

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING MINUTES
July 13, 2021**

This meeting was opened at 7:03 PM. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:
Councilperson Thomas Diviny
Councilperson Paul Valentine
Councilperson Denis Troy
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny

Also Present:

Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Janice Ganley, Supervisor of Fiscal Services
James Dean, Superintendent of Highways
Rick Oliver, Deputy Building Inspector
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Anthony Bevelacqua, Director of Automated Systems
Michael Shannon, Police Captain

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

RESOLUTION NO. 290

OPEN PUBLIC HEARING / 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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Rosanna Sfraga, Town Clerk, presented the Affidavits of Publication & Postings and Comments from Outside Agencies; which are labeled Exhibit 07-A-21 and made a part of these minutes.

Robert Magrino, Town Attorney, explained certain industrial uses must be adhere to and comply with performance standards as defined in the Town Code. This proposed local law amends the implementation and enforcement of performance standards and associated fees.

Summary of Public Comments:

Lisa DeFeciani, Blauvelt and candidate for the Town Board, asked if this new local law pertains to only new industrial uses.

**RESOLUTION NO. 291
CLOSE / PUBLIC HEARING / 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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 292
ADOPT NEGATIVE DECLARATION PURSUANT TO SEQRA / 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 §§239-1 & 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

RESOLUTION NO. 292 - Continued

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 (Exhibit 07-B-21), and authorizes the Town Supervisor or her 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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 293**ADOPT LOCAL LAW 6, 2021 / 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

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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 July 13, 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. 6 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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

LOCAL LAW NO. 6 OF 2021

**TOWN BOARD
TOWN OF ORANGETOWN**

**LOCAL LAW TO AMEND
CHAPTERS 6, 14, 24 AND 43 THE CODE OF THE TOWN OF
ORANGETOWN**

A LOCAL LAW to amend Chapters 6, 14, 24 and 43 of the Code of the Town of Orangetown concerning fees and performance standards.

Local Law 6, 2021 – Continued

BE IT ENACTED by the Town Board of the Town of Orangetown as follows:

Section 1. Chapter 43, Section 10.222, Subsection E of the Code of the Town of Orangetown entitled "Permits granted only in conformance with regulations" is hereby repealed.

Section 2. Chapter 43, Section 10.223, Subsection (g) of the Code of the Town of Orangetown is hereby amended as follows:

[d] Whether the topography of the area in which the trees are located is such that the removal of such trees will result in damage to the environment through erosion.

[7] Applications shall be made by the owner or lessee, or by agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

Each application for a permit shall be accompanied by the required permit fees and copies of plan documents ~~three copies of plans and specifications, and four copies of the plot plan~~, drawn to scale on durable paper, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines and, if required by the Inspector, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data, including approval of drainage by the Town Engineer or consulting engineers. Plans and specifications shall bear the signature of the person responsible for the design and drawings. Applications for uses requiring special permits from the Zoning Board of Appeals (or the Town Board) shall contain such additional information required for such Boards to make any special findings or additional requirements and conditions specified for any such use in Use Table, Column 3, or in § 4.3.

Applications for uses subject to performance standards procedure shall contain such additional information set forth in § ~~10.3344.12(c)~~.

Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work subject to the approval of the Inspector.

Section 3. Chapter 43, Section 10.224 of the Code of the Town of Orangetown entitled "Issuance of permits" is hereby amended as follows:

Issuance of permits. The Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. The Inspector shall approve or disapprove the application within a reasonable time but not longer than ~~45~~thirty days. Upon approval of the application and upon receipt of the fees therefor, ~~he~~ the Inspector shall issue a permit to the applicant upon the form prescribed by ~~him~~ the Inspector and shall affix his/her signature or cause his signature to be affixed thereto. Upon approval of the application, ~~submitted both sets of~~ plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Inspector, and the other set shall be returned to the applicant, together with the permit and shall be kept at the building site open to inspection by the Inspector at all reasonable times. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all the requirements of the applicable regulations, the Inspector shall disapprove the same and shall return the plans and specifications to the applicant, with notice in writing of the reasons therefor.

However, a permit for any use requiring a special permit as listed in the Zoning Code's Use Table, Column 3, and any use subject to performance standards procedure under § ~~10.3344.12~~, and any other particular use requiring the approval of the Zoning Board of Appeals (or the Town Board), shall be issued only with the authorization of ~~such boards~~ the applicable Board or Committee.

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Section 4. Chapter 43, Section 10.233 of the Code of the Town of Orangetown entitled “Issuance of certificate” is hereby amended as follows:

Issuance of certificate. Before issuing a certificate of occupancy, the Inspector shall examine, or cause to be examined, all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and may conduct such inspections as he/she deems appropriate, from time to time, during and upon completion of the work for which a building permit has been issued. There shall be maintained by the Inspector a record of all such examinations and inspections, together with a record of findings of violation of the law. A certificate of occupancy shall be either issued, or denied, for cause within ~~40~~thirty days of application therefor. However, any certificate of occupancy for the establishment of any use of a building or land requiring a special permit as listed in the Zoning Code’s Use Table, Column 3, and subject to performance standards procedure under § ~~10.3344.12~~, and any other particular use requiring the approval of the Zoning Board of Appeals (or the Town Board), shall be issued only with the authorization of ~~such Board~~ the applicable Board or Committee. Every certificate of occupancy for a use for which a special permit, ~~or variance or other approval~~ has been granted by the Zoning Board of Appeals (or the Town Board), shall contain a detailed statement of such special permit, ~~or variance or other approval~~ and of the conditions to which the same is subject.

Section 5. Chapter 43, Section 10.32 of the Code of the Town of Orangetown entitled

“Procedure” is hereby amended as follows:

Procedure. Meetings shall be held at the call of the Chairperson ~~man~~ and at such other times as the Board may determine. A quorum of the Board shall consist of three members, but, in order to reverse a decision of the Inspector, authorize a variance, render any decision within its jurisdictional powers and authority or grant a special permit, ~~or permit a use subject to performance standards procedure~~ an affirmative vote of at least three members shall be required. The Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Town Clerk and shall be a public record.

Section 6. Chapter 43, Section 10.323 of the Code of the Town of Orangetown entitled “Findings and conclusions” is hereby amended as follows:

Findings and conclusions. After such public hearings, the Orangetown Zoning Board of Appeals (hereinafter referred to as "ZBA") shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the grant or denial of the relief sought. As to any proposed use, such findings of fact and conclusions shall be made concerning such use, as described and represented by the applicant. In addition, the ZBA shall, in appropriate cases, impose additional conditions and safeguards in granting a special permit, ~~or variance or other approval, or in approving an application requesting approval of conformance to the performance standards (Zoning Code § 4.1)~~, in harmony with the general purpose and intent of the Zoning Code, and to ensure that such use is established and maintained in conformity with the special findings, and the additional requirements and conditions, upon which such permit, variance(s) or other approval of conformance to performance standards (Zoning Code § 4.1), is granted.

Section 7. Chapter 43, Section 10.334 of the Code of the Town of Orangetown entitled “Permit for a use subject to performance standards procedure” is hereby repealed.

