



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 13, 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:

- ◆ **Orangetown/Irish Heritage Day at Palisades Credit Union Park (Boulder's Stadium) / Saturday, July 24, 2021 / Gates Open at 4:30 pm / Game starts at 6:30 pm / Fireworks after the Game / Visit orangetown.com for discounted tickets**

PRESENTATIONS:

- ◆ **Kyle John Boyce Memorial Scholarship Committee presenting check to the Town Board for three children to attend the Town of Orangetown 2021 Summer Day Camp in memory of Kyle**

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 JULY 13, 2021 AT 7:05 P.M. / RE: PERFORMANCE STANDARDS / TOWN CODE CHAPTERS 6, 14, 24 AND 43**

RESOLVED, that the Public Hearing re: Performance Standards, Town Code Chapters 6, 14, 24 and 43, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

4. **CLOSE / CONTINUE PUBLIC HEARING RE: PERFORMANCE STANDARDS / TOWN CODE CHAPTERS 6, 14, 24 AND 43**

RESOLVED, that the Public Hearing re: Performance Standards / Town Code Chapters 6, 14, 24 and 43 is hereby closed or continued to _____.

5. **ADOPT NEGATIVE DECLARATION PURSUANT TO SEQRA WITH RESPECT TO LOCAL LAW REGARDING PERFORMANCE STANDARDS**

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 the 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 these processes and to the performance standards are in the best interests of the Town, its residents and industrial users, in order to streamline review, implementation and enforcement of performance standards provisions; and

WHEREAS, on May 25, 2021, the Town Board introduced a Local Law proposing to amend Chapters 6, 14, 24 and 43 of the Town Code concerning such performance standards and associated fees; and

WHEREAS, on May 25, 2021, the Town Board adopted a resolution assuming the role of Lead Agency for environmental review of the proposed enactment of this Local Law, which constitutes an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") with the Town Board in the capacity as the only Involved Agency, and directing that notice of the Town Board's declaration of Lead Agency, along with other relevant documents, be circulated to and among the various Interested Agencies, including the Orangetown Planning Board, Rockland County Department of Planning, Orangetown Zoning Board of Appeals, and the NYS Department of Environmental Conservation; and

WHEREAS, on May 25, 2021, the Town Board adopted a resolution referring the proposed Local Law to (a) the Rockland County Department of Planning pursuant to NYS General Municipal Law §§239-l & m, and (b) the Orangetown Planning Board, with a request for comments; and

WHEREAS, on or about May 28, 2021, the Town Clerk circulated amongst the above-referenced Interested Agencies the notice of the Town Board's assumption of Lead Agency status and the referral of the proposed Local Law pursuant to the NYS General Municipal Law; and

WHEREAS, on or about June 11, 2021, the Town Clerk circulated amongst the following municipalities notice of the Town Board's assumption of Lead Agency status and a copy of the Town's NYS General Municipal Law referral to Rockland County Department of Planning: Town of Clarkstown, Town of Ramapo, Village of Nyack, Village of South Nyack, Village of Grand View-on-Hudson, Village of Chestnut Ridge and Village of Piermont; and

WHEREAS, by letter dated June 17, 2021, the Rockland County Department of Planning determined pursuant to NYS General Municipal Law Sections 239-m & l that the proposed local law will have no adverse impacts on any County-wide interests and is therefore a matter for local determination; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded for the reasons set forth in the annexed Negative Declaration that there will be no significant environmental impact or effect caused or occasioned by the proposed action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

6. **ADOPT LOCAL LAW _____, 2021 / RE: PERFORMANCE STANDARDS / TOWN CODE CHAPTERS 6, 14, 24 AND 43**

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 the 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 these processes and to the performance standards are in the best interests of the Town, its residents and industrial users, in order to streamline review, implementation and enforcement of performance standards provisions; and

WHEREAS, on May 25, 2021, the Town Board introduced a Local Law proposing to amend Chapters 6, 14, 24 and 43 of the Town Code concerning such performance standards and associated fees; and

WHEREAS, on May 25, 2021, the Town Board adopted a resolution assuming the role of Lead Agency for environmental review of the proposed enactment of this Local Law, which constitutes an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") with the Town Board in the capacity as the only Involved Agency, and directing that notice of the Town Board's declaration of Lead Agency, along with other relevant documents, be circulated to and among the various Interested Agencies,

including the Orangetown Planning Board, Rockland County Department of Planning, Orangetown Zoning Board of Appeals, and the NYS Department of Environmental Conservation; and

