



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday April 11, 2023

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

Councilperson Thomas Diviny _____
Councilperson Paul Valentine _____
Councilperson Jerry Bottari _____
Councilperson Brian Donohue _____
Supervisor Teresa M. Kenny _____

🌟 Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **Planning Board Notice / WPT-Mountainview warehouse project that was scheduled for the April 12th Planning Board meeting has been postponed at the request of the applicant. No future date has been assigned.**
- ◆ **2023 MILITARY TRIBUTE BANNER PROGRAM / Please email: supervisor@orangetown.com for more details / The deadline to order or renew your banner will be Friday, April 14, 2023.**
- ◆ **ORANGETOWN SHREDDING EVENT - Saturday, April 15, 2023 / 8:00 a.m. - 11:30 a.m. Hosted by Orangetown Town Clerk, Rosanna Sfraga, Rockland Green and People to People.**
- ◆ **April 22, 2023 Saturday / Earth Day Celebration at STAC / 12 pm – 6 pm**
- ◆ **Public Hearing on the PROPOSED ACQUISITION OF A PERMANENT PROPERTY INTEREST / HNA TRAINING CENTER / April 25, 2023**

PRESENTATIONS:

- ◆ **Proclamation for 2023 National Poetry Month Honoring our Town Poet Laureate, Rose Marie Raccioppi**

We Question ~ WHAT BE

*what be the purpose of words to share
but to know of one's heart expressing care
what be the purpose of banner and praise
but to bring celebration to our gift of days
what be the purpose to guide and teach
but to know that beauty and truth are within our reach
what be the purpose to know of time, space and measure
but to account for life's perceived treasure
what be the purpose to know of vistas so very far
but to know that we too hold the light of a star
what be the purpose to know of history and time's story
but to understand the ever present quest for power and glory
what be the purpose of drama and stage
but to act out the calling of soul, time and age
what be the purpose of music, dance and a song to sing
but to know the pulsing our hearts do bring
what be the purpose to draw, paint, sculpt, to hold a vision divine
but to revere and mark in splendor a life yours, a life mine
what be the purpose of holding accord of word and deed
but to live the honor of our days as a blessed creed.*

***Rose Marie Raccioppi, Poet Laureate
Orangetown, New York***

DISCUSSION:

- ◆ **WORKSHOP OF AGENDA ITEMS**

PUBLIC COMMENT:

1. **OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. RESUME PUBLIC HEARING / RTBM of APRIL 11, 2023 at 7:05 P.M. / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding the Adoption of the Orangetown Comprehensive Plan is hereby resumed.

SUMMARY OF COMMENTS:

- 4. CLOSE OR CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding the Adoption of the Orangetown Comprehensive Plan is hereby closed or continued to _____.

- 5. DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION / ORANGETOWN DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION / ORANGETOWN COMPREHENSIVE PLAN**

WHEREAS, the Town Board of the Town of Orangetown is considering the adoption of the Town of Orangetown Comprehensive Plan; and

WHEREAS, the Town Board is the only agency that has the authority to adopt the Town's Comprehensive Plan, therefore, no other agencies are considered potential Involved Agencies;

NOW, THEREFORE BE IT RESOLVED, that pursuant to §617.6(b)(1) of the State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Orangetown, hereby declares itself Lead Agency for purposes of SEQRA for this Type I Action.

AND BE IT FURTHER RESOLVED, that the Town of Orangetown Town Board as Lead Agency has determined that the proposed action, for the reasons set forth in the Expanded Environmental Assessment Form dated December 5, 2022, and the appended SEQRA Notice of Determination of Significance, the adoption of the Town of Orangetown Comprehensive Plan will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

- 6. OVERRIDE RECOMMENDATIONS OF THE ROCKLAND COUNTY PLANNING DEPARTMENT REGARDING THE TOWN COMPREHENSIVE PLAN**

WHEREAS, the Town Board of the Town of Orangetown is updating its Comprehensive Plan for the first time since 2003 to establish a guiding framework for future sustainable development, economic growth, and natural resource preservation in the Town; and,

WHEREAS, on September 13, 2022 the Town Board of the Town of Orangetown referred the Comprehensive Plan to the Rockland County Planning Department in accordance

with NYS Town Law §272-a and GML 239-l and -m, which recommended modifications on October 24, 2022; and

WHEREAS, the Town Board considered the 39 recommendations of the Rockland County Planning Department;

WHEREAS, the draft Comprehensive Plan was updated to include following recommendations:

Comment 1:	<i>The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations are considered Type I Actions under Section 617.4(b)(1) of the New York State Environmental Quality Review Act (SEQRA). As such, they are more likely to require the preparation of an Environmental Impact Statement (EIS). The GML referral did not include any SEORA documents. The EIS or Environmental Assessment Form must be submitted for our review.</i>
Response 1:	The full EAF was referred to the Rockland County Planning Department on December 5, 2022.
Comment 2:	<i>The goals and objectives are not clearly and consistently identified within each chapter. For instance, Chapter 3 (Community Character and Historic Resources) vaguely states the intended goal on Page 95, but does not identify objectives; however, it does list implementation strategies starting on Page 96. By contrast, Chapter 2 (Current and Future Land Use, Zoning, and Design) identifies the goal on Page 62, but lists the objectives as bullet points on Page 25, after the introduction. "The Vision, Goals, and Objectives" Section of each chapter must clearly state the general goal or goals of the chapter and list all objectives that relate to the implementation strategies established.</i>
Response 2:	The goals and objectives are consistent between chapters. The objectives in Chapter 2 are listed in the context of the public engagement process.
Comment 6:	<i>In Goal 3, Objective 11 on Page 19, Rockland County Public Transportation should be listed as a local transit provider.</i>
Response 6:	Rockland County Department of Public Transportation has been added to the list of local transit providers on page 19.
Comment 7:	<i>Goal 4 on Page 19 is to "Promote sustainable development and plan for climate resiliency." Page 222 in the Sustainability and Climate Resiliency Chapter includes the action of "continuing to enforce the recently adopted NYStretch Code." It is recommended that the use of the NYStretch Energy Code be incorporated as an objective for Goal 4.</i>
Response 7:	Use of the NYStretch Energy Code has been added as Objective 11 under Goal 4 on page 20.
Comment 8	<i>The Village of South Nyack was dissolved on March 31, 2022. as indicated on Page 26. The last sentence of the last paragraph mentions that land use and zoning regulations related to the Village have become the responsibility of the town. The Comprehensive Plan must clarify if the Town intends on continuing to enforce regulations of the South Nyack Zoning Code or if provisions for South Nyack will be incorporated into the Orangetown Zoning Code.</i>

