



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday August 22, 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:

- ◆ **Special Town Board Meeting for Budget Presentations by Town Departments on Wednesday, September 6, 2023 at 5:30 pm.**
- ◆ **The following Public Hearings are scheduled for September 26, 2023:**
 - **Adopt Orangetown Comprehensive Plan**
 - **Proposed Zone Change for 90 West Madison Avenue, Pearl River**
 - **Address Issues Related to Short Term Property Rentals**
 - **Address Parking Issues in South Nyack**

DISCUSSION:

- ◆ **WORKSHOP OF AGENDA ITEMS**

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. OPEN PUBLIC HEARING / AUGUST 22, 2023 AT 7:05 P.M. / PROPOSED ZONE CHANGE FOR PREL PLAZA / 60 DUTCH HILL ROAD, ORANGEBURG, NY / AMEND CHAPTER 43, 2.2**

RESOLVED, that the Public Hearing regarding the proposed Zone Change for Prel Plaza / 60 Dutch Hill Road, Orangeburg, New York to amend Chapter 43, 2.2 is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 4. CLOSE OR CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR PREL PLAZA / 60 DUTCH HILL ROAD, ORANGEBURG, NY / AMEND CHAPTER 43, 2.2**

RESOLVED, that the Public Hearing regarding the Proposed Zone Change for Prel Plaza / 60 Dutch Hill Plaza, Orangeburg, New York to Amend Chapter 43, 2.2 is hereby closed or continued to _____.

- 5. ADOPT / LOCAL LAW NO. _____ 2023 OF THE TOWN OF ORANGETOWN / AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT OF CERTAIN PROPERTY IN THE HAMLET OF ORANGEBURG**

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, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the parcel known as 60 Dutch Hill Road in the hamlet of Orangeburg, tax lot 74.10 Block 1 Lot 70 being located in the “CO” (Commercial Office) zoning district, to change the zoning classification of the property to that of “CS” (Community Shopping), a zoning district that is located across the street from the subject property, and

WHEREAS, by Resolution Nos. 348 and 349 of 2023, after notice duly given, and there being no other involved agency, by resolution duly adopted this 22nd day of August, 2023, the Town Board assumed the role of Lead Agency under SEQRA for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law and determined the issuance of Negative Declaration is appropriate; and

WHEREAS, following due notice, a public hearing was conducted on the proposed zone change amendment; and

WHEREAS, the Board has concluded that the proposed zone change which changes the zoning classification of the subject parcel to a zoning district which is located across the street from the subject parcel, is consistent with the Town’s Comprehensive Plan, and

otherwise is in the best interests of the Town and the owner of the parcel, who has requested the change of zoning classification; and

WHEREAS, the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 l & m, have each reviewed the proposed law; and

WHEREAS, the Town Planning Board, at a public meeting held on July 26, 2023 following due consideration at a public meeting held on the same date, has indicated that it does not object to the Town Board serving as Lead Agency on the matter and offered no recommendation; and

WHEREAS, the Town Board finds that amending the zoning classification of this property will not have a significant impact on traffic or emergency services in the area, , and

WHEREAS, on July 3,--- 2023, the Town Clerk mailed, via USPS First Class Mail, the proposed Local Law and related documents (i.e., a full statement of the proposed action) to the Rockland County Planning Department (“RCPD”), pursuant to NYS General Municipal Law (“GML”) §239-l, *et seq.*, and the RCPD has not provided its GML review report to the Town Board, and more than thirty days have elapsed since the RCPD’s presumed receipt of said full statement of the proposed action. Now, therefore, pursuant to GML §239-m(4)(b), the Town Board hereby takes final action on the proposed Local Law without such GML review report.

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the referenced parcel known as 60 Dutch Hill Road, located in the hamlet of Orangeburg, tax lot from 74.10 Block 1 Lot 70 from the current “CO” (Commercial Office) zoning district, to change the zoning classification of the property to that of “CS” (Community Shopping).