Section 8. Chapter 43, Section 10.335 of the Code of the Town of Orangetown entitled “Continued enforcement” is hereby repealed.

Section 9. Chapter 43, Section 4.11 of the Code of the Town of Orangetown entitled “Applicable to all nonresidential uses” is hereby amended as follows:

Applicable to all nonresidential uses. No land or building shall be used or occupied for a nonresidential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or

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other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, all referred to herein as "dangerous or objectionable elements," in a manner or amount as to adversely affect the surrounding area. However, any nonresidential use, except those With the exception of those non-residential uses expressly prohibited by § 4.4, any nonresidential use that complies with may be undertaken, and maintained, if it conforms to the district regulations, and the regulations of § 4.1, (Performance standards) shall not be in violation of this Section and may be maintained.

Section 10. Chapter 43, Section 4.12 of the Code of the Town of Orangetown entitled "Performance standards procedure" is hereby amended as follows:

Performance standards procedure. Only those uses specified in the Zoning Code's Use Table, Columns 2, 3 and 4, are subject to the performance standards procedure of ~~§4.121(c)-10.334~~, requiring the review of performance standards conformance, and a determination thereof, by the Orangetown Zoning Board of Appeals' Industrial Use Committee (hereinafter referred to as the "ZBAIUC") prior to approval in obtaining a building permit, or certificate of occupancy, or both (An operator of any use subject to §4.121(c) shall hereinafter be referred to as "industrial user").²⁵ If unless the Building Inspector has reasonable grounds to believe that any other proposed use, operation or occupancy, including any building, or use or occupancy accessory to a use subject to performance standards procedure, is likely to may violate performance standards, then the Building Inspector may present such finding to the IUC, and the IUC, after providing the industrial user fifteen days' advance notice, by any reasonable manner, and an opportunity to be heard, may (i) direct such industrial user to in which event the industrial user shall comply with the procedure in § 4.121(c)-10.334 in obtaining a building permit; or certificate of occupancy, unless the ZBA finds (ii) determine that compliance therewith is unnecessary. When the Building Inspector has reasonable grounds to believe a building or use may be in violation of performance standards previously established by the IUC or the ZBA (as the IUC's predecessor), the Building Inspector may present such a finding to the IUC. After providing the industrial user an opportunity to be heard upon at least fifteen days' advance notice, provided by any reasonable manner, the IUC may then (i) direct such industrial user to comply with the procedure in § 4.121(c) or (ii) determine that compliance therewith is not necessary. Any alteration or change to an existing building, use, operation or occupancy, otherwise subject to § 4.1, shall not require IUC review and approval where the proposed alteration or change does not detrimentally impact or affect operations, uses or occupancies already subject to performance standard(s) established by the IUC or the ZBA (as the IUC's predecessor). The determination as to whether such an alteration or change poses a detrimental impact or effect shall be made by the Building Inspector (who may consult with members of the IUC, in accordance with the Public Officer's Law).

Section 11. Chapter 43, Section 4.121 of the Code of the Town of Orangetown entitled "Industrial Use Committee" is hereby established as follows:

§4.121. Industrial Use Committee.

(a). Establishment and membership. There shall be an Industrial Use Committee of five members, hereinafter referred to as the "IUC." The members shall consist of (i) the Commissioner of Orangetown's Department of Environmental Management and Engineering ("DEME"), who shall serve at its Chairperson, (ii) Orangetown's Chief Fire Safety Inspector, (iii) the Director of Orangetown's Office of Building, Zoning and Planning Administration and Enforcement ("OBZPAE"), (iv) Orangetown's Public Health Engineer, and (v) the Deputy Commissioner of DEME or his or her designee who shall be a member of DEME staff. A majority of the full membership of the IUC, regardless of vacancies, absences or recusals, shall constitute a quorum. The Town Board may remove any member of the IUC for cause, and may then appoint a replacement member who has similar qualifications.

(b). Powers. The IUC is authorized and empowered to review applications requesting a determination for conformance to the performance standards for uses, operations and occupancies subject to performance standards (§4.1), pursuant to the procedures set forth herein. The IUC shall also be responsible for review of an alleged noncompliance with the performance standards by an industrial user to determine whether remedial action is necessary and to bring the

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industrial user into compliance with the applicable performance standard(s), which review shall include the approval of remedial action, as necessary. Meetings of the IUC shall be open to the public pursuant to Article 7 of the New York State Public Officers Law. The IUC's meetings shall not be conducted by a public hearing and the public shall not have a right to be heard; however, the industrial user/applicant shall be offered an opportunity to be heard, and the IUC may invite members of the public to submit reports or correspondence, or to be heard at a meeting, subject to any restrictions, limitations or guidelines that the IUC Chairperson deems appropriate.

(c). Procedures for review of an application requesting an IUC determination that a proposed use conforms to the performance standards.

(i). Application.

An application for a review requesting an IUC determination that a proposed use conforms to the performance standards shall be submitted to the Building Inspector in septuplicate on a form prescribed by the IUC, which shall include, but not be limited to, a description of the industrial user's operations, which shall be prepared, and signed, by a person who is qualified to answer the questions and submit documentation on behalf of the applicant. Upon receipt, this application shall be referred by the Building Inspector to the IUC. The applicant shall also submit in septuplicate a plan of the proposed construction, installations or development, including a description of the proposed machinery, operations, products and specifications for the mechanism and techniques to be used or operated to comply with the applicable performance standards set forth in §4.1, in accordance with rules prescribed by the IUC specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his or her understanding of the applicable performance standards and agreement to conform with same at all times.

Unless deemed necessary, by the IUC, for the IUC to undergo a proper review, no applicant will be required to reveal any secret or proprietary processes, and, if any such information is submitted to the IUC, it shall be treated as confidential if requested by the applicant, but only if the information constitutes a trade secret, or, if disclosed, would cause substantial injury to the competitive position of the applicant, within the meaning of NYS Public Officers Law § 87(2)(d). The applicant has the burden to substantiate, to the IUC, the applicant's assertion that the information constitutes a trade secret, or, if disclosed would cause substantial injury to the competitive position of the applicant.

The fee for an application requesting the IUC's review to determine conformance with the performance standards shall include the establishment of an escrow account, pursuant to § 14-9 of the Code of the Town of Orangetown ("Orangetown Code"), which escrowed funds shall be for the purpose of reimbursing the Town for the anticipated estimated costs of the IUC's expert consultants' investigations and reports required to process the application, described in the succeeding Subsection (ii) below; and which escrowed funds may be drawn on/dispensed by the Town without obtaining permission or authorization from the applicant.

The Chairperson of the IUC shall determine whether an application, requesting the IUC's review to determine conformance with the performance standards, is complete; and the Chairperson may confer, informally, with the IUC, so long as a quorum of the IUC do not participate in any such conference, or may engage or retain expert consultant(s) to advise and assist the Chairperson with respect to determining completeness of an application, the fees of which consultant(s) shall be paid by the industrial user (as per Orangetown Code § 14-9).

(ii). Report by expert consultants. The IUC, in its discretion, may refer the application, for investigation and report, to one or more expert consultants selected by the IUC as qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in §4.1, in accordance with §4.13, the fees of which consultants shall be paid by the applicant, as per Orangetown Code §14-9.

