

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING MINUTES  
June 27, 2023**

This meeting was opened at 7:00 pm. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:

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

Absent:

Councilperson Thomas Diviny

Also Present:

Denis Troy, Deputy Supervisor  
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  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Eamon Reilly, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Bob Urban, Human Resource Coordinator  
Matthew Lenihan, Computer Network Specialist  
Brendon Carton, IT Department  
Michael Shannon, Police Captain

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

The following public hearings are scheduled for July 11, 2023:

1. **Proposed amendment to Chapter 39-8 of the Town Code: Stop intersection at Dederer Street and Washington Street in Sparkill.**
2. **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:**

- a) Local Law / Farm Cidery / Van Houten Petition
- b) Workshop of Agenda Items

**RESOLUTION NO. 339**

**OPEN PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby opened.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**Summary of Public Comments:**

Lauren Taylor, Blauvelt, is against 4 Hobbs Dr. being rented out for large parties. These party goers are disrupting the neighborhood. She requested swift action by the Town Board.

Bob Krahulik, Blauvelt and attorney for the residents of Hobb Dr, spoke about all of the Town Codes that 4 Hobbs Dr is violating.

Susan McWhinney, Orangeburg, asked if anyone would like 100 or more people attending a party or an event, four days a week near your property. She also asked that Councilpersons Diviny and Valentine recuse themselves from the RCW proceedings.

Joyce Taub, W. Nyack, RCW will always be a disruption to the lives of their neighbors. She also asked that Councilpersons Diviny and Valentine recuse themselves.

Sharon & Chris Van Houten, Orangeburg, are against RCW; they keep bringing facts to the Town Board and they called for no action to be taken until litigation is over. RCW is causing unsafe conditions and negatively affecting the quality of life in neighborhood.

Kevin McCormick, Orangeburg, is against RCW. A bar and a manufacturing facility does not belong in a residential neighborhood. The Town should not change any zoning laws to accommodate RCW.

Sheean Haley, S. Nyack, is against RCW. He is concerned about increase in traffic, the public safety and road maintenance. He suggested a traffic and financial study be done.

Rick Tannenbaum, Exec Director of Hi Tor, spoke about a hoarding cat situation in Pearl River. The Town does not have an animal shelter contract for cats and the Town needs to do this.

Faith & Paul Custer, Orangeburg, are against RCW. They are concerned about Silver Rock Farm (the horse stable therapy for handicapped children), parking, increase in traffic, and damage to the roads.

Bryan White, Blauvelt and retired NYPD, reported there is illegal activity at 4 Hobbs Dr.

Tom Reynolds, Orangeburg, - Van Houten Farm is not going to close up shop. He suggested inventing new farm stuff (landscaping & herbs).

Gerry Goggin, Orangeburg, reminded the Town Board that the court agreed with the neighbors regarding the preliminary injunction, spoke again about the loud music, parking problems and dangerous roads.

Daniel Fix, attorney for RCW, reminded everyone that RCW and Van Houten Family Trust are still in litigation and no action should be taken on this issue until after the court's decision.

Jim Cleary, Sparkill and a retired attorney, in regards to RCW, he has never heard of a judge lowering a bond.

Darin Van Houten, Orangeburg, informed that they are trying to preserve the farm but they need diversity and they are willing to comprise.

**RESOLUTION NO. 340****CLOSE PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby closed.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 341****OPEN 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 opened.

**RESOLUTION NO. 341 – Continued**

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication, Mailing and Postings; and Comments from various agencies, which are labeled Exhibit 06-27-A and made a part of these minutes.

Geraldine Tortorella, attorney for the applicant, explained that the applicant, Orangeburg Commons has a serious commitment from a restaurant chain that wants to build and open where the Orangeburg Commons parcels are located but the Town Code doesn't allow it. Therefore requiring a Zoning Text Amendment. She recognized Alfred Rossi, the applicant, Chirag Thakkar, Bhatt Thakkar Engineering, and Ronald Rieman, Colliers Engineering, in case the Town Board had any questions.