Response 8:	Chapter 2, under the Existing Land Use Conditions (page 26) has been updated to clarify that the regulations of South Nyack were adopted by the Town of Orangetown on September 13, 2022.
Comment 9:	<i>The third paragraph on Page 38 indicates that there is a continued concern for the development of manufacturing, warehouse, and distribution centers along the Route 303 Corridor, despite the adoption of the Route 303 Overlay District. Our department continues to receive proposals to permit the construction of the aforementioned uses within the Overlay District. Several of our concerns that align with the study have been overridden by the local land use boards. The level of success with the adoption of the Overlay District and Town's efforts to enforce its regulations should be further discussed in this section of the plan.</i>
Response 9:	Comment noted. The Comprehensive Plan recommends clarifying the Route 303 Overlay District provisions. This additional clarification could minimize the necessity for future overrides.
Comment 10:	<i>Figure 2-3, Existing Zoning Map, on Page 44, as well as Figure 2-5, Proposed Zoning Map, on Page 65 include labels for the Villages of Nyack, South Nyack, Grand View on Hudson, and Piermont. These municipalities are subject to different zoning regulations from the Orangetown Zoning Code and thus their boundaries must be more clearly distinguished from Orangetown's zoning districts on the map. Since South Nyack is under the purview of Orangetown, it is recommended that its zoning districts be identified in Figures 2-3 and 2-5.</i>
Response 10:	Comment noted. Labels and boundaries for the Villages of Nyack, Grand View-on-Hudson, and Piermont are included on Figures 2-3 and 2-5.
Comment 11:	<i>Table 2-5 on Pages 48 and 49 lists uses indicated as currently "being permitted as of right," "not permitted," "special permit uses," or "conditional uses." A description for special permit uses is included on Page 50, following performance standards A description should be added for conditional uses since they are also included on the Table.</i>
Response 11:	A description of conditional uses has been added to the paragraph on special permit uses on page 50. The paragraph also references Zoning Code Chapter 43, Sections 7.1-6, which describe the procedure for a conditional use permit.
Comment 12:	<i>The paragraph on the bottom of Page 56 lists "the top land use areas indicated as important to future development," according to a survey. In parenthesis, the paragraph notes "see Appendix A"; however, the same graph in the appendix is also on Page 57. This similarly occurs in the paragraph on the bottom of Page 57, continuing to the top of Page 58, regarding "the top residential land uses encouraged by respondents." Appendix A is once again referenced, but the same graph in the Appendix is on Page 58. These two paragraphs should reference subsequent graphs instead of Appendix A, as they will be easier for a reader to find.</i>
Response 12:	Appendix A is referenced because it contains supplementary information in addition to the graphs.
Comment 13:	<i>The definition for Garden townhome on Page 68 must clarify if a townhome unit exists on its own lot, as it could otherwise be confused with multi-unit residential classifications.</i>
Response 13:	The description for Garden Townhome on page 68 has been revised to note that a townhome exists on its own lot.
Comment 14:	<i>We appreciate that the Town is considering revising their code to better address data centers, which have different needs from standard warehouses. The proposed definition for data centers on Page 69 is informative and mirrors our department's</i>

