



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 25, 2021

This Town Board Meeting was opened at 7:00 PM.

Councilperson Denis Troy _____
Councilperson Thomas Diviny _____
Councilperson Paul Valentine _____
Councilperson Jerry Bottari _____
Supervisor Teresa M. Kenny _____

🌟 Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **Virtual Special Town Board Meeting on Wednesday, June 2, 2021 from 6 pm - 7:30 pm / Presentations from Potential Developers for the HNA Palisades Property / Virtual Details on WWW.ORANGETOWN.COM**

PRESENTATIONS:

- ◆ **PROCLAMATION FOR BUILDING SAFETY MONTH - MAY 2021 PRESENTED TO JANE SLAVIN, DIRECTOR OF OBZPAE**

DISCUSSION:

- ◆ **WORKSHOP OF AGENDA ITEMS**

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. **OPEN PUBLIC HEARING / RTBM OF MAY 25, 2021 AT 7:05 P.M. / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Public Hearing to on a proposed local law, amending Chapter 39 of the Town Code entitled Vehicles and Traffic relating to a Stop Sign on Orangeburg Road for traffic proceeding west, at the intersection of Old Middletown Road and Orangeburg Road in Pearl River, previously installed under a 6 -month police regulation to be reviewed after 6 months pursuant to Town Board resolution 421 of 2020, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication

SUMMARY OF COMMENTS:

- 4. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Public Hearing to on a proposed local law, amending Chapter 39 of the Town Code entitled Vehicles and Traffic relating to a Stop Sign on Orangeburg Road for traffic proceeding west, at the intersection of Old Middletown Road and Orangeburg Road in Pearl River, previously installed under a 6-month police regulation to be reviewed after 6 months pursuant to Town Board resolution 421 of 2020, is hereby closed or continued to _____.

- 5. **LEAD AGENCY AND DETERMINATION OF SEQRA / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Town Board declares itself Lead Agency in this matter, and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

- 6. **ADOPT LOCAL LAW ____, 2021 / AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Town Board hereby adopts Local Law ____, 2021 to amend the Town Code, Chapter 39, Vehicles & Traffic, Article I, Vehicle and Traffic Regulations, Section 39-8 Stop Intersections.

LOCAL LAW NO. ____ - 2021 OF THE TOWN OF ORANGETOWN,

AMENDING CHAPTER 39 (VEHICLES AND TRAFFIC), ARTICLE I (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE TOWN OF ORANGETOWN

As amended, additions are underlined. Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1 – Legislative Findings, Objectives and Purpose of this Local Law No. ____ of 2021: The Town of Orangetown Traffic Advisory Board, having investigated issues related to congestion and safety in the hamlet of Pearl River, in and around Orangeburg Road at Old Middletown Road, recommends the Town Board adopt this local law amending the Town Code, to install a Stop Sign on Orangeburg Road for traffic proceeding west, at the intersection of Old Middletown Road and Orangeburg Road in Pearl River, previously installed under a 6-month police regulation to be reviewed after 6 months pursuant to Town Board resolution 421 of 2020. Having reviewed the 6-month police regulation and held a public hearing on the matter, the Town Board finds the Stop Sign at this intersection is necessary for traffic safety.

Section 2 – Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations), §39-8, of the Code of the Town of Orangetown (“Orangetown Code”), shall be amended so as to add the following new subsection “182” to paragraph “A” of Section 39-8, and, as amended, shall read as follows:

39-8. Stop Intersections.

The following intersections are hereby designated as stop intersections, and all vehicles approaching said intersections as hereinafter set forth shall, before entering the intersection, come to a full stop, unless otherwise directed by a peace officer or signal.

A. In the Hamlet of Pearl River:

(182) Orangeburg Road at Old Middletown Road for traffic proceeding west.

Section 3 – This Local Law shall become effective immediately upon filing with the New York State Secretary of State.

7. APPOINT JOSEPH O'LOUGHLIN / MEMBER / BLUE HILL GOLF COURSE COMMITTEE / 2021

RESOLVED, that the Town Board hereby appoints JOSEPH O'LOUGHLIN as a Member to the Blue Hill Golf Course Committee for a one (1) year term, expiring on 12/31/2021.