WHEREAS, on May 25, 2021, the Town Board adopted a resolution referring the proposed Local Law to (a) the Rockland County Department of Planning pursuant to NYS General Municipal Law §§239-l & m, and (b) the Orangetown Planning Board, with a request for comments; and

WHEREAS, on or about May 28, 2021, the Town Clerk circulated amongst the above-referenced Interested Agencies the notice of the Town Board's assumption of Lead Agency status and the referral of the proposed Local Law pursuant to the NYS General Municipal Law; and

WHEREAS, on or about June 11, 2021, the Town Clerk circulated amongst the following municipalities notice of the Town Board's assumption of Lead Agency status and a copy of the Town's NYS General Municipal Law referral to Rockland County Department of Planning: Town of Clarkstown, Town of Ramapo, Village of Nyack, Village of South Nyack, Village of Grand View-on-Hudson, Village of Chestnut Ridge and Village of Piermont; and

WHEREAS, by letter dated June 17, 2021, the Rockland County Department of Planning determined pursuant to NYS General Municipal Law Sections 239-m & l that the proposed local law will have no adverse impacts on any County-wide interests and is therefore a matter for local determination; and

WHEREAS, on July 13, 2021, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board adopted a Negative Declaration concluding there will be no significant environmental impact or effect caused or occasioned by the proposed action; and

WHEREAS, a duly advertised public hearing was opened by the Town Board on July 13, 2021, at which time all those wishing to be heard on the enactment of the Local Law were given such opportunity, and the public hearing was closed on _____, 2021; and

WHEREAS, the Town Board is fully familiar with the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Local Law No. ___ of 2021 to amend Chapters 6, 14, 24 and 43 of the Town Code concerning the implementation and enforcement of performance standards and associated fees.

7. **OPEN 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 DRIVE PEARL RIVER TAX LOT 73.10-1-6**

RESOLVED, that the Public Hearing re: proposed zone change for BNE REAL ESTATE GROUP / THE RESERVE AT PEARL RIVER, located at Veterans Drive, Pearl River Tax Lot 73.10-1-6, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

8. **CLOSE / CONTINUE PUBLIC HEARING RE: PROPOSED ZONE CHANGE FOR BNE REAL ESTATE GROUP / THE RESERVE AT PEARL RIVER LOCATED ON VETERANS DRIVE PEARL RIVER TAX LOT 73.10-1-6**

RESOLVED, that the Public Hearing re proposed zone change for BNE REAL ESTATE GROUP / THE RESERVE AT PEARL RIVER, located on Veterans Drive, Pearl River, Tax Lot 73.10-1-6 is hereby closed or continued to _____.

9. **THE TOWN BOARD OF THE TOWN OF ORANGETOWN ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE ADOPTION OF LOCAL LAW NO. ___, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM "OP" TO "PAC" FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER ON THE SOUTH SIDE OF VETERANS MEMORIAL DRIVE, EAST OF THE EXISTING BLUE HILL OFFICE COMPLEX AND EAST OF THE EXISTING THE CLUB AT PEARL RIVER II, AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 73.10 – 1 – 6, PROJECT KNOWN AS "RESERVE AT PEARL RIVER"**

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 ("SEQR") with respect to the adoption of zoning text amendments applicable to property located within the Town of Orangetown; and

WHEREAS, by Petition and accompanying application dated March 9, 2021, The Reserve at Pearl River, LLC, as contract purchaser of the property, owned by Hunter Douglas North America, located in the Hamlet of Pearl River, on the South side of Veterans Memorial Drive, East of the Existing Blue Hill Office Complex and East of the existing The Club at Pearl River II, and shown on the Tax Map of the Town of Orangetown as SBL 73.10 – 1 – 6 formally petitioned the Town Board to change the zoning classification of the said property from Office-Park ("OP") to Planned Adult Community ("PAC") in accordance with the provisions of Local Law No 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a "floating" district; and

WHEREAS, following its filing with, and receipt by, the Town, the Town Board caused to be circulated the said Petition and supporting documents amongst all other involved and/or interested agencies notice of its intention to assume Lead Agency status for the purpose of environmental review of the above referenced action; and