	<i>concerns regarding their energy and water usage. Data centers are currently only permitted within the RPC-OC (Rockland Psychiatric Center Office Park) zoning district. In spite of this, our department has recently reviewed applications required for permitting a data center within the LIO (Light Industrial-Office District), where data centers are not listed as a permitted land use, making approval difficult. According to Page 71, Table 2-6 of the Comprehensive Plan, data centers may eventually be allowed within the LIO district as a conditional use (as well as other districts). We find such changes to the zoning code to be necessary, as the demand for data centers has increased in recent years. The special considerations related to data centers must be adequately discussed in the Zoning Code.</i>
Response 14:	The Comprehensive Plan provides a description of data centers along with general considerations. Special considerations for data centers will be addressed when the zoning is advanced.
Comment 18:	<i>Page 116 includes a subsection titled "Parking," referring to downtown and other busy areas where parking is limited, and how to address parking demands. While the parking shortage is apparent in many of Orangetown's commercial centers, this section of the Plan should also include information about areas where the supply of parking spaces is highly abundant compared to the actual demand. Though the excess of parking and pavement is primarily addressed in Chapter 7 (Sustainability and Climate Resiliency) of the Comprehensive Plan, it is also a transportation related issue and should be discussed further in this section of Chapter 4. Parking standards should be evaluated in light of recent trends such as remote working, online shopping, etc. Reduced parking standards will lead to reduced impervious surface area, as referenced on Page 205.</i>
Response 18:	The parking subsection on page 116 has been revised to indicate that the Town is conducting a parking study for South Nyack, and to recommend that parking studies be conducted to determine parking demand.
Comment 20:	<i>On Page 122, Rockland County Department of Public Transportation should be added to the list of collaborators in the effort to study, improve, and expand existing public transportation service, including bus stops, routing, frequency, and reliability.</i>
Response 20:	Rockland County Department of Public Transportation has been added to the list of collaborators on page 122.
Comment 21:	<i>Census tracts in Orangetown that are Disadvantaged Communities, as part of the State's Climate Act Initiative, should be identified in either the demographics subsection on Page 128 and/or in Chapter 7. These Disadvantaged Communities can be found on the New York State's website: https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria/Disadvantaged-Communities-Map</i>
Response 21:	The demographics subsection on page 129 has been updated to note the Census tracts in Orangetown that have been identified as Disadvantaged Communities under the State's Climate Act Initiative.
Comment 22:	<i>On Page 176, it is stated that "the Office of Parks and Recreation, in collaboration with the Orangetown Environmental Committee should consider instituting a local park and environmental stewardship program for youths and students." We suggest adding the Rockland County Division of Environmental Resources and Youth Bureau to the partners for this potential initiative and any other efforts to improve access to open space and parks.</i>
Response 22:	The Rockland County Division of Environmental Resources and Youth Bureau have been added as partners on page 178.

Comment 23:	<i>Throughout Chapter 6 (Open Space and Recreation) there are several different references to plantings as "climate-resilient species," "suitable species," and "sustainable species." With several different descriptors, it is unclear what the Plan is trying to achieve. This department recommends using trees and plants that are native to New York. Native plants are better adapted to the local climate and soils and are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local waterbodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: https://www.dec.ny.gov/public/44290.html.</i>
Response 23:	A reference to native plants listed by DEC has been added to page 179. Also, references to “species” have been updated to refer to “native species” where applicable.
Comment 24:	<i>In addition to viewshed protection discussed in Chapter 6, Open Space and Recreation, we urge the Town to consider a watershed protection approach not only within the Town but through inter-municipal cooperation with adjoining municipalities and local watershed groups to protect water resources and water quality throughout the region.</i>
Response 24:	A strategy has been added on page 177 to recommend that the Town also consider watershed protection through inter-municipal cooperation with adjoining municipalities and local watershed groups to protect water resources and water quality throughout the region.
Comment 25:	<p><i>Chapter 7 is titled "Sustainability and Climate Resiliency. We suggest that this chapter either be given a different title or separated into two different chapters, one on natural resources and one on sustainability and climate. Addressing climate and emissions reduction through land use planning is in and of itself deserving of being addressed in a separate chapter. Separating natural resource protection and climate action goals will make the Plan overall more reader friendly. While many of the sustainability elements are addressed at one level or another throughout the Plan, we suggest the Town consolidate and tighten up its goals and objectives regarding sustainability and climate resilience.</i></p> <p><i>A climate action/resiliency related chapter can incorporate sustainability elements already in the draft such as the Town's CCA program, encouragement of electric vehicle charging stations, and renewable energy goals. The Plan discusses the use of 'green building technologies' for both new development and retrofits. It is suggested that the Plan define what is meant by green building technology and elaborate on the use of such technologies in development and redevelopment. This chapter should also address the promotion of carbon neutral development in the town and how local laws may be used to further development that does not result in additional greenhouse gas emissions. Energy efficiency in development and redevelopment can be addressed. Other elements to consider include promoting the development of local food systems and minimizing solid waste.</i></p>
Response 25:	Sustainability and Climate Resiliency are discussed in the same chapter because they are interdependent and include the same topics. Green building strategies for new buildings and retrofits have been added to page 222.
Comment 27:	<i>We recommend that the Town consider developing a Townwide Natural Resources Inventory (NRI). The NYSDEC Hudson River Estuary Program offers tools and resources to assist municipalities in developing an NRI.</i>

Response 27:	A strategy has been added on page 222 to recommend that the Town develop a National Resources Inventory.
Comment 28:	<i>In developing sustainability goals in the Comprehensive Plan, we suggest the Town review the Pledge Elements (PE) of New York's States Climate Smart Communities Program, particularly PE6 Action: Comprehensive Plan with Sustainability Elements. Making sure all these elements, such as smart growth principles, are addressed will help the Town in pursuing higher certification in both the Climate Smart Community Program and the Clean Energy Community Program.</i>
Response 28:	Page 212 has been updated to include that the Town should review the Pledge Elements (PE) of New York's States Climate Smart Communities program.
Comment 29:	<i>As is referenced in the plan, transportation is a significant contributor to greenhouse gas emissions. Reduction of transportation related GHGs should be addressed in a chapter on Sustainability and Climate including goals to reduce vehicle miles travelled.</i>
Response 29:	Chapter 7, Sustainability and Climate Resilience, has been amended to include reduction of transportation related GHGs, on page 212.
Comment 30:	<i>There are several references to the 2018 County Multijurisdictional Hazard Mitigation Plan, including Pages 202 and 203, particularly in reference to flooding in the community. Please note that Rockland County Fire and Emergency Services is preparing to update the 2018 Plan- The County will want to add current hazard mitigation related concerns and projects in the Town of Orangetown to this update. We encourage the Town's participation in this effort.</i>
Response 30:	Flood mitigation strategies have been updated to include that the Town participate in the County's effort to update the Hazard Mitigation Plan, on page 223.
Comment 32:	<i>On Page 219, we concur with the last strategy listed, which considers setting limits to impervious surfaces on any lot. The town should consider doing an impervious surface analysis to further verify the need for reduced impervious surface area. In addition, we highly recommend that Orangetown adopt maximum development coverage regulations within its zoning code. Many other municipalities within Rockland County, such as Ramapo and Clarkstown, have included this requirement in their bulk regulations. Orangetown could particularly benefit from this requirement, given the magnitude of development coverage of some of the recent development proposals submitted to the town and the flooding issues noted in Chapter 7.</i>
Response 32:	Chapter 7 has been amended to recommend that zoning regulations be updated to set limits on impervious surfaces on page 219.
Comment 33:	<i>In exploring local educational programs on MS4s through partnerships with the Stormwater Consortium of Rockland County, Orangetown Department of Environmental Management and Engineering, Orangetown Environmental Committee, Office of Parks and Recreation, local schools and school districts, and community organizations as outlined on Page 220, we would also suggest collaboration with the Rockland County Division of Environmental Resources.</i>
Response 33:	Collaboration with the Rockland County Division of Environmental Resources has been added to page 220.
Comment 34:	<i>Green building strategies outlined on Page 222 reference performance code certifications such as Energy Star and/or LEED for new construction. It is suggested that The Town also consider encouraging the use of the Living Building Challenge https://living-future.org/lbc/</i>

