



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday June 27, 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:

- ◆ **The following Public Hearings are scheduled for July 11, 2023:**
 - **Proposed amendment to Chapter 39-8 of the Town Code: Stop intersection at Dederer Street and Washington Street in Sparkill.**
 - **Proposed amendment to Chapter 39, Article I, Section 39-6 of the Town Code: No parking on the south side of Crooked Hill Road from North Middletown Road to the entrance of the Meadows at Pearl River Condominiums in Pearl River.**

DISCUSSION:

- ◆ **Local Law / Farm Cidery / Van Houten Petition**
- ◆ **Workshop of Agenda Items**

PUBLIC COMMENT:

1. **OPEN PUBLIC COMMENT PORTION**
RESOLVED, that the public portion is hereby opened.
SUMMARY OF PUBLIC COMMENTS:
2. **CLOSE PUBLIC COMMENT PORTION**
RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. OPEN PUBLIC HEARING / JUNE 27, 2023 AT 7:05 P.M. / ZONING TEXT AMENDMENT SPECIAL PERMIT/ MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT / SPECIAL PERMIT AMENDMENT TO PERMIT FAST-FOOD RESTAURANTS**

RESOLVED, that the Public Hearing regarding the Zoning Text Amendment Special Permit / Mixed Use Developments and Mixed Use Expansions / LI Zoning District / Special Permit Amendment to Permit Fast-Food Restaurants is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 4. CLOSE OR CONTINUE PUBLIC HEARING / ZONING TEXT AMENDMENT SPECIAL PERMIT/ MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT / SPECIAL PERMIT AMENDMENT TO PERMIT FAST-FOOD RESTAURANTS**

RESOLVED, that the Public Hearing regarding the Zoning Text Amendment Special Permit / Mixed Use Developments and Mixed Use Expansions / LI Zoning District / Special Permit Amendment to Permit Fast-Food Restaurants is hereby closed or continued to _____.

- 5. SEQRA/DECLARE LEAD AGENCY / ZONING TEXT AMENDMENT / MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT/ SPECIAL PERMIT AMENDMENT TO PERMIT FAST-FOOD RESTAURANTS**

WHEREAS, the Town Board has before it an application seeking an amendment to the Town Zoning Law, at Chapter 43, § 4.32(O)(iii)(h), to permit Restaurants, including fast-food restaurants as defined in Section 11.2 restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the “Zoning Amendment”), together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as “Orangeburg Commons” to allow Restaurants, including fast-food, (the “Special Permit Amendment”; the Zoning Amendment and the Special Permit Amendment, collectively, the “Action”);

WHEREAS, by resolution 263 of 2023, duly adopted the 9th day of May, 2023, the Town Board declared its intention to serve as Lead Agency for the environmental review of such proposed action under the State Environmental Quality Review Act (SEQRA), and further directed that that a Lead Agency Coordination Letter, be circulated to and among the various involved and/or interested agencies; and,

WHEREAS, furtherance of the aforesaid resolution, the Town Clerk circulated a letter, together with relevant documents, to the following involved and/or interested agencies, advising of the Town Board’s stated intention and requesting the consent of each thereto:

1. Orangetown Planning Board;
2. Rockland County Department of Planning;
3. Rockland County Sewer District No. 1;
4. Rockland County Drainage Agency;
5. Rockland County Department of Health;
6. N.Y.S. Department of Environmental Conservation;
7. N.Y.S. Department of Transportation; and
8. Palisades Interstate Park Commission (the "PIPC");

AND WHEREAS, more than 30 days have passed since notice of the Board's intention was circulated and no other agency has contested, or objected to, the Town Board's decision to serve as Lead Agency,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby declares itself to be Lead Agency for the coordinated environmental review of the proposed action, and, acting in such capacity, makes the further determination that the proposed action is an "unlisted action" under SEQRA.