8. APPOINT EVE MILLARD / MEMBER / ORANGETOWN ENVIRONMENTAL COMMITTEE / 2021

RESOLVED, that the Town Board hereby appoints EVE MILLARD, as Member to the Orangetown Environmental Committee, for a one (1) year term, expiring on 12/31/2021.

9. APPOINT SUSAN O'REILLY / MEMBER / ORANGETOWN ENVIRONMENTAL COMMITTEE / 2021

RESOLVED, that the Town Board hereby appoints SUSAN O'REILLY as a Member of the Orangetown Environmental Committee, for a one (1) year term, and expires on 12/31/2021.

10. **SET PUBLIC HEARING AT RTBM OF JUNE 22, 2021 AT 7:05 PM FOR LOCAL LAW / OPT OUT OF ADULT USE CANNABIS / MARIJUANA RETAIL DISPENSERS AND ON SITE CONSUMPTION SITES**

RESOLVED that the Town Board will hold a public hearing on Tuesday June 22, 2021, at 7:05 p.m. on a proposed Local Law in accordance with New York Cannabis Law §131 requesting the cannabis control board prohibit the establishment of cannabis retail dispensary licenses and on-site premises consumption licenses within the Town of Orangetown.

BE IT FURTHER RESOLVED, that the Town Board hereby finds that this is a Type II action pursuant to the New York State Environmental Quality Review Act (SEQRA) and as such shall not have a significant environmental impact such that no further review is therefore required pursuant to SEQRA.

11. **SET PUBLIC HEARING / RTBM OF JULY 13, 2021 AT 7:05 P.M. / PERFORMANCE STANDARDS / TOWN CODE CHAPTERS 6, 14, 24 AND 43**

RESOLVED that the Town Board will hold a public hearing on July 13, 2021 at 7:05 p.m., on a proposed Local Law, amending Chapters 6, 14, 24 and 43 of the Town Code with regard to Performance Standards.

12. **DECLARATION OF LEAD AGENCY PURSUANT TO SEQRA / PERFORMANCE STANDARDS LOCAL LAW**

WHEREAS, the Town Code of the Town of Orangetown requires certain industrial uses within the Town to adhere to and comply with performance standards as that term and such standards are defined in the Town Code, and

WHEREAS, the procedures for review and compliance with performance standards have been under review by the Town Board, its counsel and relevant department heads, and the Town Board has found that changes to the Code are in the best interests of the Town, its residents and industrial users, in order to streamline review, implementation and enforcement of performance standards guidelines, and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed action as an "Unlisted" action;
3. The Town Board is the only involved agency in the review process as it is the only agency with the authority to approve the proposed action; and

4. The following are interested agencies in the review process:

- Orangetown Planning Board;
- Rockland County Department of Planning;
- Orangetown Zoning Board of Appeals;
- NYS Department of Environmental Conservation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself Lead Agency for the purpose of environmental review under SEQRA, and directs that notice of the Town Board's declaration of Lead Agency with relevant documents be circulated to and among the various above referenced agencies with a request for comment on the proposed local law; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- I & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said proposed Local Law, amending the Town Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

13. **ACCEPT PETITION / RESERVE AT PEARL RIVER PAC ZONE CHANGE / BNE REAL ESTATE GROUP TAX LOT 73.10-1-6 / VETERANS MEMORIAL PARKWAY / PEARL RIVER / SEQRA / LEAD AGENCY / GML REVIEW**

WHEREAS, the owner of premises located on the southeast side of Veterans Memorial Parkway adjacent to the Blue Hill office building, in the hamlet of Pearl River, Tax Lot 73.10-1-6 being located in the "OP" (Office Park) zoning district, has petitioned the Town Board to change the zoning classification of the property to the overlay district of "PAC" (Planned Adult Community), zoning district; and

WHEREAS, upon preliminary review, the Town Board is willing to consider the change to such PAC zone as the property is eligible for such a zone change pursuant to Town Code §4.62 as the property is located in an area with other PAC communities nearby and is currently within the OP zoning district; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board's request by the Office of Building, Zoning, Planning and Administration and Enforcement, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed action as an "Unlisted" action; and