Response 34:	The performance code certification list was changed to include the Living Building Challenge on page 222.
Comment 36:	<i>The consideration of consolidating the R-22 and R-15 zoning districts into a single medium density residential district should be added as an action item to the table on Page 230 for the strategy of "updating the zoning code and streamlining provisions." This was listed as a potential action item in the Land Use and Zoning chapter of the Plan, on Page 66, but not added to the table.</i>
Response 36:	In response to public comments, this recommendation was removed. Page 66 and 230 were updated for consistency.
Comment 39:	<i>Listed below are typographical, punctuation, format, and update errors that we observed while reviewing the document.</i>
Response 39:	All items noted in Comment 39 have been corrected in the Comprehensive Plan.

WHEREAS, the Town Board intends to over-ride the following recommendations for the reasons noted:

Comment 3:	<i>On Pages 10 and 11, Table 1-1, "2003 Comprehensive Plan Recommendations and Outcomes," lists several recommendations where it indicates that the outcome was unclear or the recommendation was never implemented. The status for each of these recommendations must be determined. For recommendations not implemented, the reason(s) should be specified on the table. The table must also indicate which of these recommendations are being reconsidered and incorporated into the 2022 Comprehensive Plan.</i>
Response 3:	The information on the outcomes of the 2003 Comprehensive Plan recommendations is not readily available.
Comment 4:	<i>Objective 2, of Goal 1 on Page 17 proposes an update and modernization of the Zoning Code. In its review and up-date to the zoning code, the Town may want to consider alternative zoning models such as form-based codes.</i>
Response 4:	Comment noted. This will be considered at such time that the Town Board pursues updating the zoning code.
Comment 5:	<i>On Page 18, Goal 3, Objective 4 is to create pedestrian-friendly, walkable streets in hamlet centers by "limiting traffic during certain times on low-traffic roadways." It is unclear how the plan hopes to achieve limiting traffic. This goal must be clearly addressed in Chapter 4 (Transportation, Mobility, and Parking).</i>
Response 5:	The specific measures to limit traffic in the hamlets will be addressed by the Town at the time of implementation.
Comment 15:	<i>The last paragraph on Page 73, continuing to the top of Page 74, discusses confusion about warehouses and distribution centers permitted within the Route 303 Overlay District This paragraph references Section 13.10.B.5 of the zoning code, which prohibits "retail warehouse uses, including mini-storage uses and distribution centers," in excess of 65,000 square feet in the Overlay District. We agree that statement is ambiguous for an otherwise crucial development standard for a significant corridor. We recommend that the uses that the town intends to distinguish under this standard be clarified in this section of the Comprehensive Plan.</i>
Response 15:	The Comprehensive Plan recommends that "the text of the Overlay District should be amended to clearly differentiate between different types of warehouses and distribution centers, specify which types are permitted, and establish performance