LOCAL LAW NO. _____ OF THE TOWN OF ORANGETOWN, AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT OF CERTAIN PROPERTY IN THE HAMLET OF ORANGEBURG

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

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

60 Dutch Hill Road, located in the hamlet of Orangeburg, tax lot from 74.10 Block 1 Lot 70, from “CO” (Commercial Office) zoning district, to change the zoning classification of the property to that of “CS” (Community Shopping), which metes and bounds description is as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, County of Rockland and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Dutch Hill Road at the intersection of the southerly side of Orangeburg Road;

RUNNING THENCE southerly along the westerly side of Dutch Hill Road on a curve to the right having a radius of 5,679.65 a distance of 412.84 feet to lands now or formerly of lands of Dutch Hill Equities LLC;

RUNNING THENCE along the same South 79°40'48"W, 233.16 feet to the lands now or formerly of Palisades Interstate Parkway;

RUNNING THENCE along said lands the following courses and distances:

- 1) North 12°44'37"West, 291.50 feet;
- 2) North 23°00'37"East, 125.04 feet;
- 3) North 63°57'18"East, 79.37 feet
- 4) North 83°04'50"East, 166.22 feet to the point and place of BEGINNING.

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

6. **RESUME PUBLIC HEARING FROM JULY 25, 2023 / 7:10 P.M./ PROPOSED LOCAL LAW / AMENDING CHAPTER 15 OF THE TOWN CODE, "FIRE PREVENTION CODE" BY REPEALING AND ADDING A NEW SECTION 15-10(D)" / OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE**

RESOLVED, that the Public Hearing regarding the Proposed Local Law / Amending Chapter 15 of the Town Code , "Fire Prevention Code" by repealing and adding a new section 15-10 (D): Outdoor Burning, Open Burning and Burning of Refuse, is hereby resumed.

SUMMARY OF PUBLIC COMMENTS:

7. **CLOSE OR CONTINUE PUBLIC HEARING / PROPOSED LOCAL LAW / AMENDING CHAPTER 15 OF THE TOWN CODE, "FIRE PREVENTION CODE" BY REPEALING AND ADDING A NEW SECTION 15-10(D)" / OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE**

RESOLVED, that the Public Hearing regarding Amending Chapter 15 of the Town Code "Fire Prevention Code" by repealing and adding a new Section 15-10(D) is hereby closed or continued to _____.

8. **ADOPT LOCAL LAW NO. ___ OF 2023, AMENDING CHAPTER 15 OF THE TOWN CODE, SECTION 15-10 ENTITLED "GENERAL FIRE SAFETY REQUIREMENTS" TO ADD A NEW SUB-SECTION (D)**

RESOLVED, that the Town Board hereby adopts proposed Local Law No. ___ of 2023, amending Chapter 15 of the Town Code, entitled "Fire Prevention Code", Section 15 -10 entitled "General Fire Safety Requirements", subsection "D" with the current Section 15-10(D) being repealed in its' entirety and replaced with a new Section 15-10(D).

The purpose of this Section is to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the

Town of Orangetown due to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

LOCAL LAW NO. _____ OF 2023
TOWN OF ORANGETOWN

Be it enacted by the Town Board of the Town of Orangetown that Local Law No. 15 of 1997, Chapter 15, Article I, Section 15-10(D) entitled "Outdoor fires", is hereby repealed in its entirety and replaced as follows:

DELETING THE CURRENT SECTION 15-10 D entitled "Outdoor fires".

- ~~(1) Outdoor fires include all fires burning outdoors with the exception of fires used to cook food in approved and/or recognized grills or stoves.~~
- ~~(2) All outdoor fires are prohibited with the exemption of live burn drills conducted by the Fire Department, fires for religious purposes or for other purposes as specifically approved by the Fire Inspector. Prior approval from the Rockland County Health Department and a permit issued by the Fire Inspector are required for all outdoor fires. Any other person, firm or corporation starting, maintaining or having control over an outdoor fire is in violation of this Code.~~

AND REPLACING IT IN TOTAL AS FOLLOWS:

Section 15-10 (D): OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE

- 1) Definitions. As used in this Section, the following terms shall have the meanings indicated:
- A. BONFIRE: An outdoor fire utilized for ceremonial purposes.
 - B. BUILDING INSPECTOR: The Building Inspector of the Town of Orangetown and/or his/her designee.
 - C. BURNING: Open burning, outdoor burning, fire(s), recreational fire(s), and special event fire(s).
 - D. CLEAN WOOD: Natural, seasoned and/or dry firewood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - E. CODE ENFORCEMENT OFFICER: The Code Enforcement Officer(s) of the Town of Orangetown.
 - F. FIRE CHIEF: The Chief of the local Fire Department or other person authorized by the Fire Chief.
 - G. FIRE INSPECTOR: The Chief of the Bureau of Fire Prevention or any Fire Inspector of the Town of Orangetown.
 - H. GARBAGE: The animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.
 - I. OPEN BURNING: The burning of materials wherein the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.
 - J. OPEN FIRE: Any open fire or outdoor smoke-producing process from air contaminants that are emitted directly into the outdoor atmosphere.
 - K. OUTDOOR BURNING: Open burning or burning in a manufactured freestanding portable outdoor fireplace or manufactured fire pit.