3. The following are involved or interested or involved agencies in the review process:

- Orangetown Planning Board;
- Rockland County Department of Planning;
- Rockland County Highway Department;
- Rockland County Drainage Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- l & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 4.612(E), the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Map, to the Town Planning Board inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

14. **SET PUBLIC HEARING / RTBM OF JULY 13, 2021 AT 7:15 P.M. / PROPOSED ZONE CHANGE FOR BNE REAL ESTATE GROUP / THE RESERVE AT PEARL RIVER LOCATED ON VETERANS PARKWAY PEARL RIVER TAX LOT 73.10-1-6**

RESOLVED that the Town Board will hold a public hearing on July 13, 2021 at 7:15 p.m., on a proposed Local Law, on application of BNE Real Estate Group, project known as The Reserve at Pearl River, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel located on the southeast side of Veterans Memorial Highway adjacent to Blue Hill office building, tax lot 73.10-1-6 in the hamlet of Pearl River from “OP” to “PAC”.

TOWN BOARD / IT

15. **APPROVE / SURPLUS IT EQUIPMENT**

RESOLVED, upon the recommendation of the Director of Automated Systems, that the Town Board hereby approves for surplus, the attached list of HP 8200, 8300, and 800G1 computers.

TOWN ATTORNEY

16. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING DOMINICK PILLA v. THE ASSESSOR, ET AL (71.22-1-10)**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Robert V. Magrino, Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Dominick Pilla v. The Assessor of Town of Orangetown, et al., tax

map designation 71.22-1 -10 (4 Hawthorn Place, Grandview), for the tax assessment year 2020 for a total refund by the County of \$340, a total refund by the Town of \$176, and a total refund by the South Orangetown Central School District of \$1,891. The Town has been advised by the attorney for the South Orangetown Central School District that there's no need for the School District's approval for this settlement. 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 Rockland County Finance Department.

17. APPROVAL OF 2021 CERTIFICATE OF SEWER REGISTRATIONS

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2021 Sewer Work is approved to:

- ◆ Pro Cut Landscaping, 11 Pineview Road, West Nyack, NY 10994
- ◆ TAL Services LLC, 64 Central School Road, Wantage, NJ 07641

18. APPROVE PARTIAL RELEASE OF MALONEY SUBDIVISION CASH BOND

WHEREAS, Michael Maloney, as owner of property located at 60 Fischer Avenue, Pearl River, New York (Tax Lot Section 68.11 Block 2 Lot 70), was required to post a performance bond or equivalent in the amount of \$131,766.00 for the completion of certain public improvements related to the subdivision; and

WHEREAS, Mr. Maloney has submitted a cash bond and a check in the amount of \$131,766.00, which check the Town Attorney's Office has forwarded to the Town Finance Department and which has been deposited in the Town's escrow account, and

WHEREAS, the Planning Board, after receiving recommendations from the Department of Environmental Management and Engineering (DEME) and the Superintendent of Highways, voted pursuant to PB#21-26 to recommend to the Town Board that the above referenced bond be partially released in the amount of \$128,166.00, and that the Town retain the amount of \$3,600.00 for Final As-Built drawings; and

WHEREAS, the Town Attorney's Office also recommends that the above referenced Performance Bond be partially released.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Board, the Town Highway Department, DEME and the Town Attorney's Office, the Town Board hereby authorizes the partial release of the Maloney Subdivision Cash Bond in the sum of \$128,166.00.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, the Town Finance Department is authorized and directed to release \$128,166.00 being held in escrow on this matter to Michael Maloney, based upon the partial release of the Maloney Subdivision Cash Bond, and that the Finance Department is directed to continue to retain the remaining \$3,600.00 on the Cash Bond until Final As-Built drawings are submitted.