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

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 the change in the zoning classification of the subject parcel and its eventual improvement with a combination of retail/community shopping uses and active adult or senior residential housing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental impacts contained in the Short Form and Long Form Environmental Assessment Forms, and in the Negative Declaration annexed hereto, and authorizes the Town Supervisor, or her designated agent, to execute the Environmental Assessment Form and to file 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 her designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

10. **THE TOWN BOARD OF THE TOWN OF ORANGETOWN ADOPTING LOCAL LAW NO. ____ OF 2021, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM "OP" TO "PAC" FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER ON THE SOUTH SIDE OF VETERANS MEMORIAL DRIVE, EAST OF THE EXISTING BLUE HILL OFFICE COMPLEX AND EAST OF THE EXISTING "THE CLUB AT PEARL RIVER II", AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 73.10 – 1 – 6 PROJECT KNOWN AS "THE RESERVE AT PEARL RIVER".**

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

WHEREAS, by Petition and accompanying application dated March 9, 2021, The Reserve at Pearl River, LLC , as contract purchaser of the property, owned by Hunter Douglas North America, located in the Hamlet of Pearl River, on the South side of Veterans Memorial Drive, East of the Existing Blue Hill Office Complex and East of the existing The Club at Pearl River II, and shown on the Tax Map of the Town of Orangetown as SBL 73.10 – 1 – 6 formally petitioned the Town Board to change the zoning classification of the said property from Office-Park ("OP") to Planned Adult Community ("PAC") in accordance with the provisions of Local Law No 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a "floating" district; and

WHEREAS, the property under consideration was subdivided from the neighboring parcels (73.10-1-4 and 5) which are both currently zoned PAC, pursuant to Filed Map #7884, October 6, 2006, and

WHEREAS, after notice duly given, and no other involved agency having a desire or intention to act as Lead Agency, or otherwise having contested the Town Board's authority to act in that capacity with respect to the referenced action, the Town Board 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 change in the zoning classification of the subject parcel and its eventual improvement with adult or senior residential housing; and

WHEREAS, in addition to the Petition, the Town Board also has considered the following in furtherance of its obligation to evaluate whether the proposed site is both eligible and, in the Town Board's discretion, appropriate for PAC zone designation:

- (1) The application of the Petitioner / Petitioner, including a project description and Illustrative Site Plan;
- (2) A Traffic Engineering Evaluation prepared by Klein Traffic Consulting, LLC dated February 15, 2021;
- (3) A Demographic Analysis Report, prepared by On-Site Sales & Marketing, LLC dated March 4, 2021;
- (4) A Tax Assessment analysis from Brian Kenney, Town of Orangetown Tax Assessor, dated February 25, 2021;
- (5) Housing Plans detailing the types and number of units, including square footage, number of bedrooms and approximate rental costs. its.
- (6) The Full Environmental Assessment Form for the action, consisting of:
 - Part 1, prepared by the applicant's engineer Diego Villarreal, PE, dated March 8, 2021;
 - Part 2, prepared by Diego Villarreal, PE, and reviewed by Jane Slavin, Director of the Office of Building Zoning Planning Administration and Enforcement, and by the Town Board as Lead Agency;
 - Part 3, prepared by Jane Slavin and by the Town Board as Lead Agency dated June 7, 2021;
- (7) The comments of the Rockland County Planning Department pursuant to GML § 239, dated June 21, 2021;
- (8) The comments of the Town of Orangetown Planning Board dated June 30, 2021;
- (9) The comments of the Rockland County Drainage Agency dated June 30, 2021; and,

WHEREAS, following notice duly and properly given, a public hearing was conducted on the Petition, at which the Petitioner provided testimony from consultants and experts regarding various aspects of the senior housing project proposed for the site under consideration, including consultants on traffic, demographics, market absorption and taxes, and at which members of the public spoke almost uniformly in favor of the proposed zone change; and

WHEREAS the Town Board has considered both the need for adult housing within the Town as contemplated by the adoption of the PAC zoning classification, and the impact on the Town's stock of land available for OP uses at this time and following the zone change;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. ___, amending the Town's zoning map and zoning law to change the zoning classification from OP to PAC certain property located in the Hamlet of Pearl River, on the South side of Veterans Memorial Drive, East of the Existing Blue Hill Office Complex and East of the existing The Club at Pearl River II said property shown on the Tax Map of the Town of Orangetown as Section 73.10 Block 1 and Lot, 6 and more fully described and set forth on Schedule "A" annexed to and made a part of this Resolution.