- L. OUTDOOR FIREPLACE or FIRE PIT: A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- M. POLICE: The Chief of the Town of Orangetown Police Department or Orangetown Police Officers .
- N. RECREATIONAL OUTDOOR FIRE: A small outdoor fire, burning materials other than rubbish, where the fuel being burned is NOT contained in an incinerator, barbeque grill or barbeque pit or portable outdoor fireplace; and is on residential property; and has a total fuel area of three (3') feet or less in diameter and two (2') feet or less in height, for pleasure, religious, ceremonial, cooking, warmth or similar purposes; and in accordance with the requirements of §15-10 D (5) of this section. A permitted built-in fireplace with required OBZPAE approval is a recreational outdoor fire.
- O. REFUSE: all waste material, including but not limited to: garbage, rubbish, incinerator residue, street sweepings, dead animals and offal.
- P. RUBBISH: Solid or liquid waste materials including, but not limited to, rags, furniture, cartons, chemicals, paint, grease, sludges, oils, any petroleum products other than legitimate home heating and cooking products, construction materials including, but not limited to, sheetrock, chip board, asphalt or fiberglass shingles, or pressure treated lumber, automobile parts, tires, metal goods including, but not limited to, refrigerators, stoves and like appliances, diapers, yard grass clippings, paper and paper products, packaging materials, Styrofoam, mattresses, cigarette filters, glass, plastic of any kind and furniture.
- Q. SPECIAL EVENT FIRE: A bonfire or any other open-air fire kindled to mark a public event, victory celebration or similar occurrence that does not meet the criteria of a recreational outdoor fire.

2) Prohibited burning. The following fires are prohibited in the Town of Orangetown.

- A. The burning of garbage, refuse and rubbish in any manner is prohibited.
- B. All open fire burning is prohibited in the Town of Orangetown except as set forth in Paragraph 3 herein.
- C. EXCEPTIONS: Live burn drills conducted by a local Fire Department, fires for religious purposes or for other purposes specifically approved by the Town of Orangetown Fire Inspector, and those fires that require a permit as required from the Fire Inspector.

3) Bonfires and Special Event Fires. Bonfires and special event fires shall be permitted only for a publicly sponsored celebration or event, an organization-sponsored event, or for a public or private school sponsored event.

- A. An operational permit shall be obtained from the Bureau of Fire Prevention prior to igniting the fire.
- B. These fires shall be subject to the filing and approval of an Outdoor Burning permit application with the Bureau of Fire Prevention at least thirty (30) days prior to the event.
- C. Permitted special event fires shall be located not less than fifty (50') feet from any structure.
- D. Materials used for fuel shall consist of wood only.
- E. The allowable quantity of wood to be burned shall be determined by the Chief of the Bureau of Fire Prevention or his/her designee based upon the fire safety considerations of the situation and the desired duration of the burn.
- F. The duration of the bonfire or special event fire shall be approved and authorized by the Chief of the Bureau of Fire Prevention or his/her designee.