Summary of Public Comments: None

**RESOLUTION NO. 342**

**CLOSE 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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 343**

**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 9<sup>th</sup> day of May, 2023, the Town Board declared its intention to serve as Lead Agency for the environmental review of such

**RESOLUTION NO. 343 - Continued**

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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 344**

**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:

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

**RESOLUTION NO. 344 - Continued**

- III. Concept Plan prepared by Bhatt Tjhallar Engineering, DPC, Drawing Nos. CP16 amd CP16A last revised April 12, 2023;
- IV. Renderings, Elevations and Lease Outline Drawing Site Plan for Chipolte, 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 he 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.

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

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 345**

**ADOPT/ LOCAL LAW NO. 6, 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

**RESOLUTION NO. 345 - Continued**

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 9<sup>th</sup> 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:

- a) Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
- b) Petition for Amendment of the Town Code signed by Richard Birdoff, Managing Member of the FB Orangetown Entities;
- c) Concept Plan prepared by Bhatt Tjhallar Engineering, DPC, Drawing Nos. CP16 and CP16A last revised April 12, 2023;
- d) Renderings, Elevations and Lease Outline Drawing Site Plan for Chipolte, 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

**RESOLUTION NO. 345 – Continued**

**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 §§ 239-1 & 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. 6, 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. 6 of 2023, below, and expressly incorporated herein by reference.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**LOCAL LAW NO. 6 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):

**LOCAL LAW NO. 6 OF 2023 - Continued**

(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.

**RESOLUTION NO. 346  
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 Public Comments:

Maryanne Gavioli, Pearl River, appreciates the posting of the revisions on-line and requested a continuation.

Andrew Goodwillie, S. Nyack, implored the Town Board to fossil fuels in the Comprehensive Plan.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 347  
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 continued to July 25, 2023 at 7:05 pm.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 348  
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



**RESOLUTION NO. 348 - Continued**

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:
  - a) Orangetown Planning Board;
  - b) Rockland County Department of Planning;
  - c) Rockland County Sewer District No. 1;
  - d) Rockland County Drainage Agency;
  - e) Rockland County Department of Health;
  - f) N.Y.S. Department of Environmental Conservation;
  - g) N.Y.S. Department of Transportation; and
  - h) 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 §§ 239-1 & 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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 349****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

**RESOLUTION NO. 349 - Continued**

hamlet of Orangeburg (Tax Lot 74.10/1/70) from “CO” (Commercial Office) to “CS” (Community Shopping).

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 350**

**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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 351**

**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 352  
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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 353  
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:

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

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 354  
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

**RESOLUTION NO. 354 - Continued**

**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 355****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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 356****APPROVE CORNELL UNIVERSITY LOCAL ROADS PROGRAM / CHRIS COYLE**

**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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 357  
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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 358  
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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 359  
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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny,  
Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 360  
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**.

**RESOLUTION NO. 360 - Continued**

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 361  
ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Kenny, Deputy Supervisor Troy, Councilpersons Tom Diviny, Paul Valentine, Jerry Bottari and Brian Donohue, Robert Magrino, Jeff Bencik and Bob Urban.

**RESOLVED**, at 8:30 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value and personnel.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

**RESOLUTION NO. 362  
RE-ENTER RTBM / ADJOURNED / MEMORY**

**RESOLVED**, at 9:15 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Michael Cassidy**, *Resident of Pearl River* and **Robert R. "Bobby" Wentland**, *Father of Orangetown Police Sergeant Robert Wentland*.

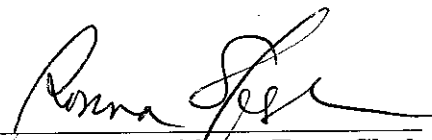
Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Thomas Diviny

  
Rosanna Sfraga, Town Clerk

Town of Orangetown

DATE: June 27, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	060923	\$ 545,946.88
	062723	\$ 2,258,711.42
		\$ 2,804,658.30

The above listed claims are approved and ordered paid from the appropriations indicated.

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny

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**TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM**

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**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 6/22/2023  
**CC:** DEPARTMENT HEADS



---

The audit for the Town Board Meeting of 6/27/2023 consists of 2 warrants for a total of \$2,804,658.30.

The first warrant had 65 vouchers for \$545,946 and was for utilities.

The second warrant had 184 vouchers for \$2,258,711 and had the following items of interest.