Specific Findings Relating to the Instant Petition

Pursuant to Chapter 43, Subsection 4.6.12, the Town Board makes the following specific Findings of Fact, pertaining to the instant Petition:

Marketability of the Proposed Units

Based on the market studies conducted by the Petitioner and by the Town, it appears that while there have been several PAC zone changes in the Town, there remains a need for housing stock, meeting the specific needs and concerns of those in the 55 and older active adult age group both within the Town of Orangetown specifically, and within the County of Rockland general. The Pointe at Lake Tappan Phase I aka The Club at Pearl River is very popular and has no vacancies. The need and popularity for these units is enhanced in that they are rental units.

The Hollows at Blue Hill, which is located just across Veteran's Memorial Drive in the vicinity of this project are condominium units. The desire for rental units is evident by the fully rented The Club at Pearl River I and II and waiting lists therefor.

There is considerable demand for this specific project that will provide active adult housing for persons in the moderate to higher income or means range. In light of both the expressed interest in the project, and the obvious under supply of senior housing in the area, coupled further with the price structure proposed by the developer, the 110 senior housing units proposed for the site appear to be very marketable.

Potential Saturation Within and About the Geographic Area of the Proposed Zoning Amendment.

Based on the findings set forth above, relating to the number of eligible prospective purchasers throughout the Town and surrounding areas, and the demonstrated need for active adult housing in the relevant market area, the Town Board concludes that the approval of the instant zoning amendment, permitting the construction of up to 104 senior housing units will not saturate the neighborhood in which the site is located.

Suitability of the Site for Senior Housing; Vehicular Access, Transportation, Walking and Traffic Concerns in General.

The proposed residential development will be age restricted and consist of rental units housed in a gated community to be managed by the developer which will be responsible for maintaining all of the common areas, including designated recreation areas and internal roadways and open space.

As shown on the architectural renderings and floor plans of the Petitioner's Architect presented on the public hearing, the proposed adult community will consist of 110 apartment units located in 4 apartment buildings and will include a separate clubhouse with a pool. There will be approximately 18.5 acres of open space.

There will be 6 different types of units, with approximately 14 one bedroom units and 96 two bedroom units. The projected rental price for the one bedroom units is \$1,950.00; for the two bedroom units, the proposed rental price is \$2,450.00.

The buildings will be situated with an entrance on to Blue Hill Plaza Road and emergency access only to Veterans Memorial Drive

Additionally, there will be a recreation center located on site, consisting of a 6,000 sq. ft. club house, a swimming pool and other spot recreation areas, as well as 13,000+ sq. ft. of indoor/outdoor recreation areas. Walkways/sidewalks throughout the project will provide yet an additional recreation amenity.

The interior road system will be private and built in accordance with Orangetown Road and Street specifications. The roadway, accessed through a gate house for security reasons, will wind through the community so as to preserve the wetland areas and steep slope areas. Access to the interior road system will be via Blue Hill Plaza Road, which already has a traffic light for traffic control, with an additional emergency access driveway to Blue Hill Plaza Road.

The project design will meet -- indeed, far exceed -- the off-street parking requirements applicable to the PAC zone, providing 255 off-street parking spaces, or 2.32 spaces per unit, as compared with a code requirement of 1.75 spaces per unit.

The location of the site further meets the needs of the senior community in that it is located relatively close to the downtown Pearl River, and the business corridor along Middletown Road. There is bus transportation available for those who do not have private means of travel.

The Town Board further finds, based on the traffic studies conducted not only by the Petitioner, but by others, as well, in connection with other unrelated projects, including studies undertaken in connection with projects proposed for nearby Town owned lands, that the road system in and about the site will accommodate any traffic volume that may be generated by the project proposed for these premises.

Compatibility of a Planned Adult Community Project with the Surrounding Environment.

The proposed senior housing community is an appropriate use for the premises sought to be re-zoned. Although the site is adjacent to lands developed for office and other OP uses, it is also located next to Phase I of the Pointe at Lake Tappan and the Hollows at Blue Hill as well as two assisted living facilities and single family homes, as well as a major hotel and middle school. The Town Board finds, consistent with its Town-wide Comprehensive Plan, that the contemplated planned adult housing use is consistent with the uses otherwise existing and permitted in the area, and is otherwise compatible with the existing development in the area.

The Petitioner, in accordance with the requirements of the Local Law 1 of 2004, has presented to the Town Board a Concept Site Plan, prepared by JMC, PLLC. The Concept Plan shows a gated community of 110 dwelling units laid out in four buildings throughout the site. The Concept Plan further shows amenities as previously noted, with an overall design and architectural layout which preserves a significant amount of undisturbed open space, supplementing that open space with

additional landscaping so as to mitigate any adverse visual impact from the surrounding view points.

Maximum Unit Count

By reason of the proposed layout, the Town Board further establishes 110 units as the maximum number of units permitted on the site, which units shall consist of at least 75% two bedroom units as set forth in §4.64, to be disbursed throughout the project as required by the Planning Board.

The Town Board further finds that the Conceptual site plan and description reflects a suitable mix of open space and senior housing development as contemplated under the PAC Law (Local law No. 1 of 2004).

Other Findings and Conditions

- ***Recreation Contribution***

The Petitioner, as part of its proposal, has further offered to make a contribution toward the recreation needs of the Town in the sum \$_____ to be paid following the grant of final site development plan approval by the Town Planning Board for the PAC development and before the signing of the site plan by the Clerk to the Planning Board.

It is further understood, in regard to the recreation contribution offered by the Petitioner, as hereinbefore set forth, that the said recreation fee shall not be due and owing unless the Town Planning Board as part of its site plan and/or subdivision approval shall waive the money-in-lieu of land requirement upon a finding that the recreation contribution agreed to be paid as a condition of this zone change, coupled with other on-site recreation lands and amenities provided, exceeds the amount that otherwise would have been due and owing under existing Town land use regulations.

- ***Site Development Plan and Other Required Municipal Approvals***

The adoption of this resolution granting the requested zoning amendment from OP to PAC based upon the illustrative site plan and related materials is not intended to, nor shall it be interpreted to, circumvent or usurp the authority of the Planning Board or of any other land use board having authority over site specific details. Pursuant to §4.6 (D), the Town Board reserves the right to review any proposed site development plan before preliminary approval by the Planning Board to determine whether, in the judgment of the Town Board, the proposed plan does not substantially deviate from the final concept plan that was reviewed and approved herein.

- ***Age Limitations Under the PAC Designation***

As required by § 4.6.5 of Local Law No.1 of 2004, occupancy of the units to be developed on the site as a result of this zoning amendment, at the time of initial conveyance, and thereafter, shall be restricted to persons fifty-five (55) years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 18 years of age shall not be permanent residents under any circumstances.

The Petitioner, prior to the issuance of any building permits, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Owners and occupants, restricting the sale, re-sale, rental and occupancy of the units within the PAC development as set forth in this resolution.

Rockland County Planning Department 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 and responds to its comments and conditions as follows:

County Comment 1 indicates that the proposed change seems reasonable and suggests that the Town Board should consider the change comprehensively, taking in to consideration surrounding parcels.

Response: The Town Board has taken this comment in to consideration and finds that the surrounding parcels could be considered for a PAC overlay zone in the future. The 2003 Comprehensive Plan indicates these areas could be considered as part of an “open space” category, but also indicates development in these areas for Planned Unit Developments (PUD) would be appropriate, taking into account the open space that such developments could provide as part of overall development. The PAC zone is a form of PUD, developed in response to the Comprehensive Plan. County Planning has indicated in this comment that the Comprehensive Plan and Official Town Zoning Map should be updated. The Town Board finds that the granting of this overly zone change is consistent with the Town Comprehensive Plan, however, it recognizes the Comprehensive Plan is approximately 17 years old and with the zone changes since then, including PAC’s throughout the Town, an update to the Comprehensive Plan would be in order, and actions have been undertaken to start the Comprehensive Plan process. **To the extent necessary, the Town Board hereby overrides County Planning Comment Number 1 for the reasons set forth above.**

County Comment 2, indicates the matter should be referred to the Rockland County Highway Department. The zone change application has been submitted to RCHD but no response has been received. The matter will again be referred to County Highway as part of the site plan review by the Town Planning Board and all required permits must be obtained.

County Comment 3.1, indicates several addenda are reported more than once and labeled differently, and they should be correctly labeled.

County Comment 3.2 indicates it is unclear if the recreation center is included in the 13,000 sf of recreation area but in any event, the site will be deficient in providing recreational square footage per unit as set forth in the code

County Comment 3.3 indicates the petition must be updated as the property is not within 500 feet of Veterans Memorial Drive.