(iii). The IUC's review of an application requesting a determination that a proposed use conforms to the performance standards entails the IUC engaging in a review of an application to

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determine compliance with technical requirements, and is, therefore, a Type II Action, exempt from environmental review, pursuant to SEQRA Regulation § 617.5 of 6 NYCRR Part 617.

(iv). Determination of the IUC. In no event more than 60 days after the IUC Chairperson determines that an application is complete, or within such further period as agreed to by the applicant and the IUC, the IUC shall determine whether the proposed use will conform to the applicable performance standards. Such determination of the IUC shall be in written form and signed by the Chairperson, and shall be filed in the offices of the Orangetown Town Clerk, OBZPAE and DEME, and shall constitute a public record. Any permit or certificate of occupancy issued by the Building Inspector shall be conditioned on, among other things, the applicant's completed use, operation, occupancy, buildings, structures, installations, machinery, equipment and appurtenances, while being used and in operation, conforming to the IUC's determination of conformance and applicable performance standards, and the applicant's paying the fees for services of the IUC's expert consultant, or consultants, deemed reasonable and necessary by the IUC for advice as to whether or not the applicant's completed use, operation, occupancy, buildings, structures, installations, machinery, equipment and appurtenances will, while being used and in operation, conform to the applicable performance standards.

(d). Annual monitoring and reporting.

(i). Each and every year, on or before June 1, every industrial user shall submit an affidavit to the Building Inspector, sworn to and signed, under oath, by a qualified professional, attesting that the use, occupancy, operations, processes and methods, and the completed buildings, structures, installations, machinery, equipment and appurtenances, that were determined by the IUC to be in conformance with the applicable performance standards, as part of an application to the IUC for review of performance standards conformance, have not been altered, modified or changed, in any material manner whatsoever, other than routine maintenance and repair. If the Building Inspector determines that the said affidavit has not been executed by a qualified professional, the Building Inspector may reject the affidavit.

(ii). If the use, occupancy, operations, processes or methods or the completed buildings, structures, installations, machinery, equipment or appurtenances, that were determined to conform to the performance standards by the IUC, as part of an application to the IUC for review of performance standards conformance, have been altered, modified or changed, in any material manner whatsoever, other than routine maintenance and repair, then the industrial user shall submit, to the Building Inspector, a new description of the industrial user's use, occupancy and operations, in form and substance as described in §4.121(c)(i); and, in addition, the industrial user shall apply for performance standards review by the IUC, in accordance with §4.1, if determined to be necessary by the Building Inspector. In making such determination, the Building Inspector may confer, informally, with the IUC, so long as a quorum of the IUC do not participate in any such conference, or may engage or retain expert consultant(s) to advise and assist with respect to such alterations, modifications or changes, the fees of which consultants shall be paid by the industrial user (as per Orangetown Code §14-9).

Section 12. Chapter 43, Section 4.13 of the Code of the Town of Orangetown entitled "Initial and continued enforcement provisions" is hereby repealed.

Section 13. Chapter 43, Section 4.13 of the Code of the Town of Orangetown entitled "Initial and continued enforcement provisions" is hereby established as follows:

§4.13. Initial and continued enforcement provisions.

(a). Initial, and continued, compliance with performance standards is required of every nonresidential use, or change in such use, operations or occupancy, including, but not limited to, those specified in § 10.231(c) in all zoning districts where such nonresidential uses are subject to § 4.1. All building permits and certificates of occupancy issued for a use subject to §4.1 is conditioned, and contingent, upon the industrial user conforming to the performance standards, and the industrial user's paying of the fees, to the Town of Orangetown, for services of Orangetown's own expert consultants deemed reasonable and necessary by the Industrial Use Committee, for said consultants' inspections, investigations, research, studies, tests, advice and/or reports to determine compliance by the industrial user with the performance standards (§ 4.1).

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(b). The industrial user's initial, and continued, compliance with the performance standards (§4.1) shall include the following:

(i). Upon reasonable notice, the industrial user's consent to inspections, investigations, and/or testing on the industrial user's site by OBZPAE, DEME, and/or the Orangetown-retained expert consultants. Such inspections, investigations, and/or testing shall be conducted, while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards (§4.1), are in full operation to the extent, type and/or degree that OBZPAE, DEME, and/or the Orangetown-retained expert consultants, reasonably deem necessary to verify compliance with the applicable performance standards. In the event of an imminent threat to the health and welfare of the surrounding community, access to the industrial user's site for purposes of such an inspection shall be permitted upon the request of OBZPAE and/or DEME.

(ii). The industrial user's full, and complete, compliance with the performance standards (§4.1) shall not supersede requirements for compliance with any and all laws, statutes, rules and regulations of the New York State Department of Environmental Conservation and federal Environmental Protection Agency, or any other state or federal law, rule or regulation that also may regulate the use, occupation and/or occupancy that is subject to the performance standards (§4.1).

(c). OBZPAE and/or DEME shall investigate any alleged violation of, or noncompliance with, the performance standards (§4.1) by the industrial user. Such investigation shall be conducted in accordance with §4.13(b)(i).

(d). Except as provided in §4.13(g), OBZPAE and/or DEME shall refer the industrial user to the IUC for review of the alleged violation or noncompliance with the performance standards (§4.1). Upon receiving such referral, the IUC may further investigate the alleged violation or noncompliance if the IUC deems it necessary in its discretion; and, for such further investigation, the IUC may utilize, or retain, the services of OBZPAE, DEME, and/or the Orangetown-retained expert consultants.

(e). If, after providing the industrial user reasonable advance notice and an opportunity to be heard, the IUC determines that a condition of noncompliance exists, then the IUC may direct the industrial user to develop a remedial action plan to address the condition of noncompliance. Such a plan shall be developed for presentation to the IUC within thirty (30) days of its request unless the IUC extends this period. The IUC shall not conduct a public hearing, but shall provide the industrial user with reasonable advance notice and an opportunity to be heard. If the industrial user (i) fails to appear before the IUC, (ii) fails to develop a remedial action plan, or (iii) presents a the remedial action plan that inadequately addresses the condition of noncompliance, then the IUC may, after providing the industrial user reasonable advance notice and an opportunity to be heard, revoke and rescind its determination of conformance with the performance standards (issued under §4.1). Upon such revocation and rescission of the IUC's performance standards conformance determination, any building permit and/or certificate of occupancy that was issued pursuant to the IUC's performance standards conformance determination (§4.1) shall also be deemed revoked and rescinded.

(f). If a remedial action is determined to be satisfactory, or determined to be satisfactory with conditions, by the IUC, then, upon such determination, implementation of the remedial action by the industrial user shall be a condition of any active and open building permit(s) and the eventual certificate(s) of occupancy relating to same; or, if there are no active and open building permit(s), then implementation of the plan shall be incorporated, automatically and by operation of law, into the most recent subsisting certificate(s) of occupancy.