6. **NEGATIVE DECLARATION ZONING TEXT AMENDMENT SPECIAL PERMIT/ ZONING TEXT AMENDMENT / MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT/ SPECIAL PERMIT AMENDMENT TO PERMIT FAST-FOOD RESTAURANTS**

WHEREAS, in connection with its consideration and review of a proposed Local Law, amending the text of the Town Zoning Law at Chapter 43, § 4.32(O)(iii)(h), to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the "Zoning Amendment"), together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as "Orangeburg Commons" to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments (the "Special Permit Amendment"; the Zoning Amendment and the Special Permit Amendment, collectively, the "Action"); the Town Board by resolution of even date herewith, assumed the role of lead agency for the environmental review of such action under the State Environmental Quality Review Act, and made the further determination that the proposed action (the adoption of the text amendment and issuance of a special permit) are unlisted actions under the State Environmental Quality Review Act ("SEQRA"); and,

WHEREAS, in furtherance of its obligations as lead agency, the Town Board has reviewed and considered the following information, studies and documents submitted in connection with the proposed action:

1. Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
2. Petition for Amendment of the Town Code signed by Richard Birdoff, Managing Member of the FB Orangetown Entities;

3. Concept Plan prepared by Bhatt Tjhallar Engineering, DPC, Drawing Nos. CP16 and CP16A last revised April 12, 2023;
4. Renderings, Elevations and Lease Outline Drawing Site Plan for Chipotle, the abutting tenant space and the tenant space on the north pad, prepared by Onyx Creative, date April 18, 2023;

WHEREAS, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed-Use Development and Mixed Use Expansion provisions of the Town Zoning Law (expressly incorporated herein by reference), as well as the empirical evidence that now exists relating to, and as a result of mixed-use developments approved under such zoning provisions; and

WHEREAS, the Town Board has carefully considered the public presentations by and/or on behalf of the parties who petitioned for the proposed amendments; and

WHEREAS, the members of the Board are each familiar with the locations affected by the proposed amendment and amended special permit; and

WHEREAS, the Town Board has further considered the comments of the Rockland County Department of Planning, dated June 13, 2023,

NOW, THEREFORE, BE IT RESOLVED, having taken a hard look at all of the potential environmental impacts that might result from the proposed action, the Town Board, acting in its capacity as Lead Agency under SEQRA, concludes that there will be no significant environmental impacts or effects caused or occasioned by the adoption of the proposed Local Law or Amended Special Permit for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance and to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments, and issues a Determination of Non-Significance with respect to the referenced action in the form annexed hereto, and authorizes the Town Supervisor, or her designated agent, to sign and circulate same, and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency in accordance with the applicable provisions of law.

7. **ADOPT/ LOCAL LAW NO. ____, 2023 ZONING TEXT AMENDMENT SPECIAL PERMIT/ MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT / SPECIAL PERMIT AMENDMENT TO PERMIT FAST-FOOD RESTAURANTS**

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

WHEREAS, by letter application dated April 20, 2023, and Petition dated March 30, 2023, FB Orangetown Retail, LLC and other related entities petitioned the Town Board to amend the Town Zoning Law, to amend Town Code, Chapter 43 (Zoning) at Chapter 43, § 4.32(O)(iii)(h), to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the "Zoning Amendment"), together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303

and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as “Orangeburg Commons” to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments (the “Special Permit Amendment”; the Zoning Amendment and the Special Permit Amendment, collectively, the “Action”); and

WHEREAS, by resolution 2023-264 duly adopted the 9th day of May, 2023, the Town Board declared its intention to serve as Lead Agency for the environmental review of such proposed action under the State Environmental Quality Review Act (SEQRA), and further directed that that a Lead Agency Coordination Letter, be circulated to and among the various involved and/or interested agencies; and,

WHEREAS, furtherance of the aforesaid resolution, the Town Clerk circulated a letter, together with relevant documents, to the following involved and/or interested agencies, advising of the Town Board’s stated intention and requesting the consent of each thereto:

1. Orangetown Planning Board;
2. Rockland County Department of Planning;
3. Rockland County Sewer District No. 1;
4. Rockland County Drainage Agency;
5. Rockland County Department of Health;
6. N.Y.S. Department of Environmental Conservation;
7. N.Y.S. Department of Transportation; and
8. Palisades Interstate Park Commission (the “PIPC”);