1. Applied Tactical Technologies (p6) - \$5,977 for Police supplies.
2. Beckmann Appraisals (p11) - \$15,000 for market trend report.
3. Capasso & Sons (p15) - \$90,817 for recycling.
4. Collier's Engineering & Design (p15) - \$9,633 for traffic signal designs.
5. Cornell Cooperative Extension (p16) - \$8,777 for stormwater education.
6. CSEA Employee Benefit Fund (p18) - \$33,859 for dental benefits.
7. Dichter Law (p18) - \$6,400 for Water surcharge case.
8. Edmunds (p19) - \$5,239 for Building software.
9. Frohling Sign Co. (p23) - \$15,455 for Highway signs.
10. Global Montello (p25) - \$13,167 for fuel.
11. Hudson Valley Engineering (p30) - \$41,682 for N. Middletown Rd. project.
12. Kuehne Chemical Co. (p36) - \$7,423 for sewer chemicals.
13. Morano Brothers Corp. (p40) - \$233,553 for N. Middletown Rd. project.
14. NYS Dept. of Civil Service (p41) - \$929,242 for healthcare benefits.
15. State Comptroller (p55) - \$29,998 for Justice Fines.
16. Tilcon (p59) - \$127,827 for Highway materials.



17. Verde Electric (p62) - \$331,384 for installation of traffic signals (bonded).

18. Vortex USA (p62) - \$208,033 for splashpad.

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA

845-359-5100 x2204



NOTICE OF POSTING: NOTICE OF PUBLIC HEARING: ORANGEBURG COMMONS / FAST FOOD

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

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.

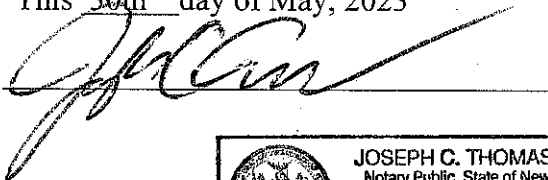
That, on the 30<sup>th</sup> day, May, 2023, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

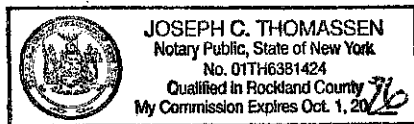
1. Town Hall Bulletin Boards
2. Town's Website (www.orangetown.com)
- 3.
- 4.
- 5.

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 30<sup>th</sup> day of May, 2023

  
\_\_\_\_\_



**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 9, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, Article IV, Section 4.32(O)(iii)(h), adding "fast-food restaurants" as a permitted use in mixed-use developments, as such developments are defined therein and amending the Special Permit previously granted to FB Orangetown for the property known as Orangeburg Commons (74.15-1-21./1 - 21./5) located on Route 303 and Steven Way, Orangeburg, NY. This public hearing is scheduled for the 27th day of June, 2023 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: May30, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney



**AFFIDAVIT OF PUBLICATION  
FROM**

**State of Wisconsin  
County of Brown, ss.:**

On the 12 day of June, in the year 2023, 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, on the editions dated :

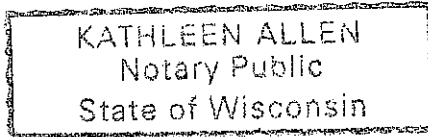
**Zone:**  
Rockland

**Run Dates:**  
06/12/2023

Linda Tutt  
Signature

Sworn to before me, this 12 day of June, 2023

Kathleen Allen  
Notary Public, State of Wisconsin, County of Brown



1-7-05

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: 0005722503**

**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 9, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, Article IV, Section 4.32(O)(ii)(f), adding "fast-food restaurants" as a permitted use in mixed-use developments, as such developments are defined therein and amending the Special Permit previously granted to F8 Orangetown for the property known as Orangeburg Commons (74.15-1-21.1 - 21.5) located on Route 303 and Steven Way, Orangeburg, NY. This public hearing is scheduled for the 27th day of June, 2023 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 30, 2023

Rosanna Sfraga, Town Clerk  
Robert Maqrino, Town Attorney

0005722503

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

Petition for Zoning Amendment of Town Code Section 4.32(O)iii(h)(Fast Food)

**Project Name:** and Amended Special Permit for Orangeburg Commons

**Address:** 1, 2, 3, 4, 5, 6 Greenbush Road

Hope Caulfield being duly sworn, deposed that he/she is the applicant  
(Name)

herein, or is representing the applicant herein:

That he/she resides at is an employee at the offices of Hocherman Tortorella & Wekstein, LLP  
with offices at One North Broadway, Suite 400, White Plains, New York 10601  
That heretofore and the 2nd day of June, 2023

**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 set back more than 10 feet from any property or street line, was not less than two feet or more than six feet above grade at the property line and was clearly visible from the property line.