(g). If OBZPAE and/or DEME reasonably determines, based on an investigation conducted pursuant to §4.13(c), that a violation of, or noncompliance with the performance standards exists that constitutes an imminent threat to the health and welfare of the surrounding community, then OBZPAE and/or DEME may forego referring a condition of noncompliance to the IUC under §4.13(d) and proceed to undertake enforcement against an industrial user through the prosecution of an alleged violation(s) in the Orangetown Justice Court pursuant to §§ 10.2, 10.6 and/or

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24C(c), and/or commencement of a civil action or proceeding in the New York State Supreme Court, pursuant to New York State Town Law §135(1) and/or §268(2). However, OBZPAE's and/or DEME's election to forego referring a condition of noncompliance to the IUC shall not be deemed a waiver or relinquishment of OBZPAE's and DEME's rights to proceed with such referral if either (or both) should elect to do so, whether contemporaneously while the Justice Court prosecutions and/or NYS Supreme Court civil action or proceeding are pending, or after any such prosecutions, and/or civil action or proceeding, have concluded.

Section 14. Chapter 43, Section 4.182 of the Code of the Town of Orangetown entitled "Odors" is hereby repealed.

Section 15. Chapter 43, Section 4.182 of the Code of the Town of Orangetown entitled "Odors" is hereby established as follows:

§4.182 Odors.

(a). No person or business entity shall emit, or cause, generate or produce the emission of, or allow to be emitted, objectionable odors beyond the property borders of the emitting source.

(i) Odors shall be deemed objectionable when an exceedance of the standard in §4.182(b) is documented by the Town in accordance with the procedures in this section, thereby evidencing that the odor is offensive, foul, unpleasant, or repulsive, and likely could, or does, cause injury, detriment, nuisance or annoyance to persons or to the public.

(b). A documented assessment shall be performed by the Building Inspector or Code Enforcement Officer utilizing an olfactory field instrument calibrated in accordance with the instrument's operational standards and manufacturer's specifications. In utilizing this olfactory field instrument, one volume of odorous air shall be diluted with seven volumes of odor-free air. A detection shall have occurred if, after such dilution, an odor remains perceptible to the user. Measurement of objectionable odors shall follow the measurement methodology set forth at §4.18.

(c). Repeated complaints. If the Town receives five (5) or more complaints from individuals representing separate households or businesses over the course of a seven (7) day period, or fifteen (15) or more complaints over the course of a thirty (30) day period, a Building Inspector or Code Enforcement Officer, after investigation, which to the extent reasonably possible includes a meeting with the industrial user, may issue a Notice of Repeated Reported Occurrence ("Notice") to the industrial user alleged to be emitting the odors. The Notice shall require the industrial user to meet with the IUC for evaluation of the reported complaints and formulation of a remedial action if an objectionable odor is documented in accordance with §4.182(b), as determined to be necessary by the IUC, and in accordance with § 4.121(b), § 4.13(e) and § 4.13(f). The Town's odor complaint records shall include:

- (a) name, address, email and phone number of complainant;
- (b) time and date of submission of complaint to the Town;
- (c) description of nuisance odor;
- (d) estimated location or source of nuisance odor; and
- (e) if possible, prevailing wind or weather conditions observed.

Section 16. Chapter 24C, Section 24C-3 of the Code of the Town of Orangetown entitled "Disposal of debris and litter" is hereby amended as follows:

A. It shall be an offense for any person to abandon, leave, dump, store or keep any nuisance, hazard, debris and litter, or matter attractive to vermin upon any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof or any other public lands or upon any privately owned property within the unincorporated portion of the Town of Orangetown except as permitted by Subsections **B** and **CD** hereof.

B. The owner, tenant or occupant of property being used for residential or commercial purposes located within the unincorporated portion of the Town of Orangetown is hereby required to maintain at all times one or more covered dumpsters, containers or enclosures of adequate size to temporarily store all nuisance, hazard, debris and litter until removed. The failure to comply with this subsection shall be deemed an offense.

Local Law 6, 2021 – Continued

C. Privately owned property shall be maintained so that it does not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust; odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, in a manner or amount as to create a nuisance and adversely affect the surrounding area. Properties that are subject to, and comply with, performance standards under Chapter 43, Section 4.13 of the Code of the Town of Orangetown shall be deemed in compliance with this subsection.

ED. Except where physically impossible, a dumpster shall not be located within the front yard of any premises and shall be surrounded on all sides by an opaque fence or wall enclosure of durable construction no lower than one foot above the height of the dumpster. All nonconforming, preexisting dumpsters shall be conformed to this requirement within six months of the adoption of this chapter. The failure to comply with this subsection shall be deemed an offense.

DE. In regard to the curbside pickup of trash containers (trash cans) and items for bulk pickup by private carter, these items shall not be set out prior to 8:00 a.m. on the day before each pickup and shall be retrieved before 8:00 a.m. on the day after each pickup.

EF. In all multiple dwellings and commercial sites, the owner, managing agent or person in charge of the building must provide a totally enclosed bin or shed-type structure for housing the necessary amount of garbage containers and receptacles to meet the needs of the occupants therein. The site of the bin must be in an inconspicuous location. In addition, all required garbage containers and receptacles must be landscaped or screened in accordance with the provisions of the Zoning Code of the Town of Orangetown.

FG. The Town Board is hereby authorized to establish one or more temporary or permanent locations wherein residents of the unincorporated portion of the Town of Orangetown may bring green waste, such as yard waste, brush, leaves, and grass clippings or items constituting a nuisance, hazard, debris or litter (except garbage, toxic materials and chemicals, rubbish, tobacco products and packaging, large quantities of construction materials, bags of fertilizer, pet excrement, and bottles, cans and plastic containers) for disposal in containers provided for such purpose. The use of such containers by residents for personal noncommercial disposal of waste as enumerated above is deemed to be consistent with the purposes of this chapter and shall not constitute an offense. Any failure to abide by rules and regulations concerning the above, or concerning Subsection **GH** below, or any use for commercial purposes or disposal by nonresidents shall be deemed an offense hereunder.

GH. In order to use locations established pursuant to Subsection **FG** above, residents of the unincorporated portion of the Town of Orangetown must first obtain a permit from the Superintendent of Highways. No one is permitted to use these locations without possessing a duly issued and valid permit. The only persons eligible to obtain a permit are noncommercial residents of the unincorporated portion of the Town of Orangetown. Even if eligible for a permit, a person may not use a facility for commercial purposes in any respect, and permissible use is limited to the depositing of permissible materials derivative of the residential use of the permit holder's residence. Rules and regulations concerning the issuance and use of these permits shall be promulgated by the Superintendent of Highways, in a manner and substance not inconsistent with Subsection **FG** above, the remainder of the Code of the Town of Orangetown, and state and federal law. The Town Clerk, in addition to the Superintendent of Highways, may, at the discretion of the Town Clerk, also issue said permits. Permits issued by the Town Clerk are subject to all rules and regulations promulgated by the Superintendent of Highways.