19. **APPROVE THE SUPERVISOR TO SIGN AND EXECUTE RESTRICTIVE COVENANT FOR 800 BRADLEY HILL ROAD, BLAUVELT**

WHEREAS, on February 10, 2021, the Planning Board issued final Site Plan approval for the use of 700 Bradley Hill Road, Blauvelt, by United Parcel Service (“UPS”) as a “last-mile” distribution facility, with a portion of the 800 Bradley Hill Road parking lot reserved for use by UPS; and

WHEREAS, as a condition of approval, the Planning Board required that the applicant execute a restrictive covenant between the owner of 800 Bradley Hill Road and the Town to restrict use of the parking area by future occupants of 800 Bradley Hill Road; and

WHEREAS, the Town Attorney’s Office has reviewed the proposed restrictive covenant and finds it legally sufficient and recommends that the Town Supervisor sign and execute the restrictive covenant for the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor or her designee is hereby authorized to sign and execute the proposed restrictive covenant and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk’s Office, at the expense of the applicant.

HIGHWAY

20. **APPROVE / LEND ASSISTANCE / 2021 TAPPAN MEMORIAL DAY CEREMONY / MAY 31, 2021**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of message boards for the Tappan Memorial Day Ceremony, to be held on Monday, May 31, 2021.

21. **APPROVE MATERIAL PURCHASE AND CHANGE ORDER / HOMES FOR HEROES GREEN INFRASTRUCTURE PROJECT**

RESOLVED, as recommended by Brooker Engineering, PLLC, Consulting Engineer for the Homes for Heroes Green Infrastructure Project and as presented by James J. Dean, Superintendent of Highways, the Town Board hereby authorizes the purchase Wetland and Upland Topsoil from ORI Supplies in the amount of \$43,133.00 and approves TOMCO Change Order #7, in the amount of \$40,230.31 for placement of additional topsoil and goose netting at the Homes for Heroes Site. Funding in the amount of \$83,373.31 is to be transferred from the General Fund to Shared Services Account #H.1622.200.26 to cover the cost of this additional work.

PARKS AND RECREATION

22. ACCEPT / MEMORIAL BENCH DONATION

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, accept with gratitude, the donation of a memorial bench to be placed at Veterans Memorial Park. Engraving as follows:

"In Loving Memory of Winniefred Duffy"

23. ACCEPT / MEMORIAL BENCH DONATION

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, accept with gratitude, the donation of a memorial bench to be placed at Blue Hill Golf Course. Engraving will read:

"In Memory of John Hickey"
"Tis Great To Be Out Here"

24. AWARD BID / DAY CAMP BUSING / CHESTNUT RIDGE TRANSPORTATION

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, award the bid for the 2021 Orangetown Day Camp Busing to Chestnut Ridge Transportation of Spring Valley, NY at a price of: \$465.00 per bus for "all day" transportation and \$329.00 per bus for "morning and afternoon" transportation.

25. AWARD BID / ANNUAL ROOF MAINTENANCE AND REPAIR / HAYDEN BUILDING MAINTENANCE

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, award the bid for the annual roof maintenance and repair for various Town buildings to Hayden Building Maintenance of W. Nyack, NY in the amount of \$10,050.00.

HIGHWAY / POLICE

26. APPROVE/ LEND ASSISTANCE/ SOLACE 5K WALK

RESOLVED, that upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & cones from the Highway Department and Police detail from OPD, for the Solace Walk in Orangeburg, to be held on Saturday, June 12, 2021, from 4:30 am – 8:00 am.

27. APPROVE / LEND ASSISTANCE / 2021 SPARKILL MEMORIAL DAY PARADE / MAY 31, 2021

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades from the Highway Dept., and police detail from the Police Dept., for the Sparkill Memorial Day Parade to be held on Monday, May 31, 2021, from 11:30 am - 12:30 pm.

28. APPROVE/ LEND ASSISTANCE/ 2021 PALISADES MEMORIAL DAY PARADE / MAY 31, 2021

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades from the Highway Dept., and police detail from the Police Dept., for the Palisades Memorial Day Parade to be held on Monday, May 31, 2021, from 8:30 am - 9:30 am.

AUDIT

29. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants (attached) for a total of \$753,872.19.

EXECUTIVE SESSION

30. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss personnel matters and the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

31. RE-ENTER RTBM / ADJOURNED / MEMORY

RESOLVED, at _____ pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: