councilman Thomas A. Morr

Also present: Charlotte Madigan, Town Clerk  
Teresa Kenny, Town Attorney  
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.  
Terrance Sullivan, Police Captain  
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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**RESOLUTION NO. 727**

**LAND USE (PLANNING) BOARD  
MEMBER TOWN LAW SECTION  
271(G)/OPEN PUBLIC HEARING**

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

RESOLVED, that the public hearing to consider whether to remove Land Use Board member pursuant to Town Law Section 271(g) is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-F-05, and made a part of these minutes.

Gerard Damiani, Mr. Iurica's Attorney, stressed his belief that his client was not convicted of something that should cause his removal from the Planning Board. Judge William K. Nelson issued a Certificate of Relief From Forfeitures and Disabilities, which means that this conviction could not limit or prevent Iurica from employment, according to Mr. Damiani. He also questioned if Supervisor Kleiner was recusing himself from this hearing. Kevin Mulhearn, Deputy Town Attorney, and Supervisor Kleiner said there was no reason to do so.

Kevin Mulhearn, Deputy Town Attorney, explained that "cause" means "legal" cause, which must be of substance and related to the character, neglect of duty or fitness of the person and related to the performance of his duties. Mr. Mulhearn also stressed that this conviction was for a crime (Penal Law 175.30), which involved a materially false statement or information; and therefore, the sanctioned conduct was most likely more than a typo or incorrect. Moreover, the jury had determined a misdemeanor conviction was warranted.

The public portion was opened and the following people spoke:  
John Iurica, Iurica's brother, asked why they were further punishing Anthony?

John Footy, Planning Board Member, said Anthony Iurica is dedicated and knowledgeable and should remain on the board.

Frances Stoughton, Piermont, was involved in a property dispute where Mr. Iurica should have recused himself and also believes any person involved in a legal dispute should not be in this position.

Jean Blake, Pearl River, said the Town should demand honesty and impeccable character from its employees and is against Mr. Iurica remaining on the Planning Board.

Councilwoman Manning said the nature of the conviction necessitated his removal.

Councilman Morr said with all the gray areas, he truly has to give Mr. Iurica the benefit of the doubt.

**RESOLUTION NO. 728**

**LAND USE (PLANNING) BOARD  
MEMBER TOWN LAW SECTION  
271(G)/CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public portion for the public hearing for the Land Use Board Member is hereby closed.

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

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**RESOLUTION NO. 729**

**LAND USE (PLANNING) BOARD  
MEMBER TOWN LAW SECTION  
271(G)/TOWN BOARD DECISION**

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

RESOLVED, that the Town Board voted 3-2 on a roll call for Anthony Iurica to remain on the Planning Board according to Town Law Section 271(g).

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

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**RESOLUTION NO. 730**

**COMPREHENSIVE PARKING  
PLAN/CHAPTER 24 OF TOWN  
CODE/PEARL RIVER/OPEN PH**

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

RESOLVED, that the public hearing to consider the addition of a new section to the existing Chapter 24 ("Parking Lots, Municipal") of the Town Code to be entitled "Comprehensive Parking Plan for the Pearl River Parking Meter District is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-G-05, and made a part of these minutes.

Kevin Mulhearn, Deputy Town Attorney, gave an overview of this local law and was available to answer questions from the Town Board.

James Dean, Superintendent of Highways, stressed that dedicated overnight parking and commuter parking are separate issues. He also said by issuing permits, the Town would have control if any problems should occur.

Ron Delo, Director, Dept. Environmental Mgt. & Eng., reminded the Town Board of the memorandum regarding Capital Costs for developers who could not provide parking. He said those costs are based on ½ acre parcel with an average of 56 spaces.

The public portion was opened and the following people spoke:

Michael O'Sullivan, Pearl River Chamber of Commerce, just received information but supports all efforts pertaining to the revitalization and parking of downtown Pearl River.

Eileen Larkin, Palisades, requested clarification of wording in the proposed law.

Andrew Wiley, Pearl River, questioned the number of available spaces. He said overnight parking should be addressed and is against dedicated parking for the Mews.

Watson Morgan, Blauvelt, spoke about parking costs, availability and fees and that the Town needs to be very creative with growth for future parking.

Jean Blake, Pearl River, asked if the 8 to 8 parking is for senior citizens?

**RESOLUTION NO. 731**

**COMPREHENSIVE PARKING  
PLAN/CHAPTER 24 OF TOWN  
CODE/PEARL RIVER/CLOSE  
PUBLIC COMMENT**

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

RESOLVED, that the public portion for the public hearing for a "Comprehensive Parking Plan for the Pearl River Parking Meter District" is hereby closed.

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

Noes: None

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**RESOLUTION NO. 732**

**COMPREHENSIVE PARKING  
PLAN/CHAPTER 24 OF TOWN  
CODE/PEARL RIVER/ADOPTED**

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

WHEREAS, this Local Law is following the mandate of the Town of Orangetown's Comprehensive Plan for the revitalization of the Town business districts, which encourages the development of residential housing units above commercial spaces in downtown areas; and

WHEREAS, the Town Board is concerned with the redevelopment of the downtown business district of the Hamlet of Pearl River; and

WHEREAS, the Town Board is concerned with meeting its residents' need for sufficient off-street parking within the Pearl River Parking Meter District; and

WHEREAS, the Town Board has created a Parking Meter District in the Business District of Pearl River where meters were installed in parking areas and parking lots to assist and aid the businesses and residents in this District; and

WHEREAS, there exist municipal parking lots within walking distance from buildings within the Pearl River Parking Meter District; and

WHEREAS, the Town and the Parking Meter District can receive much needed additional income from their underutilized parking lots; and

**Resolution No. 732 – Continued**

WHEREAS, the Town of Orangetown is concerned about receiving necessary funding for the maintenance, repair and enhancement of existing parking lots and the building of future parking lots and/or spaces within the Pearl River Parking Meter District;

NOW, THEREFORE, it is recommended that the Town adopt the following Local Law related to the use of municipal parking spaces and mandated capital contributions for parking development in downtown Pearl River:

1(A). The Town shall permit use of its Town's parking lots within the Pearl River Parking Meter District for "Dedicated Parking Spaces" and "Overnight Parking Spaces".

1(B). A "Dedicated Parking Space" is a 24/7 parking space within a Town's parking lot, designated by the Superintendent of Highways, for exclusive use of an approved Town occupant. The Town occupant who receives use of any such "Dedicated Parking Space" shall be deemed to be the functional equivalent of a leasee. These Dedicated Parking Spaces shall be made available exclusively to those Town property owners who have paid the required monies to the Town, in lieu of developing parking spaces, as set forth with more particularly in paragraph "7" herein, and, subsequently, their tenants, transferees, or assignees.

1(C). An "Overnight Parking Space" is a parking space within a Town's parking lot, designated by the Superintendent of Highways, for off-street overnight parking; although all such "Overnight Parking" shall be restricted to parking between the hours of 8:00 P. M. to 8:00 A.M.

2(A). Designation of "Overnight Parking Spaces" and "Dedicated Parking Spaces" shall be made by the Superintendent of Highways in his sole discretion.

2(B). Overnight permits for both "Dedicated Parking Spaces" and "Overnight Parking Spaces" are to be issued by the Town Clerk in her sole discretion.

3(C). The Town Board, by separate resolution, shall, in its sole discretion, set the use and maintenance fee for both "Dedicated Parking Spaces" and "Overnight Parking Spaces" as defined hereinabove.

3(D). These permits shall be obtainable and made available to residents of the Town of Orangetown who reside primarily in a residence within the Pearl River Parking Meter District, upon submission of proof by the individual applying for said permit that he is an individual so eligible to receive such a permit. Said proof shall consist of an original of any one of the following documents; or such other documentation required by the Town Clerk.

- a. A deed to real property located within Pearl River Parking Meter District.
  - b. A current lease to any real property located within the Pearl River Parking Meter District.
  - c. A current driver's license setting forth the residence within the Pearl River Parking Meter District.
  - d. A current motor vehicle registration certificate setting forth a residence within the Pearl River Parking Meter District.
  - e. A voter's registration card setting forth a residence within the Pearl River Parking Meter District.
4. Additional parking fee rules, requirements and responsibilities are:
- a. Applications must be filled out completely and accurately.
  - b. Copy of current vehicle registration, a valid New York State Driver's License, and proof of existing automobile liability insurance, shall be required at time of issuance of permit.
  - c. Annual payment must be paid to the Town Clerk at the time of the issuance of the permit.
  - d. You must notify the Town Clerk and/or the Superintendent of Highways immediately of any changes with respect to residency/ownership.
  - e. You may only park in the area you have been assigned, and not in any other lot and/or space within that Lot.
  - f. Stickers may not be transferred to another vehicle.

**Resolution No. 732 - Continued**

- g. For Parking permits issued for "Dedicated Parking Spaces" (24-7), permittee (leasee) must provide for his or her own snow and ice removal, as needed, and sweep his or her leased area at least weekly, or as needed to maintain said space in a clean and orderly fashion; and in the event of his or her failure to comply with this sub-provision, shall be subject to a fine of not more than \$100.00 per occurrence, and/or revocation of his or her permit. (This sub-division shall not apply with respect to any "Overnight Parking Space" as defined above.)
- h. Replacement permits will be issued only if original permit sticker is removed and returned. In no event, however, will permit refunds be issued.