Section 17. Chapter 14, Section 9 of the Code of the Town of Orangetown entitled "Fees for consultant review" is hereby amended as follows:

(A). In addition to the application fees required to be paid by an applicant, the applicant shall also ~~deliver to deposit with~~ the Town funds to be placed in escrow in the Town's trust and agency account, without interest, which escrowed funds shall be deposited for the purpose of to ~~reimbursing~~ the Town for any and all of the Town's fees and expenses incurred in connection

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with the Town's review of the application, including, but not limited to, engineering and planning consultants' fees, such as, but not limited to, those incurred regarding application reviews before the Planning Board, Zoning Board of Appeals, Industrial Use Committee ("IUC") and/or Town Board. The amount of the deposit ~~is to~~ shall be set by ~~the~~ Orangetown's Office of Building, Zoning, and Planning Administration and Enforcement ("OBZPAE"), in consultation with the applicant, the Town's and consultants (if any) and/or any other Town Department or Office, such as the Department of Environmental Management and Engineering ("DEME"), based upon the anticipated fees and expenses estimated to be incurred by the Town regarding (i) OBZPAE's processing of permit application(s) regarding the project, both prior to and after issuance of a permit, and/or (ii) reviews by the said Boards and the IUC; and the escrowed funds may be drawn on/disbursed by the Town without obtaining permission or authorization from the applicant.

(B). If the amount deposited falls below 50% of the original deposit, the applicant shall deposit additional funds to the Town to replenish the escrow account to pay for fees and expenses rendered to the Town, or anticipated to be rendered, for such services. Such additional funds shall be delivered to the Town before the application is placed on the agenda and any further consideration of the applicant's application takes place. If, for any reason, an escrow deposit account has not been established by the applicant, or if the applicant's escrow deposit account is no longer active, then the applicant shall promptly reimburse the Town, upon demand by the Town, for the fees and expenses of the Town's consultant(s); and the applicant shall be liable to the Town for any such fees and expenses that are not reimbursed to the Town by the applicant.

(C). The Planning Board, Zoning Board of Appeals, Industrial Use Committee and/or Town Board shall neither place the application on the agenda, nor give further consideration to the applicant's application until all application, review fees imposed on the applicant have been paid to the Town.

(D). Escrow funds shall be refunded to the applicant ~~after when~~ the applicant formally withdraws the permit application, or formally withdraws the application from consideration by the applicable appropriate Board(s) and the IUC (as applicable), or when the applicant receives a certificate of occupancy or certificate of compliance (as applicable) from OBZPAE final determination from the appropriate board; in either case, all reimbursable fees and expenses incurred by the Town shall first be deducted from the escrow account, leaving an unencumbered balance that is not required by the permitting authority to pay consulting costs or fees attributable to the application pursuant to this section. In no event shall the fees and expenses reimbursed by the applicant, pursuant to this section, exceed the fees and expenses incurred by the Town for review of the project.

€. The imposition of Town consultants' review fees and expenses are in addition to, and not in place of, other Town application fee schedules currently in force.

Section 18. Chapter 6, Section 5, Subsection E of the Code of the Town of Orangetown entitled "Duties and powers of Building Inspector" is hereby amended as follows:

...

E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to the use, maintenance or occupancy of land or buildings, including, but not limited to, assuring compliance with the performance standards set forth in § 4.1 of Chapter 43 (Zoning Code) of the Orangetown Code, and/or to assure compliance with the conditions of any applicable Orangetown land use board approval decisions, the Building Inspector may inspect, investigate and/or conduct tests, on site of private property that is the subject of an open Building Permit application or a nonresidential use that is subject to the performance standards (hereinafter referred to as "industrial user"), which may include, with regard to the performance standards, inspecting, investigating and/or conducting tests while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards, are in full operation. For purposes of said inspections, investigations and/or tests, the Building Inspector may engage, employ or retain the services of the Orangetown Department of Environmental Management and Engineering (hereinafter referred to as "DEME"), and/or expert consultants, to the extent, type

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and/or degree that the Building Inspector, DEME, and/or the expert consultants, deem necessary. The said inspections, investigations and/or testing, on site of private property, shall only be

conducted with the consent of the property owner, or a person in dominion, control or possession of, or with management or supervisory authority over, the property; or at any reasonable hour if the Building Inspector has a reasonable suspicion, based on specific and articulable facts, taken together with rational inferences from those facts, associated with the particular property, that a violation of, or noncompliance with, the performance standards set forth in Zoning Code § 4.1, is being committed or is occurring, or has been committed or has occurred; or by execution of a judicially issued search warrant. In addition to the powers and duties set forth in this section, the Building Inspector shall also have all inspection and enforcement powers and duties set forth in the performance standards (Zoning Code § 4.1).

~~(1) If, as a result of the Building Inspector's said inspection, investigation and/or testing, relating to an alleged violation of, or noncompliance with, the performance standards (Zoning Code § 4.1) on the part of any industrial user, the Building Inspector has reasonable grounds to believe that a violation, or noncompliance, exists, subject to the provisions of Orangetown Zoning Code § 4.182 (as may be applicable), the Building Inspector shall notify the Zoning Board of Appeals of the occurrence or existence of such possible violation, or noncompliance, in accordance with Zoning Code § 10.335.~~

~~(2) If, after public hearing on due notice, in accordance with Zoning Code § 4.13, the Zoning Board of Appeals finds that a violation, or noncompliance, occurred or exists, and revokes and rescinds its performance standards (Zoning Code § 4.1) approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision.~~

Section 19. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 6, Chapter 14 and Chapter 43 of the Code of the Town of Orangetown are otherwise to remain in full force and effect, and are otherwise ratified, readopted and confirmed.

Section 20. Numbering for Codification

It is the intention of the Town of Orangetown and it is hereby enacted, that the provisions of this Local Law shall be included in the Code of the Town of Orangetown; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for Codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 21. Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 22. Effective Date

This local law shall take effect immediately filing with the Office of the Secretary of State of the State of New York.

**RESOLUTION NO. 294
OPEN PUBLIC HEARING / PROPOSED ZONE CHANGE / BNE REAL ESTATE
GROUP / THE RESERVE AT PEARL RIVER / VETERANS MEMORIAL 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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Rosanna Sfraga, Town Clerk, presented the Affidavits of Publication, Postings & Mailing and Comments from Outside Agencies; which are labeled Exhibit 07-C-21 and made a part of these minutes.

Donald Brenner, Attorney for the Petitioner, explained the property owners and developers would like to change the zoning of "OP" to "PAC" so that Senior Citizen Housing can be built. Diego Villarealle, JMC Planning, Engineering, Landscape Architecture & Land Surveying, PPC, the proposed concept plan is to construct 4 residential buildings containing 110 units for residents aged 55 years and older, with a clubhouse, swimming pool, associated garages and surface parking, driveways, landscaping and 18.5 acres of open space on 22.55 acres.

Summary of Public Comments:

Eileen Larkin, Palisades, asked if any of units are affordable units.