	standards to address residents' concerns.” The specific uses and their descriptions will be advanced when the Town Board proceeds with implementing the zoning.
Comment 16:	<i>We recommend that the Town also consider limiting the size of warehouses and similar facilities outside of the Route 303 Overlay District. While the Town has FAR requirements for warehouse facilities, which is effective for reducing building size on smaller parcels, FAR requirements alone are not enough to prevent excessively sized warehouses on larger parcels, which can potentially consume large swaths of open space. Possible provisions could include maximum building coverage, maximum development coverage, and/or maximum square footprint for new warehouses.</i>
Response 16:	This comment is more appropriate to implement when the zoning updates are advanced. As such, it has not been included in the Comprehensive Plan.
Comment 17:	<i>Page 77 includes three implementation strategies, including "Review Special Permit and Conditional Use Permit Standards and update as necessary to address current uses and concerns. In particular, clarify and update the standards for warehouse and distribution centers," "Develop a steep slopes and ridgeline protection ordinance," and "develop design guidelines for facades, signage, and streetscapes to preserve, protect, and enhance the unique characteristics of each hamlet." Unlike the other implementation strategies, these three strategies do not include bullet points or descriptions. Additional details must be provided for these strategies, such as why they are necessary, current deficiencies, examples of actions, regulations, policies, etc.</i>
Response 17:	These items are discussed in detail in Chapter 7. As such, additional detail was not added to Chapter 2.
Comment 19:	<i>Page 118 lists the implementation strategy of "expanding active transportation infrastructure network by connecting existing trails and converting abandoned rail lines into multiuse paths," but does not include further details. This section should list existing trails and abandoned rail lines that would be ideal for implementation, aside from those trails listed under the strategy of "connecting existing multiuse path network from Orangetown south to New Jersey. Alternatively, the two implementation strategies can be combined and expanded upon as appropriate.</i>
Response 19:	Further details on the existing trails are provided in Chapters 4 and 6. Information on abandoned rail lines would be obtained as this strategy is advanced. As such, it has not been included in the edits.
Comment 26:	<i>Chapter 7 in large part addresses the natural resources of the town. While there is clear connection between protection of natural resources and climate resiliency, we would suggest that the Plan would be better laid out and be more readable if natural resource protection and climate related actions be addressed separately in the Plan. A natural resources protection chapter can address the issues of protection of steep slopes, critical environmental areas, waterbodies and wetlands, floodplains and water quality protection and stormwater management.</i>
Response 26:	Chapter 7 on Sustainability and Climate Resiliency addresses natural resources, as they are interdependent. As such, this comment has not been included in the edits.
Comment 31:	<i>On Page 215-216, it is recommended that "the Town in collaboration with Rockland County, consider mapping stormwater conveyance, drainage areas, outfalls, and discharge points for all its municipalities. Developing a GIS-based stormwater network geodatabase would allow for improved stormwater analysis and data-driven management strategies. This geodatabase could be updated when new infrastructure is built and when inaccuracies in existing data require correction." We suggest the Plan clarify what collaboration is being sought with the County on such a mapping</i>

	<i>effort and if it is the intent of the Plan that the County conduct such mapping for all municipalities. It is our understanding that such a mapping effort is currently being coordinated by the Stormwater Consortium of Rockland County. We encourage Orangetown to continue to work with the Consortium and Cornell Cooperative Extension, Rockland County on this effort.</i>
Response 31:	This comment will be addressed as the Town advances the strategy. As such, it has not been included in the edits.
Comment 35:	<i>Chapter 8 includes a table of strategies that were identified throughout the other chapters of the Comprehensive Plan. The Town should designate different levels of prioritization for the Action Items listed on the table and consider developing a measurable timeframe (number of years or a deadline) for completing high priority actions.</i>
Response 35:	Chapter 8 establishes Short, Medium, and Long-Term time frames for implementation. Specific prioritization and implementation will be based on available funding, staffing, and similar constraints that are unknown at this time. As such, this has not been included in the edits.
Comment 37:	<i>While the Town opted out of allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites it is suggested that the potential future land uses allowed under the Marijuana Regulation and Taxation Act be addressed.</i>
Response 37:	Because the Town has chosen to opt out, these potential future land uses are not discussed in the Plan.
Comment 38:	<i>It is suggested that Plan identify contaminated sites in the community, such as those in the states Brownfield Cleanup Program, and identify priority sites for redevelopment in place of development of "green" fields.</i>
Response 38:	The NYSDEC maintains an Environmental Site Remediation Database that is updated daily. This database offers the most up to date resource for identifying sites that require cleanup. Currently, there are three sites in the BCP program: Rockland Psychiatric Center, the Rockland Psychiatric Center - Core Area, and Orangeburg (Orangetown) Shopping Center. The Comprehensive Plan already addresses the Rockland Psychiatric Center, and the Orangeburg Shopping Center is developed and substantially occupied. As such, a map has not been added.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby overrides Rockland County Planning Department Comments 3, 4, 5, 15, 16, 17, 19, 26, 31, 35, 37, and 38 from their letter dated October 24, 2022, for the reasons specified herein.

7. ADOPT LOCAL LAW / ORANGETOWN COMPREHENSIVE PLAN

WHEREAS, the Town Board of the Town of Orangetown is updating its Comprehensive Plan for the first time since 2003 to establish a guiding framework for future sustainable development, economic growth, and natural resource preservation in the Town; and,
WHEREAS, Town Law section 272-a authorizes the Town Board to direct a special board to prepare a proposed comprehensive plan amendment for consideration by the Town Board; and,

WHEREAS, the Town Board tasked the Town of Orangetown Comprehensive Plan Committee with the preparation of the Comprehensive Plan for the consideration of adoption by the Town Board; and,

WHEREAS, the Town of Orangetown Comprehensive Plan was drafted by AKRF, Inc. and MUD Workshop based on its own investigations, discussions with the Comprehensive Plan Committee, Town Staff, Town land use board members, and members of the public; and,

WHEREAS, public participation has been included in the preparation of this Town of Orangetown Comprehensive Plan through an on-line survey; a series of public workshops on October 2021, December 2021, and April 2022; and regularly scheduled public meetings wherein members of the public were given the opportunity to speak and provide comments; and,

WHEREAS, in accordance with New York State Town Law §272-a(6), a duly noticed public hearing was held on August 2, 2022; and,

WHEREAS, comments submitted by interested agencies and members of the public have been considered by the Comprehensive Plan Committee and incorporated where the board deemed appropriate; and,

WHEREAS, in accordance with New York State Town Law §272-a(4) on September 13, 2022, the Town of Orangetown Comprehensive Plan Committee recommended the Comprehensive Plan for adoption by the Town Board; and,

WHEREAS, the in accordance with New York State Town Law §272-a, the Town Board held its own duly noticed public hearings on October 25, 2022, December 13, 2022, January 24, 2023, and March 7, 2023; and,

WHEREAS, on September 13, 2022 the Town Board of the Town of Orangetown referred the Comprehensive Plan to the Rockland County Planning Department in accordance with NYS Town Law §272-a and GML 239-l and -m, which recommended modifications on October 24, 2022; and