5. The term "individual", as used herein, means a natural person.

6. The holder of any permit issued under this Local Law acknowledges and expressly agrees that parking in any downtown municipal lot is at the permit holder's risk and the permit holder further agrees to hold the Town of Orangetown and its Highway Department harmless for any claim of harm or damage to permit holder's vehicle resulting from parking in said municipal lot. Any applicant for a permit issued under this Local law must, contemporaneously with the submission of his or her permit application, execute and deliver to the Town Clerk a duly executed hold harmless agreement pursuant to the terms of this sub-provision.

7. Alternative procedure; money in lieu of parking spaces: Where the Planning Board and/or Town Board, after consultation with the Superintendent of Highways, deems with respect to a particular site development plan, that said plan does not allot the requisite number of parking spaces as required by the Orangetown Zoning Code, Planning Board, and/or Town Board, the Planning Board and/or Town Board shall waive the requirement for such parking spaces provided that the applicant deposit with the Town Board, prior to the signing of the site plan by the Clerk of the Boards or other designated individual, a cash payment in lieu of parking spaces. Such payment (which shall be non-refundable) shall be placed in a special fund, and each such payment shall be separately identified to show the name and location of the site development plan for which the payment was made. Such payment shall be used by the Town for the development of future parking, the rehabilitation or improvement of existing parking and/or any other parking needs within the Pearl River Parking Meter District. The Planning Board and/or Town Board shall determine the amount to be paid based on the formula established by resolution of the Town Board.

8. Nothing in this law shall be construed so as to guarantee any resident or Town occupant a parking permit. The Town of Orangetown shall not be obligated to provide any such "Dedicated Spaces" in the event all such available spots are deemed exhausted, which said determination will be in the sole discretion of the Town Board.

RESOLVED, that the Town Board's decision to consider the addition of a new section to the existing Chapter 24 ("Parking Lots, Municipal") of the Town Code to be entitled "Comprehensive Parking Plan for the Pearl River Parking Meter District" is hereby adopted.

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

Noes: None

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**RESOLUTION NO. 733**

**SKYVIEW PLAZA DEVEL CORP  
THE MEWS AT PEARL RIVER  
PAC/OPEN PH**

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

**Resolution No. 733 - Continued**

RESOLVED, that the public hearing to consider the request for a zone change for Skyview Plaza Development Corporation, (The Mews at Pearl River 68.16-6-62), from a Community Shopping (CS) Zone District to a Planned Adult Community (PAC) Floating Zone, pursuant to Local Law 1, 2004, Subsection 4.6.1 of Chapter 43 of the Town Code is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-H-05, and made a part of these minutes.

Donald Brenner, Attorney for Developer, explained Skyview Plaza Development Corp. acquired a vacant building known as the Pearl River movie theater. The developer thru the PAC zone believes this can be gutted and made into senior condominiums and retail space. The first floor would be retail and the second and third floors would be condos. These condos would not have parking and would rely on the Town to provide parking spaces.

The public portion was opened and the following people spoke:

Peg Connolly, Real Estate Broker, believes this would be a benefit for the downtown area.

Eileen Larkin, Palisades, is against this proposal, asked who the landlord would be of the retail space and suggested no restaurants in the retail space.

Andrew Wiley, Pearl River, is concerned about parking and the increase of square footage in a conversion of the existing building.

Watson Morgan, Blauvelt, believes Pearl River needs to be concerned with parking.

Jean Blake, Pearl River, said parking is a concern because most seniors have cars.

Jim Amon, State Farm Insurance, concerned about parking and doesn't want his parking lot used and feels further consideration for parking should be considered.

Anthony Zacharakis, Tappan, is concerned about control of the retail space and the condo units.

**RESOLUTION NO. 734****SKYVIEW PLAZA DEVEL CORP  
THE MEWS AT PEARL RIVER  
PAC/CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public portion for the public hearing for a zone change for Skyview Plaza Development Corporation, (The Mews at Pearl River 68.16-6-62), is hereby closed.

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

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**RESOLUTION NO. 735****SKYVIEW PLAZA DEVEL CORP  
THE MEWS AT PEARL RIVER  
PAC /SEQRA DECLARATION**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 11-I-05 and made a part of these minutes, for Skyview Plaza Devel Corp., The Mews at Pearl River PAC zone change.

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

**RESOLUTION NO. 736**

**SKYVIEW PLAZA DEVEL CORP  
THE MEWS AT PEARL RIVER  
PAC/TB RESERVED**

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

RESOLVED, that the Town Board's decision to consider Skyview Plaza Development Corporation, The Mews at Pearl River zone change is hereby reserved to December 12, 2005, 8:05 p.m.

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

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**RESOLUTION NO. 737**

**ADJOURNMENT**

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

RESOLVED, that this Special Town Board Meeting adjourned at 9:45 p.m.

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

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**Charlotte Madigan, Town Clerk**