**RESOLUTION NO. 295
CLOSE / PUBLIC HEARING / ZONE CHANGE / BNE REAL ESTATE GROUP / THE
RESERVE AT PEARL RIVER / VETERANS MEMORIAL 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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 296
NEGATIVE DECLARATION / ZONING TEXT AMENDMENT, CHANGING THE
ZONING DISTRICT CLASSIFICATION FROM "OP" TO "PAC" / SOUTH SIDE OF
VETERANS MEMORIAL DRIVE, EAST OF THE EXISTING BLUE HILL OFFICE
COMPLEX, EAST OF THE EXISTING THE CLUB AT PEARL RIVER II / SBL 73.10 -
1 - 6 / "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 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

RESOLUTION NO. 296 - Continued

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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 297

ADOPTING LOCAL LAW NO. 7 OF 2021, / A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM "OP" TO "PAC" PROPERTY ON THE SOUTH SIDE OF VETERANS MEMORIAL DRIVE, EAST OF THE EXISTING BLUE HILL OFFICE COMPLEX, SOUTH EAST OF THE EXISTING "THE CLUB AT PEARL RIVER II" / SBL 73.10 – 1 – 6 / "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

RESOLUTION NO. 297-Continued

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;

RESOLUTION NO. 297-Continued

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.7, 2021, 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 110 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 1 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.

RESOLUTION NO. 297-Continued

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 maybe 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).

RESOLUTION NO. 297-Continued**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 \$176,000.00 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

RESOLUTION NO. 297-Continued

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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW 7 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:

LOCAL LAW 7 of 2021 - Continued

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;

South 40 degrees 19 minutes 44 seconds East, 708.47 feet to a point;

South 05 degrees 06 minutes 18 seconds West, 529.24 feet to a point;

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.

**RESOLUTION NO. 298
OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Summary of Public Comments:

Giuseppe Colella, Orangeburg, complained that his green-waste was not pickup even though his neighbor's green-waste was picked up.

Lisa DeFeciani, Blauvelt and candidate for the Town Board, commented that the Press Release regarding "Land Trust" was a great idea and she is in favor of preserving open space.

Mike Mandel, Pearl River Parks & Recreation Committee, thanked the Highway and Police Departments for making the fireworks a success.

Eileen Larkin, Palisades, wished the newly appointed Police Officers well. She's against a Civilian Review Board and defunding the Police.

Brian Donohue, resident of Pearl River and candidate for the Town Board, has been speaking with many taxpayers and they are all complaining of high taxes. He spoke about possible more tax credits and tax revenues.

**RESOLUTION NO. 299
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 300
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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 301
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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 302
AUTHORIZE SUPERINTENDENT OF HIGHWAYS / SHARED SERVICES
AGREEMENT 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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 303
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:

RESOLUTION NO. 303 - Continued

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

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 304

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

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 305

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

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 306

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).

RESOLUTION NO. 306 - Continued

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 307
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 for a total of \$1,253,984.97.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 308
ADJOURNED / MEMORY**

RESOLVED, at 8:01 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*; and **Philip Traynor**, *Resident of Pearl River*.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None



Rosanna Sfraga, Town Clerk



EXHIBIT

07-A-21, 7/13/21

STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN }

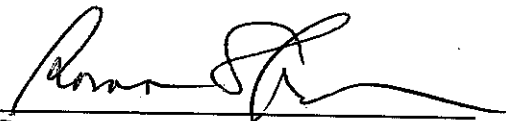
SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN OF ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 23rd day of June, 2021, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN OF ORANGETOWN**, New York.

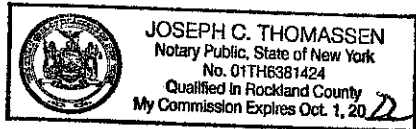
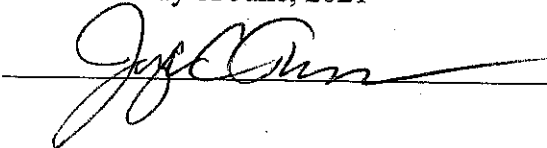
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 23rd day of June, 2021



**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 25, 2021, a public hearing will be held by the Town Board on a proposed Local Law *amending Chapters 6, 14, 24 and 43 regarding Performance Standards of the Town Code*. This public hearing is scheduled for the 13th of July, 2021, at 7:05pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: May 25, 2021

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin

County of Brown, ss.:

the 25 day of June in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tuttt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Rockland

Run Dates:
06/25/2021

Linda Tuttt
Signature

Sworn to before me, this 25 day of June, 2021

Nancy Heyrman
ary Public, State of Wisconsin, County of Brown
5.15.23

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004794711

NANCY HEYRMAN
Notary Public
State of Wisconsin

TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 25, 2021, a public hearing will be held by the Town Board on a proposed Local Law amending Chapters 6, 14, 24 and 43 regarding Performance Standards of the Town Code. This public hearing is scheduled for the 13th day of July, 2021 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: May 25, 2021

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

TOWN OF CLARKSTOWN
DEPARTMENT OF PLANNING

JOSE C. SIMOES, Principal Planner
JAMES CREIGHTON, Senior Planner
10 MAPLE AVENUE
NEW CITY, NEW YORK 10956-5099
(845) 639-2070
(845) 639-2071 (fax)
planning@clarkstown.org



TOWN OF CLARKSTOWN
PLANNING BOARD

GILBERT J. HEIM, Chairman
RUDOLPH J. YACYSHYN, Vice Chairman
PETER E. STREITMAN, Member
EDWARD J. GUARDARO, JR., Member
PHILLIP DEGAETANO, Member
DOUGLAS B. KATZ, Member
EDWARD BERTOLINO, Member

June 24, 2021

Town of Orangetown
Town Board
26 West Orangeburg Road
Orangeburg, New York 10962

RE: Town of Orangetown Referral: Performance Standards Local Law

Dear Town Board Members,

The Planning Board reviewed the above referral at their June 23, 2021 meeting.

After a brief discussion, on a Motion of Katz, Seconded by Guardaro, and carried 4:0, with Ayes of Streitman and Bertolino **the Planning Board of the Town of Clarkstown deemed the matter for local determination.**

Thank you for this opportunity to review this matter. Please do not hesitate to call me if you have any questions.

Sincerely,

Gilbert J. Heim
Chairman

CC: Rockland County Planning
Clarkstown Planning Board

TOWN OF ORANGETOWN
2021 JUN 21 P 12:10
TOWN CLERK'S OFFICE

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of Wednesday, June 9, 2021

MEMBERS PRESENT:

Thomas Warren, Chairman
Michael Mandel
Andrew Andrews
Robert Dell
William Young, Vice-Chairman
Michael McCrory
Bruce Bond (alternate)

MEMBER ABSENT: Stephen Sweeney

ALSO, PRESENT: Jane Slavin, Director, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the meeting to order at 7:30 p.m. Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Continued item from May 26, 2021 Meeting

Rockland Country Club Site Plan
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
597 Route 340, Sparkill
78.09/1/ 24; R-80 zoning district

Final Site Plan
Approval Subject
to Conditions
Neg. Dec.

PB #21-28

New Item

SMK Erie West Subdivision Plan
Prepreliminary/Preliminary Subdivision
Plan and SEQRA Review
104 West Erie Street, Blauvelt
70.13/1/20; R-15 zoning district

Preliminary
Subdivision Plan
Approval Subject
to Conditions/ Neg. Dec.

PB#21-34

Other Business:

* The Planning Board reviewed a referral from the Town Board Referral GML 239 Section (1) & (M)/ Performance Standard Local Law. The Board consented to the Town Board to act as Lead Agency in SEQRA review. No further comments.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Andrew Andrews and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for June 30, 2021.