AND WHEREAS, more than 30 days having passed since notice of the Board’s intention was circulated and no other agency has contested, or objected to, the Town Board by resolution of even date herewith (but adopted prior to this resolution), the Town Board declared itself to be Lead Agency for the within action, and, acting in such capacity, concluded that there would be no significant adverse environmental impact as a result thereof, whereupon it issued a Determination of Non-significance; and

WHEREAS, in addition to the letter application, Petition, Proposed Local Law, and Determination of Non-significance, the Town Board has further considered, the following in connection with its review of the proposed text amendment:

1. Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
2. Petition for Amendment of the Town Code signed by Richard Birdoff, Managing Member of the FB Orangetown Entities;
3. Concept Plan prepared by Bhatt Tjhallar Engineering, DPC, Drawing Nos. CP16 and CP16A last revised April 12, 2023;
4. Renderings, Elevations and Lease Outline Drawing Site Plan for Chipotle, the abutting tenant space and the tenant space on the north pad, prepared by Onyx Creative, date April 18, 2023;

AND WHEREAS, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed- Use Development and Mixed Use Expansion provisions of the Town Zoning Law (expressly incorporated herein by reference), , as well as the empirical evidence that now exists relating to, and, as a result of, mixed-use developments approved under such zoning provisions; and

WHEREAS, the Town board has carefully considered the public presentations by and/or on behalf of the parties who petitioned for the proposed amendments; and

WHEREAS, the members of the Board are each familiar with the locations affected by the proposed amendment and special permit; and

WHEREAS, the proposed zoning text amendment and related documents also were circulated for comment to the N.Y.S. Department of Transportation and the Palisades Interstate Park Commission, which, to date, have not offered comments; and

WHEREAS, in addition to the aforesaid, the Town Board also has evaluated the proposed amendments in the light of the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed amendment:

- Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003, and, in particular, Sections III-3 and V-1 relative to the intersection area embraced by the proposed zoning text amendment;
- The Town's existing Route 303 Overlay Zoning District zoning provisions;
- The Route 303 Sustainable Development Study, dated December 2002, prepared by Wilbur Smith Associates, for the Town of Orangetown, the New York State Department of Transportation, the County of Rockland, the New York State Metropolitan Transportation Council.

AND WHEREAS, the members of the Board are each familiar with the location affected by the proposed amendments; and

WHEREAS, following various public presentations and discussions of the proposed amendment by and before the Board, following notice duly published, a public hearing on the proposed Local Law was conducted on June 27, 2023, at which time all members of the public wishing to speak were afforded the opportunity to do so; and

WHEREAS, the within application and Petition were circulated to the Rockland County Department of Planning for review and comment pursuant to General Municipal Law §§ 239-l & m, which responded by letter dated June 30, 2023. County Planning indicated, among other items, that

- 1) It is recommended that the Town review §8.13 subsections A through D to ensure that exceptions to these requirements would not negatively impact nearby properties.
 - Response: The provisions of §8.13 regarding location are not concerning for properties eligible for a special permit under the applicable section since any fast food restaurants would be part of a mixed use development, and subject to site plan approval by the Planning Board, which will address any concerns regarding location as part of that process. .

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. _____, of 2023, amending the Town Code of the Town of Orangetown, at Chapter 43, § 4.32(O)(iii)(h), to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the "Zoning Amendment")

as more fully set forth in Local Law No. ____ of 2023, below, and expressly incorporated herein by reference.

LOCAL LAW NO. ____ OF 2023 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
TOWN BOARD TO AMEND CHAPTER 43 ARTICLE IV §4.3(O)(iii)(h) OF THE TOWN CODE
WITH RESPECT TO SPECIAL PERMITS FOR MIXED USE DEVELOPMENTS

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

Section 1. Chapter 43, Article IV, Section 4.32(O)(iii)(h)) shall be amended to permit fast food restaurants. As amended, Section 4.32(O)(iii) shall read (deletions are ~~strikethrough~~, additions are underlined):

(h) Restaurants, ~~excluding~~including fast-food restaurants. The provisions of Section 8.13 of the Town Code shall not apply to fast-food restaurants under this section.