- G. A competent adult of at least eighteen (18) years of age shall be designated for the safety of the special event fire area. This person must be identified as the contact person to meet with the Fire Department for any issue pertaining to the fire. Unless otherwise authorized by the Chief of the Bureau of Fire Prevention, the pile-size for a bonfire or special event fire shall be ten (10') feet or less in diameter and six (6') feet or less in height.
 - H. The base of the fire shall not be larger than ten (10) feet in diameter. The fire must be enclosed by a barrier set at a distance sufficient enough to provide maximum safety and be constantly monitored by a person responsible for scene security.
 - I. An adequate fire suppression source must be immediately available sufficient to extinguish the fire it is threatens the safety of the event.
 - J. After completion of the event and/or celebration, the fire must be completely extinguished and a fire watch must be provided for a sufficient amount of time to ensure that the fire does not rekindle.
 - K. Code Enforcement officials and Orangetown Police are authorized in his/her discretion to order that a bonfire or special event fire be immediately extinguished in accordance with §15-10(D)(4) of this chapter.
 - L. A bonfire or special event fire that is hazardous, offensive, objectionable, or unreasonably interferes with the comfortable enjoyment of life or property, due to smoke or odor emissions, shall be prohibited.
 - M. No fire shall be ignited prior to an on-site inspection of the location where the fire is to take place and shall be subject to any and all conditions or restrictions the Bureau of Fire Prevention's Office may impose for the safety of life and property; and the local Fire Department shall be notified forty-eight (48) hours prior to igniting any bonfire permitted by the Bureau of Fire Prevention.
 - N. The Chief of the Bureau of Fire Prevention and/or his/her designee has the authority to impose such other restriction and/or safety precaution pertaining to the bonfire or special event fire and shall be complied with at all times.
- 4) Non-commercial Outdoor cooking. Open burning will be permitted for outdoor cooking when the fire is limited to the minimal size necessary and contained in a device or cooking utensil commonly referred to as a grill, hibachi or smoker designated for outdoor cooking purposes. Fuels for outdoor cooking will be limited to charcoal or charcoal briquettes, natural gas, LP gas or wooden chips. All applicable and/or reasonable safety precautions shall be taken when using said devices or utensils. Outdoor cooking shall not be permitted on balconies, covered porches or covered patios.
- 5) Recreational fires. One small recreational fire shall be permitted at the premises of a single or two-family detached dwelling only. Natural gas or LP gas outdoor fireplaces or fire pits with ceramic logs, untreated wood and unpainted wood shall be permitted, provided that such appliance conforms to all other Town codes, and when used in accordance with the manufacturer's directions. All other forms of recreational fires are prohibited.
- A. A recreational fire shall not be greater than TWO (2') feet in height and THREE (3') feet in length in width and diameter, and shall be contained in an approved device.
 - B. A recreational fire shall be a minimum of twenty-five (25') feet away from a structure (including but not limited to, for example, houses, garages, wooden, plastic and/or vinyl fences, decks, and sheds) and shall not be left unattended until fully extinguished.
 - C. Conditions which could cause a fire to spread within twenty-five (25') feet of a structure shall be eliminated prior to ignition.
 - D. Competent adult supervision must be at the site while the fire is burning. Competent adult supervision is a person over eighteen (18) years of age.

- E. Appropriate fire-extinguishing equipment, sufficient to extinguish the fire, shall be present at all times and readily available.
 - F. Notwithstanding the foregoing, in the event that an otherwise permitted recreational fire shall cause a nuisance or harm to a neighboring residence or occupants of that residence due to specific health issues related to that home or occupants, then the individuals charged with enforcing the provisions of this section shall retain the right in their discretion to limit or prohibit said fire.
6. Portable Outdoor Fires: Portable outdoor fireplaces shall be permitted at single or two-family detached dwellings only and used in accordance with the manufacturer's instructions.
- A. Competent adult supervision must be at the site while the fire is burning. Competent adult supervision is a person over eighteen (18) years of age.
 - B. Appropriate fire extinguishing equipment, sufficient to extinguish the fire, shall be present at all times and readily available.
7. Enforcement and Control. The Chief of the Bureau of Fire Prevention, the Fire Inspectors, Building Inspectors, Code Enforcement Officers and the officers of the Orangetown Police Department, are hereby vested with authority to enforce the provisions of this section. He/she/they may suspend the operation of open burning, recreational fires or portable outdoor fireplaces, and shall have the right to declare that any and all burning shall cease immediately until further notice:
- A. if weather conditions are such that starting or the continuation of burning is a risk to life, health, safety or property within the Town, or
 - B. if smoke, ash, or smell emitting from open burning or an outdoor fireplace becomes objectionable or offensive to neighboring properties, or
 - C. if the Official determines the open burning or recreational fire constitutes a hazardous condition.
8. Penalties for offenses. Penalties are set forth in Town Code Section 15-6.
9. Severability. If any section or specific part or provision or standard of this section or the application thereof to any person or circumstance be adjudged invalid by any 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 section or the application thereof to other person or circumstances.

WHEN EFFECTIVE: This local law shall take effect immediately upon publishing, posting and upon filing a copy with the Secretary of State as required by law.

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

WHEREAS, the owner of premises located at 90 West Madison Avenue, Pearl River, New York, (Tax Map 68.19-4-24) being located in the "CO" (Commercial Office District) zoning district, has petitioned the Town Board to change the zoning classification of the property to that of "RG" (General Residence District), a zoning district that directly abuts the property; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because property currently abuts an RG zone, the property is currently used, and likely has always been used as a single family residence, and the proposed use as a single family residence, would be an appropriate use on the site; and

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

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

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

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

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

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

10. **SET PUBLIC HEARING ON PROPOSED ZONE CHANGE FOR 90 WEST MADISON AVENUE PEARL RIVER**

RESOLVED that the Town Board will hold a public hearing on September 26, 2023 at 7:10 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 90 West Madison Avenue, in the hamlet of Pearl River (Tax Lot 68.19-4-24) from "CO" Commercial Office to "RG" Residence General.