WHEREAS, the Town Board considered the recommendations of the Rockland County Planning Department, implemented those they agreed with, and issued a resolution to override certain recommendations by a super majority vote on March 7, 2023; and,

WHEREAS, on March 7, 2021, the Town Board of the Town of Orangetown: (1) classified the proposed action as a Type I SEQRA action, and determined that the Town Board of the Town of Orangetown would be the lead agency because there are no other involved agencies that will make a discretionary decision to fund, approve or undertake the Action pursuant to 6 NYCRR 617.6(b)(1); and

WHEREAS, the Town Board has thoroughly and carefully considered: (1) the proposed Comprehensive Plan; (2) the EAF; (3) the written and verbal comments of the Town Board's professional consultants; (4) the written report of the Town of Orangetown Comprehensive Plan Committee; and (5) the verbal and written comments of members of the public regarding the Comprehensive Plan; and

WHEREAS, after taking the requisite "hard look" at the potential environmental impacts of the Action, the Town Board has today made its determination of significance and issued a negative declaration pursuant to 6 NYCRR 617.7(a), based upon its determination that the Action will not have any significant adverse environmental impacts, as more fully described in the "State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance" annexed to and incorporated by reference in a separate resolution adopted today by the Town Board; and

WHEREAS, the Town Board concludes that the proposed Town of Orangetown Comprehensive Plan promotes the health, safety, and general welfare of the people of the Town of Orangetown; and.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby adopts the “Town of Orangetown Comprehensive Plan” pursuant to NYS Town Law section 272-a(7);

AND IT IS FURTHER RESOLVED that a copy of the adopted Town of Orangetown Comprehensive Plan shall be filed with the Town Clerk of the Town of Orangetown, and the Rockland County Planning Department, pursuant to Town Law section 272-a(12).

8. **ACCEPT / FUND OVERAGE / THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) / \$50,000 GRANT / CLEAN ENERGY COMMUNITY ACTION GRANT / ELECTRIC VEHICLE**

WHEREAS, the Town of Orangetown recently adopted the NYStretch Energy Code under the New York State Energy Research and Development Authority’s (NYSERDA) Clean Energy Communities program and became eligible for a \$50,000 Action Grant; and

WHEREAS, to demonstrate the Town's commitment to lowering greenhouse gas emissions, the Town of Orangetown applied for and received a \$50,000 grant for an electric vehicle on June 14, 2022; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby agrees to accept the NYSEDA grant in the amount of \$50,000 for the purposes of purchasing an electric vehicle according to the Town’s procurement policy; and

BE IT FURTHER RESOLVED, the Town Board agrees to fund any overages in costs for the electric vehicle, not to exceed \$9,000; and

BE IT FURTHER RESOLVED, the Town Board authorizes and directs the Supervisor or her designee to execute any and all documents necessary for the financial and administrative processes of the grant program.

9. **OPPOSING THE DISCHARGE OF CONTAMINATED WATER FROM INDIAN POINT INTO THE HUDSON RIVER AND URGING THE NYS LEGISLATURE TO SUPPORT S.5181 AND A.5338 AMENDING THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO THE DISCHARGE OF ANY RADIOLOGICAL AGENT INTO THE WATERS OF THE STATE**

WHEREAS, the company decommissioning the Indian Point nuclear power plant has announced its intention to release water from onsite radioactive fuel waste pools into the Hudson River; and

WHEREAS, to date there has been no specific reporting of the radionuclide contents of this water which is heavily contaminated from the storage of the nuclear fuel waste; and

WHEREAS, pre-release filtration to remove these isotopes has been presented as a solution to reduce the content of these carcinogenic contaminants to a level “as low as reasonably achievable;” and

WHEREAS, the National Academy of Science has indicated that there is no verifiable safe level of these isotopes when they are ingested or inhaled and such pre-release treatment would not remove tritium, also carcinogenic, from the water; and

WHEREAS, any contaminants in the Hudson present the risk of entering the food chain; and

WHEREAS, there are community members who depend on fish from the river as a food source, and in addition, there are seven communities upriver who source their drinking water from the Hudson; and

WHEREAS, since the river is an estuary that flows from south to north as well as from north to south, this fact must be considered; and

WHEREAS, the river also serves as a source of recreational activities and represents an economic resource that will be endangered by this reckless action; and

WHEREAS, New York Senate bill S.5181 and New York State Assembly bill A.5338 have been introduced, an act to amend the Environmental Conservation Law to prohibit the discharge of any radiological agent into the waters of the State; and

NOW THEREFORE, BE IT RESOLVED, that the Orangetown Town Board hereby strongly opposes the plan to release over a million gallons of contaminated water from the Indian Point Nuclear Power Plant site into the Hudson River; and

BE IT FURTHER RESOLVED, that the Orangetown Town Board hereby urges the New York State Senate to pass S.5181 and the New York State Assembly to pass A.5338 - an act to amend the Environmental Conservation Law to prohibit the discharge of any radiological agent into the waters of the State and urges the governor to sign such legislation; and

BE IT FURTHER RESOLVED, that the Clerk to the Town Board is hereby authorized and directed to send a certified copy of this resolution to the Hon. Kathy Hochul, Governor of the State of New York; Hon. Bill Weber, New York State Senator; Hon. John W. McGowan, Member of the New York State Assembly; the President Pro Tempore of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the New York State Public Service Commission, the New York State Department of Environmental Conservation, the Indian Point Decommissioning Oversight Board; and to such other persons as the Clerk in her discretion may deem proper in order to effectuate the purpose of this resolution.