**Notices**

He/She mailed the required Notice of Public Hearing as required pursuant to Orangetown Code, Chapter 43, Article 10.44, by mailing the Notice to property owners within at least 500 feet of the subject property as measured from the front, side and rear lot lines of the subject parcel (excluding public roadways, 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, at least 10-days prior to the public hearing.

Hope Caulfield  
(Signature)

Subscribed and sworn to before me

This 7<sup>th</sup> day of June, 2023

Geraldine N. Tortorella

Please Note that this affidavit shall be notarized with the "Notice" & list of abutting property owners to whom the notices were sent and shall be submitted to the Town Clerk before or at the commencement of the Public Hearing.

**GERALDINE N. TORTORELLA**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02TO4933447  
Qualified in Westchester County  
My Commission Expires May 09, 2026

**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 9, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, Article IV, Section 4.32(O)(iii)(h), adding "fast-food restaurants" as a permitted use in mixed-use developments, as such developments are defined therein and amending the Special Permit previously granted to FB Orangetown for the property known as Orangeburg Commons (74.15-1-21./1 - 21./5) located on Route 303 and Steven Way, Orangeburg, NY. This public hearing is scheduled for the 27th day of June, 2023 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: May30, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney



IS	PRINT KEY	NAME	ADDRESS
392489	74.14-3-22	Sabas Isaguirre	6 Wisteria Ct,Orangeburg, NY 10962
392489	74.14-3-23	Doly Thomas	7 Wisteria Ct,Orangeburg, NY 10962
392489	74.14-3-24	Woo Kun Pak	8 Wisteria Ct,Orangeburg, NY 10962
392489	74.14-3-35	Nathan Reiner	5 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-36	Ruben Balin	3 Cedar Av,Orangeburg, NY 10962
392489	74.14-3-37	Michael Saladino	444 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-38	Brendan Waldron	440 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-39	Elena Temple	4 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-40	Fernando A Andrade	6 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-41	Tri M Tran	8 Cedar Ave,Orangeburg, NY 10962
392489	74.14-3-44	Cornelius Lynady	14 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-45	Kenneth J Holcomb	10 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-46	Brian Mc Cabe	6 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-47	Casey DiValentino	4 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-48.1	Yolanda Guzman	445 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-48.2	Cuong Luu	443 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-49	Cassandra Willock	430 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-50	Ervin M Ramirez	434 Western Hwy,Orangeburg, NY 10962
392489	74.14-3-51	Maureen Echemendia	3 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-52	Christine M Iwanow	7 Kevin Dr,Orangeburg, NY 10962
392489	74.14-3-53	Luis Manzo	11 Kevin Dr,Orangeburg, NY 10962
392489	74.15-1-2	BF Orangetown LLC	810 Seventh Ave Fl 10,New York, NY 10019
392489	74.15-1-3	Orangeburg Holdings LLC	Tax Dept, 1000 Lowes Blvd,Mooresville, NC 28117
		Lowe's Home Center	
392489	74.15-1-7	BK 203 LLC	121 W Nyack Rd Ste 12,Nanuet, NY 10954
392489	74.15-1-8	Bless Enterprises and Services	187 Rte 303,Orangeburg, NY 10962
392489	74.15-1-9	Gregory Delucia	183 Rte 303,Orangeburg, NY 10962
392489	74.15-1-10	EJEA Corp	2509 Webster Ave,Bronx, NY 10458
392489	74.15-1-12	303 Associates LLC	170 Legrand Ave,Northvale, NJ 07647
392489	74.15-1-22	Thomas B Graff	10 Grand St,Tappan, NY 10983
392489	74.15-1-21.1	FB Orangetown Retail LLC	1149 Harrisburg Pike,Carlisle, PA 17013
		Ahoid Delhaize Real Estate	
489	74.15-1-21.2	FB Orangetown Retail Two LLC	810 Seventh Ave Fl 10,New York, NY 10019
		RD Management	
489	74.15-1-21.3	FB Orangetown Retail Three LLC	810 Seventh Ave Fl 10,New York, NY 10019
		RD Management	
392489	74.15-1-21.4	FB Orangetown Hotel Two LLC	810 Seventh Ave Fl 10,New York, NY 10019
		RD Management	
392489	74.15-1-21.5	FB Orangetown Hotel LLC	810 Seventh Ave Fl 10,New York, NY 10019
		Rd Management	