PROPOSED LOCAL LAW AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT OF CERTAIN PROPERTY IN THE HAMLET OF PEARL RIVER

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

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

90 West Madison Avenue, Pearl River, New York (Tax Map Designation Section 68.19 Block 4 Lot 24) from the "CO" (Commercial Office) zoning district to the "RG" (General Residence) zoning district, which metes and bounds description is as follows:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a point, said point being the intersection formed by the Southerly side of Madison Avenue and the Easterly side of Elwin Street; thence

1. South 80° 05' 00" East a distance of 75 feet along the Southerly side of Madison Avenue to a point; thence
2. Turning and running South 13° 35' 00" West a distance of 121.56 feet to a point; thence
3. Turning and running North 67° 27' 00" West a distance of 70 feet to a point on the Easterly side of Elwin Street; thence
4. North 10° 30' 00" East a distance of 106.00 feet along the Easterly side of Elwin Street to the point and place of BEGINNING.

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

11. **SET PUBLIC HEARING ON SEPTEMBER 26, 2023 AT 7:15 P.M. RE: PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 43 ARTICLE XVI "LANDLORD REGISTRY" / SHORT TERM RENTALS**

RESOLVED that the Town Board will hold a public hearing on September 26, 2023 at 7:15 p.m., on a proposed Local Law, to amend Chapter 43, Article XV of the Town Code entitled "Landlord Registry", to address issues related to short term property rentals.

12. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA**

WHEREAS, on or about November 1, 2016, the Town Board adopted Local Law No. 11 of 2016 and established the Landlord Registry Act which was to establish a registry of all rental properties in the Town, and

WHEREAS, the Town wishes to address the issue of short term rental of residential properties, to protect and preserve the Town's appropriately balanced commercial and residential nature and tranquil neighborhood character, and

WHEREAS, upon review thereof, 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 under SEQRA; and
3. The following are involved or interested agencies in the review of the Action under SEQRA:
 1. Orangetown Planning Board;
 2. Rockland County Department of Planning;
 3. Rockland County Department of Health;
 4. Town of Clarkstown
 5. Town of Ramapo
 6. Village of Piermont
 7. Village of Nyack
 8. Village of Chestnut Ridge
 9. Palisades Interstate Parks Commission

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intent to serve as Lead Agency for the purpose of environmental review of the Action, and directs that: (i) a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and (ii) the proposed local law and relevant documents be referred to the Orangetown Planning Board, and the Rockland County Department of Planning Board and all other involved agencies for review pursuant to the New York State General Municipal Law.

13. SET PUBLIC HEARING ON SEPTEMBER 26, 2023 AT 7:20 P.M. RE: PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 24 “PARKING LOTS & METERS / CHAPTER 39 “VEHICLES & TRAFFIC / HAMLET OF SOUTH NYACK

RESOLVED that the Town Board will hold a public hearing on September 26, 2023 at 7:20 p.m., on a proposed Local Law, to amend Chapter 24 of the Town Code entitled “Parking Lots & Meters” and Chapter 39 of the Town Code entitled “Vehicles and Traffic” related specifically to the Village of South Nyack.

14. DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA

WHEREAS, the former Village of South Nyack dissolved as of March 1, 2022, and any properties and land located in the former Village are now governed by the Town of Orangetown Town Code, and

WHEREAS, the former Village of South Nyack Code remains in effect for a period of two years after its dissolution, unless the Town of Orangetown takes any action with respect thereto, and

WHEREAS, the Town has caused a parking study to address parking issues related to and unique to the hamlet of South Nyack and to address such issues by incorporating parking and vehicle and traffic regulations as applicable to that area into the Town Code, and

WHEREAS, upon review thereof, 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 under SEQRA; and
3. The following are involved or interested agencies in the review of the Action under SEQRA:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;
 - N.Y.S. Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intent to serve as Lead Agency for the purpose of environmental review of the Action, and directs that: (i) a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and (ii) the proposed local law and relevant documents be referred to the Planning Board, and the Rockland County Department of Planning Board and all other involved agencies.