DATED: June 9, 2021

Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

TOWN OF ORANGETOWN
2021 JUN 17 A 4:48
TOWN CLERK'S OFFICE

DEPARTMENT OF PLANNING

TOWN OF ORANGETOWN
Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

Orangetown, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

TOWN CLERK'S OFFICE

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 17, 2021

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date:

Date Review Received: 6/7/2021

Item: TOWN OF ORANGETOWN - PERFORMANCE STANDARDS (O-2412)

Local Law to amend chapters 6, 14, 24, and 43 of the Town Code concerning fees and performance standards.

Throughout the Town

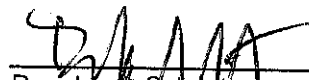
Reason for Referral:

County and State roads, parks and facilities; County streams; Long Path Hiking Trail; adjacent municipalities

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***Approve**

Since the proposed local law will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services

TOWN OF ORANGETOWN - PERFORMANCE STANDARDS (O-2412)

**The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION. Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

Town of Orangetown Town Board

Date: June 1, 2021

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

RE: GML 239 § (1) & (m) Referral / Performance Standards Local Law

The Rockland County Planning Dept. agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

6/17/2021
Date

MLK
(Signature)

Michael Kezner, Planner
(Print Name and Title)

Rockland County Planning Dept.
(Name of Agency)

Encl.

TOWN OF ORANGETOWN
2021 JUN 17 A 8:48
TOWN CLERK'S OFFICE

Town of Orangetown Town Board

Date: May 28, 2021

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

RE: GML 239 § (1) & (M) Referral / Performance Standards Local Law

The Orangetown Planning Board agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

June 9, 2021
Date


(Signature)

Thomas C. Worcester Chairman
(Print Name and Title)

Planning Board
(Name of Agency)

EXHIBIT

07-B-21; 7/13/21

**TOWN OF ORANGETOWN, ROCKLAND COUNTY
TOWN CODE AMENDMENT**

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

DATE: July 13, 2021

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 Local Law No. __ of 2021 of the Town of Orangetown, amending Chapters 6, 14, 24 and 43 of the Town Code, regarding performance standards and fees.

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The Town Board of the Town of Orangetown ("Town Board") has prepared a proposed local law to amend Chapters 6, 14, 24 and 43 of the Code of the Town of Orangetown ("Town Code") to revise the procedures applicable to review of applications for compliance with the performance standards set forth in the Town Code and to performance standards provisions.

Under the existing Town Code, the Town of Orangetown Zoning Board of Appeals ("ZBA") is vested with jurisdiction to review an application for a building permit or certificate of occupancy to determine whether the proposed use complies with the performance standards set forth in the Town Code. The ZBA also currently has the authority to review an industrial user's alleged violation or noncompliance with the performance standards and revoke or rescind its performance standards approval decision, and any building permit and/or certificate of occupancy that was issued based thereon.

Under the proposed local law, such jurisdiction currently held by the ZBA is proposed to be removed from the ZBA and vested in a newly established entity – the Industrial Use Committee (“IUC”). The IUC is proposed to be comprised of five (5) members who will review applications seeking a determination of conformance to the performance standards for such uses, operations and occupancies subject to the performance standards set forth in the Town Code. Procedures for such review by the IUC are proposed in the local law, including enforcement provisions. It is proposed that in the event the Town of Orangetown Office of Building, Zoning, Planning and Enforcement and/or the Department of Environmental Management and Engineering refers an industrial user to the IUC for review of an alleged violation or noncompliance with the performance standards, the IUC may direct the industrial user to prepare and submit a remedial action plan to address the condition of noncompliance. The establishment of the IUC does not remove the Town’s existing enforcement tools such as prosecution in the Orangetown Justice Court or New York State Supreme Court.

The proposed local law also amends Chapter 14 of the Town Code with respect to fees for consultant review. The amendments to Chapter 14 are intended to account for the creation of the IUC as a Town entity entitled to utilize professional consultants in its review of applications and update certain provisions to align with current Town procedures.

DETERMINATION:

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

REASONS SUPPORTING THIS DETERMINATION:

The proposed action amends the Town Code revise the procedures applicable to review of applications for compliance with the performance standards. In particular, the proposed action will transfer authority from the Zoning Board of Appeals to a newly established entity – the Industrial Use Committee – for review of an industrial user’s application for a building permit or certificate of occupancy to determine compliance with the applicable performance standards set forth in the Zoning Code. Authority to revoke or rescind a performance standards approval decision, along with any associated building permit and/or certificate of occupancy, in the event of a violation or noncompliance with the applicable performance standards would also be transferred from the Zoning Board of Appeals to the IUC. The IUC is proposed to be comprised of individuals with the expertise and subject matter knowledge of the various performance standards. This transfer of authority does not result in any significant environmental impacts and is intended to streamline the review and enforcement procedures for performance standards.

The proposed action also amends the Zoning Code with regard to standards for the enforcement of alleged violations of performance standards pertaining to odors. In utilizing a properly calibrated olfactory field instrument, one volume of odorous air diluted with seven volumes of odor-free air will be utilized to determine if the odor remains perceptible to the user. This standard of measurement is also used by the NYS Department of Environmental Conservation in its Air Permits. Establishing a standardized, and regulatorily accepted, form of measurement for enforcement of performance standards related to odor allows for objective means of enforcement while using a standard deemed appropriate by other permitting agencies. Enhancing the

enforcement mechanisms available to Town staff and officials will not result in a significant adverse environmental impact.

The proposed action also amends Chapter 14 of the Town Code with respect to fees for consultant review. The amendments to Chapter 14 are intended to account for the creation of the IUC as a Town entity entitled to utilize professional consultants in its review of applications and update certain provisions to align with current Town procedures. These amendments do not result in any significant adverse environmental impact.

Both the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 L & M, have reviewed the proposed law, and neither has concluded that the proposed action will have any significant adverse impact.

POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:

Based on the Short Environmental Assessment Form, prepared by the Town's Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board's familiarity with the Town's performance standards and the amendments presented in the proposed action, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Land
- Geologic Features
- Surface or Groundwater Quantity or Quality
- Flooding
- Air Quality
- Plants and Animals
- Agricultural Land Resources
- Aesthetic Resources
- Historic and Archaeological Resources
- Open Space and Recreation
- Critical Environmental Areas
- Transportation
- Energy
- Noise, Odor and Lighting
- Public Health
- Human Health
- Community Plans
- Community Character, including municipal services, or
- Future Development of Adjacent and Nearby Lands

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 Teresa Kenny
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Orangetown Town Board	July 13, 2021
_____ Name of Lead Agency	_____ Date
Teresa Kenny	Supervisor
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 25, 2021, a public hearing will be held by the Town Board on a proposed Local Law, regarding BNE Real Estate Group, a project known as "The Reserve at Pearl River". This public hearing is to consider a Zone Change, from "OP (Office Park) to "PAC" (Planned Adult Community) for the property located on the southeast side of Veterans Memorial Highway adjacent to the Blue Hill Office Complex. This public hearing is scheduled for the 13th day of July, 2021 at 7:15 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: May 25, 2021

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

the 25 day of June, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tutt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Rockland