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

Petition for Zoning Amendment of Town Code Section 4.32 (O)iii(h)(fast Food  
Project Name: and Amend Special Permit for Orangeburg Commons

Address: 1, 2, 3, 4, 5, 6 Greenbush Road

Christian Greene being duly sworn, deposed that he/she is the applicant herein, or is representing the applicant herein:

That he/she resides at has an Office at 810 Seventh Ave, Floor 10, New York NY 10019

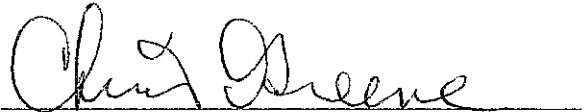
That heretofore and the 21 day of June, 2023

**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 corner and 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 set back more than 10 feet from any property or street line, was not less than two feet or more than six above the grade at the property line was clearly visible from the property line.

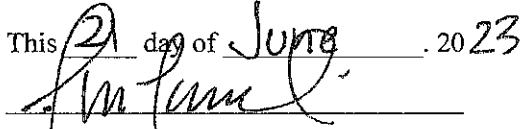
**Notices**

He/She mailed the required Notice of Public Hearing as required pursuant to Orangetown Code, Chapter 43, Article 10.44, by mailing the Notice to property owners within at least 500 feet of the subject property as measured from the front, side and rear lot lines of the subject parcel (excluding public roadways, 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, at least 10 days prior to the public hearing.

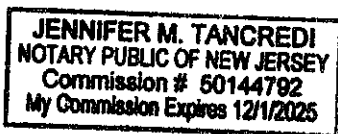


(Signature)

Subscribed and sworn to before me

This 21 day of June, 2023  


Please Note that this affidavit shall be notarized with the "Notice" & list of abutting property owners to whom the notices were sent and shall be submitted to the Town Clerk before or at the commencement of the Public Hearing.



TOWN OF ORANGTOWN  
TOWN CLERK'S OFFICE  
JUN 21 PM 3:07

**Planning Board  
Town of Orangetown**

TO: Town Board

FROM: Planning Board

DATE: June 20, 2023

RE: **Referral/ Amendment to Mixed Use Development & Mixed Use  
Expansion, Special Permit / Adding  
Fast Food/ Orangeburg Commons, Route 303 & Steven Way  
Section 74.15 Block 1 Lots 21.1, 21.2, 21.3, 21.4 and 21.5**

At the June 14, 2023 Planning Board Meeting, the Board reviewed the submitted Referral and had no comment. The Board made a motion to consent to the Town of Orangetown Town Board to be Lead Agency.

The motion was made by Michael Mandel, Vice Chairman and seconded by Kevin Farry and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, absent; Lisa DeFeciani, aye, Tara Heidger, (alternate member), aye; and Andrew Andrews, aye.



# Rockland County

Ed Day, Rockland County Executive

## 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

**Helen Kenny Burrows**  
Deputy Commissioner

June 13, 2023

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:** 74.15-1-21./5  
74.15-1-21./2  
74.15-1-21

74.15-1-21./4  
74.15-1-21./1

74.15-1-21./3  
74.15-1-22

TOWN OF ORANGETOWN  
JUN 16 PM 11:11  
TOWN CLERK'S OFFICE

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M  
**Map Date:** 04/12/2023

**Date Review Received:** 05/17/2023

**Item: ORANGEBURG COMMONS SPECIAL PERMIT/LOCAL LAW (O-1876BB)**

Local law to amend Chapter 43, Section 4.32.(O)iii.(h) to include fast food restaurants as a permitted use in mixed-use developments. A special permit application to modify a previously approved mixed-use development on 16.76 acres in the LI and Route 303 Overlay zoning districts. The two approved, unbuilt commercial buildings proposed in the eastern portion of the development will each be reconfigured with a drive-thru queue to accommodate a potential fast food restaurant as a tenant. The northern building will include a tenant space of 2,556 square feet, while the southern building will include two tenant spaces comprising 2,435 and 2,054 square feet and a landlord utility room of 187 square feet. The parking lot configuration has been revised for a total of 701 parking spaces, including 89 landbanked spaces.