15. STREET NAMING/PRIVATE ROAD/THE RESERVE AT PEARL RIVER/LUCY COURT

WHEREAS, the property located at 555 Veterans Memorial, Pearl River, New York 10965, and identified as Orangetown Tax Lot Section 73.10, Block 1, Lot 6, has received subdivision and Site Plan approval from the Town Planning Board; and

WHEREAS, there is an unnamed private roadway on said property, as reflected on the Layout Plan for the Reserve at Pearl River; and

WHEREAS, Rockland County 911 Emergency Services requires that such roads with addressable structures be formally named, and the United States Postal Service requires numbered and named street addresses for mail delivery; and

WHEREAS, Mr. Donald Brenner, attorney for the applicant, has requested on behalf of his clients that the unnamed private roadway on said property be approved as “Lucy Court”; and

WHEREAS, Town Superintendent of Highways has determined that there are no conflicts with the name and has no objection to the private road being named “Lucy Court.”

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby authorizes and directs that the unnamed private road shown on the Reserve at Pearl River Layout Plan shall be forever named and known as “Lucy Court” and that all future maps depicting said area indicate the naming of this private road as “Lucy Court.”

16. ACCEPT / BIDS FOR THE 1959 TOWN HALL DEMOLITION PROJECT

WHEREAS, on July 21, 2023 in accordance with the requirements of New York General Municipal Law §101, et seq., the Town Clerk issued a Request for Bids for the Original

1959 Town Hall Building Demolition (“project”), based upon plans and specifications prepared for the Town by the Town’s architect, Lothrop Associates, LLP (“Lothrop”), for the purpose of receiving bids to provide demolition services to the Town related to the original 1959 Town Hall Building, as part of the overall addition to part of the existing Town Hall building, and

WHEREAS, bid responses for each of the trades for the Project were received and thereafter opened publicly on August 11, 2023; and

WHEREAS, Lothrop has provided to the Town Board a bid tabulation chart, which is incorporated by reference; and

WHEREAS, based upon the foregoing the lowest responsible bidder was determined to be, based in part upon the recommendation of Lothrop Associates, as follows: State Contracting Corp. of NY/DBA Capital Industries \$1,057,918.79

AND WHEREAS, pursuant to Town Board Resolution No. 2022-99 the Town Board authorized the issuance of a bond for the purpose of funding the New Town Hall Addition, which included the demolition of the 1959 portion of the building.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds that the above referenced bid is the lowest responsible bidder for the demolition of the original 1959 Town Hall Building; and

BE IT FURTHER RESOLVED, that effective as of August 22, 2023, the Town Board hereby authorizes the acceptance of each of the low bid, subject to the terms and conditions of the bid documents, the execution of a formal written contract with the contractor, and submission of all required documents, including but not limited to, performance bonds and proof of insurance; and

BE IT FURTHER RESOLVED, that the Town Supervisor and/or her designee is authorized to execute the contract and any other documents, upon final approval by the Town Attorney’s office, and to take all other actions necessary to effectuate this implement the purpose of the resolution.

17. APPROVE / FUND OVERAGE / STATE AND MUNICIPAL (SAM) GRANT / ORANGETOWN COMBINATION SEWER TRUCK

WHEREAS, the Town of Orangetown has been approved by the State of New York to receive a State and Municipal Facilities Program (SAM) grant to be administered by the Dormitory Authority of the State of New York (DASNY) for a combination sewer truck which grant is in the amount of \$75,000, subject to review and approval of DASNY and the submission of further documentation by the Town to DASNY; and,

WHEREAS, the Town Board hereby finds the purchase of the Orangetown Combination Sewer Truck and acceptance of the grant is a Type II action under SEQRA which requires no further review with respect to SEQRA;

NOW THEREFORE, BE IT RESOLVED, that the Town Board agrees to accept the SAM grant from the State of New York, which is to be administered by DASNY, in the amount of \$75,000 towards the purchase of the Orangetown Combination Sewer Truck; and,

BE IT FURTHER RESOLVED, the Town Board agrees to fund the remainder of the cost and any overages through fund balance, of the cost of the Orangetown Combination Sewer Truck, not to exceed \$500,000; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the grant for the Orangetown Combination Sewer Truck in accordance with DASNY requirements, subject to review and approval of the Town Attorney's Office.