Response: The items in 3.1 are ministerial and will be addressed at Site Plan review. The applicant has clarified that the recreation areas provided exceed the requirements of the Code.

County Comment 4, indicates changes needed to the Full EAF, which the applicant has addressed.

Response: The applicant has made the requested amendments.

Local Law #___ of 2021,

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

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following property from OP to PAC:

The property located in the hamlet of Pearl River on the south side of Veterans Memorial Drive, east of the existing Blue Hill office complex and east of the existing The Club at Pearl River II, and shown on the tax map of the Town of Orangetown as Section, Block and Lot 73.10 – 1 – 6.

Legal Description of Section 73.10 Block 1 Lot 6

A parcel of land in the Town of Orangetown, Rockland County, New York, being Lot A on a map titled "Pearl River Veterans, LLC 3 Lot Subdivision" prepared by Henningson, Durham & Richardson, Architecture and Engineering, P.C. in Association with HDR Engineering, Inc., Surveyed by Maser Consulting, dated August 23, 2006, and filed in the Rockland County Clerk's Office as Map No. 7884, and also being a portion of Lot 2 as shown on a map titled "Subdivision of Property for Blue Hill Plaza, Inc." prepared by Atzl & Scatassa, Associates P.C., dated September 6, 1984 and filed in the Rockland County Clerk's Office as Map No. 5700, more particularly bounded and described as follows:

BEGINNING at a point along the division line between said Lot A on the southeast and Lot 1 as shown on said Map No. 5700 on the northwest at its point of intersection with the division line between the State of New York on the northeast and the State of New Jersey, Bergen County, Township of River Vale on the southwest;

Thence along said division line between said Lot A on the southeast and Lot 1 on the northwest and in part along the southeasterly line of Blue Hill Plaza North 49 degrees 38 minutes 45 seconds East, 874.39 feet to its point of intersection with the division line between said Lot A on the southwest and Lot Bas shown on said Map No 7884 on the northeast;

- 1) South 40 degrees 19 minutes 44 seconds East, 708.47 feet to a point;
- 2) South 05 degrees 06 minutes 18 seconds West, 529.24 feet to a point;
- 3) South 29 degrees 32 minutes 26 seconds East, 737.57 feet to the division line between the herein described parcel of land on the west and lands now or formerly of Corwick Realty Corporation of the east;

Thence along said division line, South 17 degrees 22 minutes 01 seconds West, 143.64 feet to the division line between the State of New York on the northeast and the State of New Jersey, Bergen County, Township of River Vale on the southwest;

Thence along said division line, North 47 degrees 32 minutes 14 seconds West, 1,895.75 feet to the POINT OF BEGINNING

Section 2: This law shall take effect immediately upon filing with the Secretary of State.

11. **ACCEPT DONATION / DISINFECTING WIPES / PDI (aka PROFESSIONAL DISPOSABLES INTERNATIONAL, INC.)**

RESOLVED, that upon the recommendation from the Supervisor's Office, accept with gratitude, the donation of 40 cases of disinfecting wipes from PDI (Professional Disposables International, Inc.) of Orangeburg, NY.

12. **RECOGNIZE THE ORANGETOWN HOUSING AUTHORITY'S APPOINTMENT OF NANCY MCKIERNAN / SECRETARY/TENANT REPRESENTATIVE / EFFECTIVE 6/30/2021 THROUGH 6/30/2023**

RESOLVED, that the Town Board recognizes the Orangetown Housing Authority's appointment of NANCY MCKIERNAN as Secretary and Tenant Representative, effective June 30, 2021 through June 30, 2023, to fill the expired term of Mary Mills.