Run Dates:
06/25/2021

Linda Tutt
Signature

Sworn to before me, this 25 day of June, 2021

Nancy Heyrman
ary Public, State of Wisconsin, County of Brown

5.15.23

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004794719

NANCY HEYRMAN
Notary Public
State of Wisconsin

TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 25, 2021, a public hearing will be held by the Town Board on a proposed Local Law, regarding BNE Real Estate Group, a project known as "The Reserve at Pearl River". This public hearing is to consider a Zone Change, from "OP (Office Park) to "PAC" (Planned Adult Community) for the property located on the southeast side of Veterans Memorial Highway adjacent to the Blue Hill Office Complex. This public hearing is scheduled for the 13th day of July, 2021 at 7:15 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: May 25, 2021

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

TOWN OF ORANGETOWN AFFIDAVIT OF POSTING AND MAILING NOTICES FOR SPECIAL PERMIT/ZONE CHANGE

Project Name: THE RESERVE AT PEARL RIVER

Address: O.T. MAP- 73.10 -1-6- SE SIDE VET. MEM. DRIVE @

(Named) DONALD ORFINI being duly sworn, deposed that he/she is BLUE HILL OFFICE COMPLEX

the applicant herein, or is representing the applicant herein:

That he/she resides at Pearl River, N.Y.

That heretofore and the 3rd day of July 2021

POSTING

- He/She posted the required Notice of Public Hearing sign as required pursuant to the Orangetown Code, Chapter 43, Article 10.44 by posting the attached Notice on every lot corner and at least once every One Hundred (100) feet thereafter, facing each public street on which the property abuts. Such sign has been displayed for a period of not less than 5 days immediately preceding the hearing date. The sign was not be set back more than 10 feet from any property or street line, was not be less than two feet or more than six feet above grade at the property line, and was clearly visible from the property line.

Please Note that this affidavit shall be notarized the date of the Public Hearing after the five day period has expired. It must be completed by the person actually posting the notice and shall be submitted to the Town Clerk at the commencement of the Public Hearing.

NOTICES

- He/She complied with required mailing of the Notice of Public Hearing pursuant to Orangetown Code, Chapter 43, Article 10.44, by, at least 10 days prior to the public hearing, providing the Town Clerk with stamped envelopes addressed to all property owners within 500 feet of the subject property as measured from the front, side, and rear lot lines of the subject parcel (excluding public road ways, rights of way, and property owned by any public utility or public entity in measuring the 500 feet), as well as all properties within 500 feet of the subject parcel along both sides of parcel along both sides of any street or roadway on which the subject parcel abuts.

 (signature)

Subscribed and sworn to before me

This 6th day of July 2021

Please Note that this affidavit shall be notarized the date of the hearing and shall be submitted to the Town Clerk at the commencement of the Public Hearing.

(Attach Notice and list of property owners within 500 feet to whom notices were sent)

DONALD BRENNER
NOTARY PUBLIC, State of N.Y.
No. 02854510200
Qualified in Rockland County
Commission Expires May 31, 2023



DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 21, 2021

Orangetown Town Board
26 Orangeburg Road
Orangeburg, NY 10962

Tax Data: 73.10-1-6

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 2/22/2021

TOWN OF ORANGETOWN
2021 JUN 24 A 11: 32
TOWN CLERK'S OFFICE
Date Review Received: 6/10/2021

Item: *THE RESERVE AT PEARL RIVER, LLC. (O-1856FF)*

Zoning code amendment to rezone 22.58 acres of land, located in the Office Park (OP) zoning district to the Planned Adult Community (PAC) overlay district. A concept plan is proposed to construct four residential buildings containing 110 units for residents aged 55 years and older. In addition, a clubhouse, swimming pool, associated garages and surface parking, driveways, landscaping and 18.5 acres of open space are proposed.

East side of Blue Hill Plaza, approximately 705 feet southwest of Veterans Memorial Drive, approximately 475 feet west of Blue Hill Road South, north side of the New Jersey border

Reason for Referral:

Blue Hill Road South (CR 23)

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 As the demand for office space has diminished, and the need for senior housing has increased, the proposed zone change from OP to PAC seems reasonable. However, the zone change should be done comprehensively, and not for just this parcel. The Town of Orangetown should review the three parcels to the east of the site owned by Corwick Realty Corp. (73.10-1-3, 73.14-1-1, and 73.14-1-2) and should determine if the current zoning designation is appropriate, or if they too should be rezoned to another classification. In addition, any zoning amendments should also include an update to the Town's Official Zoning Map and Comprehensive Plan.
- 2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 3 With regards to the report provided by BNE Real Estate Group dated March 2021, we offer the following comments:

THE RESERVE AT PEARL RIVER, LLC. (O-1856FF)

3.1 Several addenda are repeated more than once and are labeled differently than they appear on the table of contents (TOC). For example, the TOC lists Addendum B as "PAC Floating Zone - Bulk Regulations." The first Addendum B matches this description, however the second Addendum B is titled "Statute - Planned Adult Community" and provides the general requirements for the PAC zone, which has already been detailed in Addendum A. All information in the Addenda should only be provided once, and should be correctly labeled with the lettering (A, B, C, etc.) only appearing once in sequential order.

3.2 On page 2 of the Project Plan, it is noted that a 6,000 SF recreation center will be constructed and 13,000 SF of indoor/outdoor recreation areas will be provided. It is unclear if the recreation center is included in the 13,000 SF, or if it is in addition to those areas. In either case, the site will be somewhere between one-half and one-third deficient in providing the necessary recreational areas of 250 SF of recreation areas required per unit for the 110 units proposed. The applicant must clarify the total square footage of the recreational areas and determine if there is more land that can be used for indoor/outdoor recreation to meet the requirement.

3.3 The thirteenth part of the formal petition indicates the subject property is within 500 feet of Veterans Memorial Drive, a County highway. This is incorrect and must be updated to Blue Hill Road South.

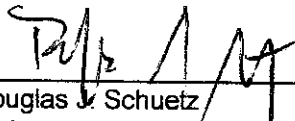
4 We offer the following comments with regards to the Full Environmental Assessment Form for the development of the site, as required under the State Environmental Quality Review Act:

4.1 Question D.2.c. does not list the district or service area for the water company. This should be Suez.

4.2 Question E.2.I. lists the name of the aquifer to be "principal aquifer." Instead it should be listed as "Lake Tappan."

5 the following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:

5.1 Source information shall be listed on all maps throughout the document.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Health
Rockland County Department of Highways
SUEZ

Donald Brenner, P.C.

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings. The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

THE RESERVE AT PEARL RIVER, LLC. (O-1856FF)

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

TOWN OF ORANGETOWN
2021 JUN 24 A 11: 32
TOWN CLERK'S OFFICE

Town of Orangetown Town Board

Date: June 1, 2021

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

RE: *GML 239 § (l) & (m) Referral / Zone Change Petition
The Reserve at Pearl River / BNE Real Estate Group / PAC Zone Change
Veterans Memorial Drive / Pearl River / 73.10-1-6*

The Rockland County Planning Dept. agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

6/15/2021
Date

MMK
(Signature)

Michael Kezner, Planner
(Print Name and Title)

Rockland County Planning Dept.
(Name of Agency)

Encl.