Southwest corner of NYS Route 303 and Stevens Way - the tenant spaces are located in the eastern portion of the site

### Reason for Referral:

NYS Route 303, Palisades Interstate Parkway, Western Highway (CR 15)

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 The last paragraph of the Zoning Petition proposes that the provisions of Section 8.13 shall not apply to fast food restaurants within mixed-use developments under Section 4.32.(O)iii.(h). Subsections A through D of these provisions concern issues such as location, traffic impact, and waste disposal. It is recommended that the Town review these subsections prior to adopting the proposed amendment. While the removal of the prohibition on locating a fast food restaurant within 300 feet of another fast food restaurant may be appropriate for mixed-use development, other provisions of Section 8.13 provide additional protections from the impacts that may arise from this specific use. Under no circumstances shall an exception to Section 8.13 result in fast food restaurants negatively impacting nearby properties or increasing traffic congestion.

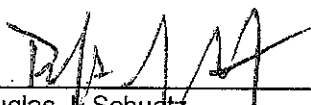
Rocklandgov.com

Page 1 of 3

*Distr: T/B, Jane, Eamon*

**ORANGEBURG COMMONS SPECIAL PERMIT/LOCAL LAW (O-1876BB)**

- 2 Special permit uses are, by definition, subject to a higher standard of review. The Town Board shall be satisfied that the proposed mixed use conforms to the special findings and additional requirements outlined in Article IV, Section 4.31 of the Orangetown zoning regulations and additional use requirements for mixed-uses under Section 4.32.(O).
- 3 The Town shall be satisfied that all applicable provisions of the Route 303 Overlay Zone, outlined in Article XIII, Section 13.10B. of the Orangetown Zoning Code, have been addressed in the proposed site plan.
- 4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 5 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 6 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Orangeburg Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- 8 An updated review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 9 The Town shall be satisfied with the findings in the traffic analysis by Colliers Engineering & Design, dated April 14, 2023.
- 10 All proposed signage shall be indicated on the site plan and shall conform to the sign ordinance in Chapter 31C of the Orangetown Code.
- 11 Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by customers or employees. In addition, designating specific areas will help to protect the landscaping from damage due to the weight of the snow and salt intrusion.
- 12 The site plan drawing depicts proposed improvements overlain with the previous site plan approval, making it difficult to read. Separate drawings must be provided, distinguishing the approved site conditions from the final disposition of the site, to allow for an appropriate review of the proposal.
- 13 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:
  - 13.1 A vicinity map that contains a north arrow and scale must be provided. The map must include zoning district information.

  
\_\_\_\_\_  
Douglas Jr. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Highway Department

**ORANGEBURG COMMONS SPECIAL PERMIT/LOCAL LAW (O-1876BB)**

CSX Transportation, Inc.  
Rockland County Office of Fire and Emergency Services

Bhatt Thakkar Engineering, DPC  
Orangeburg Fire District

Rockland County Planning Board Members

*\*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.*

*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.*



# Rockland County

HEALTH

## CENTER FOR ENVIRONMENTAL HEALTH

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building D  
Pomona, New York 10970  
Phone: (845) 364-2608 Fax: (845) 364-2025



Public Health  
Prevent Promote Protect

**EDWIN J. DAY**  
County Executive

**SAMUEL RULLI, PE**  
Director, Environmental Health

June 15, 2023

Ms. Rosana Sfraga, Town Clerk  
Town of Orangetown Town Board  
20 Greenbush Road  
Orangeburg, NY 10962

Re: Amendment to Mixed Use Development & Mixed  
Use Expansion Special Permits  
Tax lot 74.15-1-21./1 – 21./5

Dear Ms. Sfraga:

We have received a Notification of Intent to Act as Lead Agency, a Full Environmental Assessment Form (EAF), other supporting documentation and plans as prepared by Bhatt Thakkar Engineering, DPC, revised through April 12, 2023, for the above referenced project. This office has no objection to the Town of Orangetown Town Board acting as Lead Agency for this project. Other comments are as follows:

1. A permit for the kitchen(s) will need to be obtained from the Rockland County Department of Health.
2. During subsequent Site Plan submissions, should the Planning Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.

If you have any questions regarding this matter, do not hesitate to call.