Section 2. Severability. If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

8. **RESUME PUBLIC HEARING FROM MAY 23, 2023 / 7:10 PM / 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:

9. **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 _____.

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

WHEREAS, Ulster Heights Properties, Inc., the owner of premises located at 60 Dutch Hill Road, Orangeburg, New York, (Tax Map 74.10/1/70) being located in the "CO" (Commercial Office) zoning district, has petitioned the Town Board to change the zoning classification of the property to that of "CS" (Community Shopping District), a zoning district that is across the street from the subject property; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because property currently abuts a CS zone, the property currently has establishments that are permitted uses in a CS zoning district (business and professional offices), and is located in an area that can support additional uses such as retail drug stores and restaurants; 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 Full Environmental Assessment Form prepared by the applicant, 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:
 1. Orangetown Planning Board;
 2. Rockland County Department of Planning;
 3. Rockland County Sewer District No. 1;
 4. Rockland County Drainage Agency;
 5. Rockland County Department of Health;
 6. N.Y.S. Department of Environmental Conservation;
 7. N.Y.S. Department of Transportation; and
 8. Palisades Interstate Park Commission (the “PIPC”);

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 PREL PLAZA / 60 DUTCH HILL ROAD ORANGEBURG, NY / AUGUST 22, 2023 AT 7:05 PM

RESOLVED that the Town Board will hold a public hearing on August 22, 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 60 Dutch Hill Road, in the hamlet of Orangeburg (Tax Lot 74.10/1/70) from “CO” (Commercial Office) to “CS” (Community Shopping).

12. **APPROVE / AGREEMENT WITH SALONNIERE LLC / CONCESSION STAND / VETERANS MEMORIAL PARK**

RESOLVED, that upon the recommendation of the Supervisor's office, the Town Board hereby approves an agreement with Salonniere, LLC, the sole bidder, to operate the concession stand at Veterans Memorial Park in Pearl River, commencing on July 1, 2023 for a one-year period with an option to renew as set forth more fully therein; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute the agreement, subject to review and approval of the Town Attorney's Office.

13. **APPROVE / ORANGE & ROCKLAND UTILITIES STREET LIGHT INSTALLATION / BETWEEN LOTS 30 AND 11 PVT DEL REGNO COURT, BLAUVELT**

WHEREAS, Orange & Rockland Utilities has forwarded to the Town a proposal to install a street light in between lots 30 and 11 PVT Del Regno Court, Blauvelt, New York;

WHEREAS, the proposed street light is included in the SMK Erie West Subdivision plan which has been approved by the Town of Orangetown Planning Board, and the associated map has been duly filed by the applicant with the Rockland County Clerk's Office;

WHEREAS, the delivery charge for the street light after installation will be \$10.07 per month;

WHEREAS, the Highway Department, Building Department, and Department of Environmental Management and Engineering (DEME) have no comments or objections to the Town Board approval of the proposal by Orange & Rockland Utilities.

NOW BE IT RESOLVED, that the proposal by Orange & Rockland Utilities to install a street light in between lots 30 and 11 PVT Del Regno Court, Blauvelt, New York is approved in accordance with the proposal and the SMK Erie West subdivision plan, and the Supervisor is authorized to sign the Orange & Rockland Application for Outdoor Lighting form.

14. **APPROVE AGREEMENT / WALDEN ENVIRONMENTAL ENGINEERING / GRANT WRITING APPLICATION FOR NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) 2023 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) MAPPING GRANT**

WHEREAS, the Town of Orangetown ("Town") has determined it desirable and in the public interest to submit an application to the NYSDEC for funding consideration in furtherance of basic elements mapping of current Municipal Separate Storm Sewer System (MS4) infrastructure throughout the Town; and,

WHEREAS, the Town has received a proposal from Walden Environmental Engineering, Oyster Bay, NY to provide grant writing assistance for the NYSDEC 2023 MS4 Mapping grant application; and,

NOW THEREFORE BE IT RESOLVED, upon the recommendation of the Supervisor's Office, the Town Board authorizes the retention of Walden Environmental Engineering for purposes of providing professional grant writing services for the NYSDEC 2023 MS4 Mapping grant application at a cost of \$4,000; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any documents necessary to effectuate the purposes of this Resolution, upon review and approval of the Town Attorney's Office.