TOWN ATTORNEY

18. **GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / LISA FERRANTE, 1031 ROUTE 9W, UPPER GRANDVIEW, NEW YORK, S/B/L 71.09-1-17**

WHEREAS, Lisa Ferrante, the property owner of property located at 1031 Route 9W, Upper Grandview, New York, S/B/L 71.09-1-17, has constructed a carport that has a roof which overhangs fifteen inches onto a Town of Orangetown right of way; and

WHEREAS, Ms. Ferrante has applied to the Town Highway Department for permission to have that portion of her carport roof which overhangs the Town's right of way remain in place; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Town Attorney's Office, and the Highway Department and the Town Attorney's Office recommend that the Town allow the carport roof to remain in place provided the owner executes and files with the County Clerk a Covenant, Hold Harmless and Indemnification Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 1031 Route 9W, Upper Grandview, New York, S/B/L 71.09-1-17, a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides that the carport roof currently encroaching on the Town's right-of-way may remain and the owner of the property, Lisa Ferrante, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structure must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

19. **STANDARD WORK DAY (SWD) FOR APPOINTED OFFICIAL, STEFANIE A. KOCOVIC (A/K/A STEFANIE A. SCHERA), TO REPORT SWD PER MONTH TO NEW YORK STATE & LOCAL RETIREMENT SYSTEM (NYSLRS)**

BE IT RESOLVED that the Town of Orangetown ("Town") hereby establishes the following as standard work day(s) ("SWD") for elected and appointed Official(s), and will report the following days worked to the New York State & Local Retirement System ("NYSLRS"), based on the Record of Activities ("ROA") maintained, and submitted by, these/this Official(s) to the Town Clerk or Town Attorney:

<u>Elected or Appointed Official's Title</u>	<u>Name</u>	<u>NYSLRS Registration Number</u>	<u>Standard Work Day/SWD (hours per day)</u>	<u>Term Begins/Ends</u>	<u>Participates in Town's Time Keeping System</u>	<u>SWD Days per Month (based on ROA)</u>	<u>ROA Submitted</u>
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Deputy Town Attorney	Stefanie A. Kocovic (a/k/a Stefanie A. Schera)	REDACTED	7	02/17/2023 - 12/31/2023	NO	10.29	YES (2023)
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BE IT FURTHER RESOLVED that this Resolution shall be posted for at least 30 days, and a certified copy of the Resolution shall be filed by the Town Clerk with the Office of the New York State Comptroller.

HIGHWAY

20. APPROVE / SURPLUS / ASPHALT TAILINGS

RESOLVED, that upon the recommendation of the Superintendent of Highways, approve for surplus, 1,400 cubic yards of asphalt tailings.

21. APPROVE / COST OF ADDITIONAL DESIGN WORK & CONSTRUCTION INSPECTION SERVICES / TRAFFIC SIGNAL REPLACEMENT PROJECT / COLLIERS ENGINEERING & DESIGN

RESOLVED, upon the recommendation of the Superintendent of Highways that the Town Board hereby approves the proposals for additional costs from Colliers Engineering & Design to provide additional design work and construction inspection services to the Town as part of the Traffic Signal Replacement Project, in the amount of \$8,000.00 to be charged to H.3310.200.22.

22. ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF CHRISTOPHER FEROLDI /LABORER /HIGHWAY DEPARTMENT / EFFECTIVE AUGUST 31, 2023

RESOLVED, that the Superintendent of Highways and the Town Board accepts with regret, the resignation/retirement of Christopher Feroldi, Laborer, from the Orangetown Highway Department, after 37 years, effective August 31, 2023.

TRAFFIC ADVISORY BOARD

23. APPROVE / INSTALLATION OF TWO STREET LIGHTS / STAFF SGT JAMES PARKER ROAD & GREENBUSH ROAD / NORTH AND SOUTH INTERSECTIONS / BLAUVELT

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of two street lights at the intersection of Staff Sgt James Parker Rd and Greenbush Rd,

both north and south intersections in Blauvelt (North Utility Pole# 60616/39188 and South Utility Pole# 60600/39102) is hereby approved to be paid from the following budget line item B.5182.452.17.

BUILDING

24. AMEND RESOLUTION NO 422-2022, 9/13/2022 APPROVE/PURCHASE OF FOUR VEHICLES/OBZPAE & FIRE

WHEREAS, on September 13, 2022 the Town Board approved the purchase of four new vehicles for OBZPAE and FIRE, Resolution No. 422-2022. The Director of OBZPAE issued Purchase Order number 52690 for the purchase of two ford explorers in the amount of \$37,033, however as of August 18, 2023 said vehicles are still unavailable with no projected delivery date, as such new estimates were obtained for vehicles that are available with a new cost of \$41,313 for each.

NOW THEREFORE BE IT RESOLVED, that due to the current car market supply issues, the Town Board approves the request of the Director of OBZPAE for the new purchase price of \$41,313 each for two vehicles for OBZPAE to be paid out of fund balance account #B.17 Town Outside Village.