10. **ACCEPT PETITION/REQUEST FOR ZONE CHANGE AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW, AMENDING TOWN ZONING MAP**

WHEREAS, the owner of premises located at 175 E. Washington Avenue, Pearl River, New York, (Tax Map 68.16/5/56) being located in the "CC" (Retail-Commerce District) zoning district, has petitioned the Town Board to change the zoning classification of the property to that of "R-G" (General Residence District), a zoning district that directly abuts the property; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because property currently abuts an RG zone, the property is currently used, and

likely has always been used as a single family residence, and the proposed use as a single family residence, would be an appropriate use on the site; and

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

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

1. The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed action as an "Unlisted" action; and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;
 - Rockland County Highway Department

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

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

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

11. SET PUBLIC HEARING ON PROPOSED ZONE CHANGE FOR 175 EAST WASHINGTON AVENUE PEARL RIVER / MAY 23, 2023

RESOLVED that the Town Board will hold a public hearing on May 23, 2023 at 7:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 175 East Washington Avenue, in the hamlet of Pearl River (Tax Lot 68.15/5/56) from "CC" to "RG".

TOWN ATTORNEY

12. RELEASE OF PERFORMANCE BOND / BERGSON SUBDIVISION

WHEREAS, the developer of the Bergson Subdivision was required and did in fact post a performance bond in the amount of \$102,906.00 for the completion of certain public improvements related to the subdivision; and

WHEREAS, the Planning Board, after receiving recommendations from the Department of Environmental Management and Engineering (DEME) and the Superintendent of Highways, voted pursuant to PB#23-09 to recommend to the Town Board that the above referenced Performance Bond be released; and

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Board, the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the Bergson Subdivision Performance Bond in the sum of \$102,906.00.

13. **APPROVE TOWN PARTICIPATION IN NATIONAL OPIOID SETTLEMENT WITH TEVA, ALERGAN, CVS, WALGREEN AND WALMART**

WHEREAS, the Town of Orangetown has sustained financial damages directly arising out of the fraudulent and negligent manufacture and distribution of opioids, including, but not limited to, increased insurance and other workplace costs; and

WHEREAS, in connection with the aforesaid, the Town, among other municipalities, retained the Tate Law Group, of Savannah, Georgia ("Tate"), on a contingency fee basis, to represent its interests in nationwide litigation against the major pharmaceutical and other companies principally responsible for the manufacture and distribution of opioid products over the last decade; and

WHEREAS, the Town has been notified by Tate and the National Opioid Settlements Implementation Administrator of a settlement reached between the State of New York and other participant states, as claimants, and Teva, Allergan, CVS, Walgreens and Walmart, as responsible parties and Settling Defendants, pursuant to which the Settling Defendants will pay, over a period of years, approximately \$20 billion (inclusive of attorneys' fees and costs), of which \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis; and

WHEREAS, the Town is entitled to participate in the settlement on an "opt in" basis; and

WHEREAS, Tate, as the Village's special outside counsel, has recommended that the Town opt in to the settlement,

NOW, THEREFORE, BASED ON THE AFORESAID, BE IT RESOLVED, that the Town Board hereby approves the Town's participation in the states' settlement of all opioid litigation against the Settling Defendants; and

BE IT FURTHER RESOLVED, that the Supervisor or her designated agent, shall be authorized to execute the required "opt in" documents delivered by the National Opioid Settlements Implementation Administrator, and to take such other and further actions as may be necessary to effectuate the Town's participation in the settlement.

14. **APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATIONS**

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2023 Sewer Work is approved to:

- ◆ SDM Industries, 21 South Park Terrace, Congers, NY 10920; Tel.: 845-268-7235

PARKS AND RECREATION

15. APPROVE / FLEXIBLE WORK SCHEDULE / BUILDING MAINTENANCE MECHANIC AND PARKS MAINTENANCE STAFF / APRIL 24, 2023 - OCTOBER 8, 2023

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, approve change in the basic workweek for the Building Maintenance Mechanic and Parks Maintenance Staff from Monday through Friday from 6:30 a.m. to 3 p.m. to a four day work week from 6:30 a.m. – 4:30 p.m. This flexible work schedule shall be in place from April 24, 2023 through October 8, 2023. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible work hour schedules.

16. AWARD BID / ATHLETIC COURT REPAIRS / SPORT-TECH CONSTRUCTION

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, the Town Board hereby awards the bid for athletic court repairs to Sport-Tech Construction of Brewster, NY in an amount not to exceed \$60,000.00.

17. APPROVAL TO EXTEND THE 2021 AWARDED CONTRACT / RESOLUTION NO. 2021-226 / CHESTNUT RIDGE TRANSPORTATION / 2023 SUMMER DAY CAMP PROGRAM

WHEREAS, pursuant to Town Board Resolution 2021-226, the Town entered into an agreement with Chestnut Ridge Transportation, Inc., to provide bus services for the Orangetown Summer Day/Teen Camp for the 2021 season, which award was based on a competitive bidding process, and

WHEREAS, the agreement provides that it may be extended upon Town Board resolution up to three years on the same terms and conditions, and

WHEREAS, upon the recommendation of the Superintendent of Parks and Recreation, the Town Board finds that it is in the best interests of the Town to extend the agreement with Chestnut Ridge Bus Transportation, Inc. for the 2023 Summer Day.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby agrees to extend the agreement with Chestnut Ridge Transportation, Inc. for the summer 2023 season, on the same terms and conditions as the 2021 agreement, subject to satisfactory proof of insurance, and hereby authorize the Supervisor or her designee to execute any and all documents necessary to effectuate the terms and purposes of this resolution.