TOWN ATTORNEY

15. APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATION

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:

- RR Plumbing Services Corp. d/b/a Roto-Rooter, 524 Waverly Avenue, Mamaroneck, NY 10343

16. ACCEPT PERFORMANCE BOND / THE RESERVE AT PEARL RIVER / BLUE HILL PLAZA, VETERANS MEMORIAL DRIVE, PEARL RIVER, NEW YORK

WHEREAS, The Reserve at Pearl River, LLC, applicant, for Hunter Douglas, Inc., owner of certain property located at Blue Hill Plaza, Veterans Memorial Drive, Pearl River, New York (Tax Lot Section 73.10, Block 1, Lot 6), has applied for and received site plan approval from the Town of Orangetown Planning Board for said property for the project known as "The Reserve at Pearl River Site Plan," and

WHEREAS, the Planning Board required in Planning Board decision #23-28 that the applicant post a Performance Bond in the amount of \$1,330,004.50 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated June 5, 2023, issued by the Atlantic Specialty Insurance Company, as Surety, on behalf of The Reserve at Pearl River LLC, as principal, in the amount of \$1,330,004.50, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "The Reserve at Pearl River Site Plan," which Performance Bond has been approved as to form and substance by the Town Attorney's Office,

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated June 5, 2023, issued by the Atlantic Specialty Insurance Company, as Surety, on behalf of The Reserve at Pearl River LLC, as principal, in the amount of \$1,330,004.50, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "The Reserve at Pearl River Site Plan" no later than May 24, 2025, and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said bond, Planning Board decision #23 -28, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

BUILDING

17. **RESCIND RESOLUTION NO. 2023-327 / APPOINTING CHRISTOPHER FRATTO / CODE ENFORCEMENT OFFICER II / DECLINING POSITION**

RESOLVED, rescind Resolution No. 2023-327 appointing Christopher Fratto to the position of Code Enforcement Officer II, based upon his declining appointment to the position.

HIGHWAY

18. **APPROVE CORNELL UNIVERSITY LOCAL ROADS PROGRAM / CHRIS COYLE / MAY 17, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Chris Coyle, Highway Department, to attend 1 class through Cornell Local Roads on the above date at a cost of \$50.00, charged to Account Number D.5110.457.04.

19. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF KARL BOHN /HIGHWAY MAINTENANCE SUPERVISOR II /HIGHWAY DEPARTMENT / EFFECTIVE JULY 7, 2023**

RESOLVED, that the Superintendent Of Highways and the Town Board accepts with regret, the resignation/retirement of Karl Bohn, Highway Maintenance Supervisor II, from the Orangetown Highway Department, after 36 years, effective July 7, 2023.

POLICE

20. **POLICE/DECLARE SURPLUS / AMMUNITION TO SELL**

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board hereby declares the following items to be declared as surplus:

- 10 cases of Federal .45 ACP AE45A 230 gr. FMJ American Eagle ammunition and authorizes the Town to sell same to the Village of Piermont Police Department for \$2,500.00.

TOWN CLERK

21. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF SAMUEL DEZAGO /FILE CLERK / TOWN CLERK / EFFECTIVE JUNE 30, 2023**

RESOLVED, that the Town Clerk and the Town Board accepts with regret, the resignation/retirement of Samuel Dezago, File Clerk, from the Town Clerk's Office, after 38 years, effective June 30, 2023.

AUDIT

22. 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 **\$2,804,658.30**.

EXECUTIVE SESSION

23. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

24. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Michael Cassidy**, *Resident of Pearl River*
- ❖ **Robert R. "Bobby" Wentland**, *Father of Orangetown Police Sergeant Robert Wentland*