Very truly yours,

Elizabeth Mello, P.E.  
Senior Public Health Engineer  
(845) 364-2616

cc: Jake Palant, Rockland County Department of Planning  
Patrice Robertson, RCDOH (via email)

Rocklandgov.com

DISTR: T/B, R. Magrino, Jane Skavin, Eamon Kelly

**DRAINAGE AGENCY**  
**DIVISION OF THE HIGHWAY DEPARTMENT**  
23 New Hempstead Road  
New City, New York 10956  
Phone: (845) 638-5060; Fax: (845) 708-7116

**Charles H. "Skip" Vezzetti**  
*Superintendent of Highways*  
*Chairman, Drainage Agency*

**Vincent Altieri, Esq.**  
*Executive Director*

Via email: [tclerk@orangetown.com](mailto:tclerk@orangetown.com)

May 24, 2023

Town of Orangetown Town Board  
26 W. Orangeburg Road  
Orangeburg, NY 10962  
Attn.: Rosanna Sfraga, Town Clerk

**Re: Orangeburg Commons Additions/Expansion**

**Location:** 1-6 Stevens Way & 2 Greenbush Road, Orangeburg, NY 10962  
**Parcel ID(s):** Section 74.15, Block 1, Lot(s) 21./1-5, & Section 74.15, Block 1, Lot(s) 22  
**Municipality:** Town of Orangetown  
**Resource:** Sparkill Creek

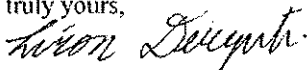
Dear Town Board Members:

The Rockland County Drainage Agency (RCDA) has reviewed the above referenced proposal included with your Lead Agency Coordination notification dated 5/17/2023. Based on a review, the RCDA offers the following comment(s):

- 1) The above referenced site is outside the jurisdiction of the RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for developments within this ~~site~~. Also, the RCDA has no further comments regarding the proposal, pursuant to the State Environmental Quality Review (SEQR).
- 2) The RCDA recommends that the municipal land use boards and/or departments review all development proposals for this site and ensure that developments with increase in impervious areas and/or land disturbances will not result any increase in stormwater runoff from the site and will have adequate measures to prevent soil erosion and control sediment from leaving the site.
- 3) The Rockland County Drainage Agency does not object to the Town Board assuming responsibilities of lead agency for SEQR purposes in the above referenced project.

Please contact the undersigned at (845) 638-5060 or by email: [derguti@co.rockland.ny.us](mailto:derguti@co.rockland.ny.us), if you have any questions regarding this matter.

Very truly yours,



Liron Derguti, Engineer I  
Rockland County Drainage Agency

c: Vincent Altieri, Esq., RCDA  
Building Department, Town of Orangetown  
Planning Board, Town of Orangetown  
Zoning Board of Appeals, Town of Orangetown  
Rockland County Highway Department  
Joseph LaFiandra, Rockland County Sewer District No. 1  
Rockland County Planning Department

[OBZPAE@orangetown.com](mailto:OBZPAE@orangetown.com)  
[KBettmann@orangetown.com](mailto:KBettmann@orangetown.com)  
[darbolino@orangetown.com](mailto:darbolino@orangetown.com)  
(by email)  
(by email)  
(by email)  
(File: 23 OGR 33)

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DISTR: TB, R. Maguire,





May 30, 2023

Town of Orangetown  
Town Board  
26 W. Orangeburg Road  
Orangeburg, NY 10962

**RE: Orangeburg Commons  
Amendment to Mixed Use Development & Mixed-Use Expansion  
Special Permits/ Adding Fast Food Restaurants  
Route 303 and Steven Way  
Town of Orangetown, NY**

Dear Members of the Town Board:

The New York State Department of Transportation (NYSDOT) has received a General Municipal Law Review Referral Form for the above subject project and has conducted a review of the information received. NYSDOT does not object to the project and does not anticipate impacts to the State's highway system due to the project.

We appreciate the Town's effort in involving the NYSDOT in the review process.

Thank you and if you have any questions, please contact me at: 845-634-4661;  
[brandon.robuck@dot.ny.gov](mailto:brandon.robuck@dot.ny.gov)

Sincerely,

Brandon Robuck, PE  
Permit Engineer  
NYSDOT, Rockland County Residency  
Region 8, 275 Ridge Road, New City, NY 10956 | [www.dot.ny.gov](http://www.dot.ny.gov)