13. **APPROVE / APPLY FOR FUNDING / 2021 CONSOLIDATED FUNDING APPLICATION (CFA) / SMART GROWTH COMPREHENSIVE PLANNING GRANT PROGRAM NYS DEPARTMENT OF STATE (NYSDOS) / CLIMATE SMART COMMUNITIES GRANT PROGRAM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) / TOWN OF ORANGETOWN COMPREHENSIVE PLAN UPDATE PROJECT**

WHEREAS, the Town of Orangetown, after due consideration, has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of a grant application under the 2021 NYSDOS Smart Growth Comprehensive Planning Grant Program & 2021 NYSDEC Climate Smart Communities Grant Program for development of a new comprehensive plan; and

WHEREAS, the Town Board is hereby committed to using municipal funds to provide a local cash match of at least ten percent (10%) of the total project cost under the NYSDOS Smart Growth Comprehensive Planning Grant Program, and a local cash match of at least fifty percent (50%) of the total project cost under the NYSDEC Climate Smart Communities Grant Program; and

WHEREAS, the Smart Growth Comprehensive Planning Grant Program grant request will not exceed the maximum request of \$100,000 or ninety (90%) of eligible project costs to complete the study; and the Climate Smart Communities Grant Program grant request will not exceed the maximum request of \$100,000 or (50%) of eligible project costs to complete the study; and

WHEREAS, the Town of Orangetown is hereby committed to using municipal funds to provide a local cash match of ten percent (10%) of the total project cost for the Smart Growth Comprehensive Planning Grant Program and a local cash match of fifty percent (50%) for the Climate Smart Communities Grant Program; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to submit an application for the "Town of Orangetown Comprehensive Plan Update Project" and to execute all documents necessary for the implementation of this work relating to the financial and/or administrative processes of the grant program, subject to review and approval of the Town Attorney's Office; and

BE IT FURTHER RESOLVED, that 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law and the proposed preliminary planning and necessary budgetary processes necessary to the formulation of the comprehensive plan project has been determined to be a Type II action under SEQRA 617.5(c)(27) and no further review is necessary; and

BE IT FURTHER RESOLVED, upon notice of award, the Director of Finance of the Town of Orangetown is hereby authorized and directed to establish Capital Account H.1622.200.10 which represents the local share of the project not grant funded; and,

BE IT FURTHER RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor all are hereby ratified and confirmed and this Resolution take effect immediately.

HIGHWAY

14. **AUTHORIZE SUPERINTENDENT OF HIGHWAYS TO EXECUTE SHARED SERVICES AGREEMENT WITH NYS DEPARTMENT OF TRANSPORTATION PURSUANT TO NY GML 99-r.**

RESOLVED, that the Town Board authorizes, pursuant to New York General Municipal Law Section 99-r the Town to execute a Shared Services Agreement with the New York State Department of Transportation to provide for the State and Town to share services, exchange or lend materials or equipment which would promote and assist the maintenance of State and Town roads within the Town of Orangetown, as described more fully in the agreement, for a period of two years with automatic renewals unless terminated in writing by any party to the agreement as set forth therein and hereby authorizes the Superintendent of Highways or his designee to execute the Agreement on behalf of the Town of Orangetown, subject to review and approval of the Town Attorney.

PARKS AND RECREATION

15. **ACCEPT / DONATION / BENCH / GREENBUSH RD BIKE PATH BYPASS**

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed on the Greenbush Rd. Bike Path Bypass. Engraving will read:

Life is Short, Stop and Smell the Flowers Along the Way
Nancy & Paul Valentine

16. ACCEPT / DONATION / MEMORIAL BENCH / TAPPAN MEMORIAL PARK

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed in Tappan Memorial Park. Engraving will read:

In Loving Memory of Harry Schutter
June 4 1955 - March 26 2020

17. ACCEPT / DONATION / MEMORIAL BENCH / TAPPAN MEMORIAL PARK

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed in Tappan Memorial Park. Engraving will read:

In Loving Memory of Connor M. Vasquez
Brother, Son, Friend, and Wonderful Human

TOWN CLERK

18. ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE

RESOLVED that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Town Board Meeting minutes: June 2, 7, 9 & 29, 2021 Special Town Board Meeting; June 8, 2021 Police Commission; June 8 & 22, 2021 Regular Town Board Meeting
2. Agreement w/Laberge Engineering & Consulting for Grant Writing
3. Agreement w/Community Awareness Network for a Drug-Free Life & Environment, Inc. (CANDLE), dated 6-17-2021.
4. Sparkill-Palisades Fire District – 2020 Audit (Financial Statements & Supplementary Information).

AUDIT

19. 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 four (4) warrants (attached) for a total of \$1,253,984.97

EXECUTIVE SESSION

20. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

21. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Theresa Carway**, *Resident of Pearl River*
- ❖ **Rosemarie Fornario**, *Resident of Blauvelt and Retired Town Employee of 42 Years*
- ❖ **Philip Traynor**, *Resident of Pearl River*