TRAFFIC ADVISORY BOARD

18. MEMORIALIZING REQUEST FOR TRAFFIC SIGNAL STUDY AT THE INTERSECTION OF CAMPBELL AVENUE AND ROUTE 303 IN TAPPAN

WHEREAS, a section of New York State Route 303 and Campbell Avenue in the Hamlet of Tappan, has seen increased traffic volume and vehicle accidents; and

WHEREAS, this section of New York State Route 303 and Campbell Avenue intersects with the driveway of a condominium complex, Contempra at Tappan Condominium; and

WHEREAS, this section of Route 303 and Campbell Avenue merges into one lane of travel into the driveway of Contempra at Tappan Condominium; and

WHEREAS, this section of Route 303 and Campbell Avenue does not contain a traffic signal; and

WHEREAS, the current traffic conditions of this section of Route 303 and Campbell Avenue impede the ability of drivers to turn in and out of the condominium complex, Contempra at Tappan Condominium safely; and

WHEREAS, the Orangetown Traffic Advisory Board has considered the accident history and the concerns of residents of Contempra at Tappan Condominium about the need for a traffic signal; and

WHEREAS, it is in the direct interest of the Town of Orangetown to maintain the safety of our residents and visitors in the Hamlet of Tappan; and

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Traffic Advisory Board, the Town Board of the Town of Orangetown hereby requests that the New York State Department of Transportation conduct a traffic signal study at the intersection of Campbell Avenue and Route 303 in the hamlet of Tappan; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the New York State Department of Transportation, Hudson Valley Region, and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

ASSESSOR

19. **APPOINT CAITLYNN MORRISON / ASSESSING CLERK II / GRADE 15, STEP 1 / EFFECTIVE APRIL 12, 2023**

RESOLVED, that upon the recommendation of the Assessor, appoint Caitlynn Morrison to the position of Assessing Clerk II, Provisional, Grade 15, Step 1 at a salary of \$75,984, effective April 12, 2023.

LEND ASSISTANCE

20. **COMBINE / APPROVE AGENDA ITEMS #21 TO 23**

RESOLVED, the Town Board hereby combines and approves agenda items #21 to 23.

21. **APPROVE/ LEND ASSISTANCE/ JFCS WHEELS-FOR-MEALS: RIDE TO FIGHT HUNGER/ SUNDAY JUNE 11, 2023**

RESOLVED, the Superintendent of Highways, Parks and the Chief of Police have forwarded for approval by the Town Board, authorization for the use of Town Roads from the Highway Department, authorization for the use of the Rail Trail from the Parks

Department and police detail from the Police Department for The JFCS Wheels-for-Meals: Ride to Fight Hunger on Sunday, June 11, 2023.

22. APPROVE/ LEND ASSISTANCE/ 2023 RELAY FOR LIFE

RESOLVED, upon the recommendation from the Superintendent of Highways the Town Board hereby authorizes this department to lend assistance which includes the use of barrels, barricades, cones, trash barrels, caution tape, recycling kiosks, handicap signs and no parking signs for the Relay for Life to be held on Saturday, May 20, 2023.

23. APPROVE / LEND ASSISTANCE / TAPPAN REFORMED CHURCH SPRING FLING

RESOLVED, that upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board the use of three (3) portable toilets by the Tappan Reformed Church for the annual Spring Fling to be held on May 13, 2023 at the Manse Barn in Tappan. The Tappan Reformed Church will provide a certificate of insurance naming the Town of Orangetown as being an additional insured.

TOWN CLERK

24. 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: March 7, 2023 Police Commission Meeting; and February 21, 2023, March 7 & 29, 2023 Regular Town Board Meeting.
- 2 Agreement & Contracts:
 - Virtuit Systems (IT Consultant) 11.30.2022
 - Vortex Aquatic Structures (Splashpad) 3.3.2023
 - Blauvelt Volunteer Fire Dept. (Fire Protection) 2.2.23
 - Tappan Fire District, Drainage & Access Easement
 - Louis Caputo, Caretaker (Nike Lane) 2023
 - EV Connect's renewal contract for the charging stations at the Pearl River Train Station.
 - Town of Ramapo, Firing Range / 2023
 - Brian Edwards, Caretake Maintenance-Henry V Borst Park
 - Reveil, MOU, HNA property
 - Washington Avenue Bridge – Deed & Temporary Easement
 - 2023 CANDLE Agreement

FINANCE

25. APPROVE / 2022 BUDGET ADJUSTMENTS TO ORIGINAL AND FINAL BUDGET

RESOLVED, that based upon the recommendation of the Finance Director, the Town Board approves the following 2022 adjustments to both the Original and Final Budget:

To record an additional Highway appropriated fund balance to balance the budget

		Debit	Credit
D.3599.000.04	APPROPRIATED FUND BALANCE.PART TOWN	95,331.00	
D.3599.000.05	APPROPRIATED FUND BALANCE.TOWNWIDE		95,331.00
Total		95,331.00	95,331.00

To adjust TOV appropriated fund balance to balance budget

		Debit	Credit
B.3599.000.16	APPROPRIATED FUND BALANCE.POLICE	43,332.00	
B.3599.000.17	APPROPRIATED FUND BALANCE.OTHER THAN POLICE		43,332.00
Total		43,332.00	43,332.00

AUDIT

26. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants (attached) for a total of **\$4,092,345.31**.

EXECUTIVE SESSION

27. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss collective bargaining negotiations per Article 14 of Civil Service Law and the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

28. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Frank J. Bevelacqua**, *Former Superintendent of Blue Hill Golf Course*