25. AMEND CONTRACT/ADD FIRE INSPECTION MODULE/BUILDING DEPARTMENT PERMITTING SOFTWARE/TYLER TECHNOLOGIES-ENERGOV

WHEREAS, on April 9, 2019, per Town Board Resolution No. 2019-188, the Town Board approved the contract for the development and implementation of Energov software by Tyler Technologies, Duluth, GA, for Municipal Parcel and Permitting software for the Building Department, and which software has been implemented; and

WHEREAS, the software module that is applicable to the Fire Prevention Bureau needs to now be implemented as part of the existing software;

NOW THEREFORE, BE IT RESOLVED, upon the recommendation of the Director of OBZPAE, the Town Board hereby approves amending the existing contract with Tyler Technologies for the implementation of the Fire Prevention Module as part of the Energov software, and which contract shall be subject to Town Attorney review and approval, in the additional amount not to exceed \$8,499 for the software licensing and implementation services, plus an annual cost of \$7,848 for running of the program.

LEND ASSISTANCE

26. COMBINE / APPROVE AGENDA ITEMS #27 TO 34

RESOLVED, the Town Board hereby combines and approves agenda items #27 to 34

27. APPROVE / LEND ASSISTANCE / SOUTH NYACK 10- MILER / SEPTEMBER 10, 2023

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which

includes the use of barricades from the Highway Dept., and police detail from OPD, for the South Nyack Road Race to be held on Sunday, September 10, 2023.

BE IT FURTHER RESOLVED, that upon the completion of the necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of porto-jons (10 regular) for use at the South Nyack 10 Miler on September 10, 2023. With the organization providing a certificate of insurance naming the Town of Orangetown as being an additional insured.

28. **APPROVE / LEND ASSISTANCE / TAPPAN 9/11 MEMORIAL DAY SERVICE / SEPTEMBER 11, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of two message boards from the Highway Department, Tappan 9/11 Memorial Service, to be held on Monday, September 11, 2023 from 8am- 11am.

29. **APPROVE / LEND ASSISTANCE / 2023 SONS OF ITALY ITALIAN FEAST / SEPTEMBER 14- 17, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways and the Chief of Police that the Town Board hereby authorizes these departments to lend assistance which includes the use of fencing, cones, barricades, message board, trash cans & barrels from the Highway Department & police detail from the Police Department, upon receipt of a valid certificate of insurance listing the Town as the certificate holder and additionally insured. This event will be held from September 14 - September 17, 2023.

BE IT FURTHER RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$500.00 by the Sons of Italy Rockland Lodge 2176 for their Italian Feast, Thursday, September 14 to Sunday, September 17, 2023, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

30. **APPROVE / LEND ASSISTANCE / DOMINICAN UNIVERSITY / FIRE IN THE SKY / SHOWMOBILE / SEPTEMBER 30, 2023**

RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$500.00 by Dominican University NY for Family Day & Fire in the Sky, Saturday, September 30, 2023, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

31. **APPROVE / LEND ASSISTANCE / 2023 NOBLE NINTH TRAUBENFEST / OCTOBER 1, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & barrels from the Highway Dept., and auxiliary police from

OPD, for the Noble Ninth Traubenfest to be held on Sunday, October 1, 2023 from 11am-10pm.

32. APPROVE / LEND ASSISTANCE / 2023 PEARL RIVER HIGH SCHOOL PEP RALLY & BONFIRE / OCTOBER 13, 2023

RESOLVED, upon the recommendation of the Superintendent of Highways and Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades, barrels and sand from the Highway Department & the presence of Auxiliary Police from the Police Department for the Pearl River High School Pep Rally & Bonfire to be held on Friday, October 13, 2023 at 7pm.

33. APPROVE/ LEND ASSISTANCE / 2023 ANNUAL HALLOWEEN PARADE ORANGEBURG FIRE DEPARTMENT/ TUESDAY, OCTOBER 31, 2023

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes barricades & trash barrels from the Highway Department and Auxiliary Police from OPD, for the OFD annual Halloween parade to be held on Tuesday, October 31, 2023, from 6:00 pm – 8:30 pm.

34. APPROVE / LEND ASSISTANCE / 2023 ORANGEBURG FIRE DEPARTMENT HOLIDAY PARADE / SATURDAY, DECEMBER 9, 2023

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & trash bins from the Highway Dept., and auxiliary police from OPD, for the OFD annual holiday parade to be held on Saturday, December 9, 2023 (rain date: Sunday, December 10, 2023), on various roads in the hamlet of Orangeburg, from 5 pm – 9 pm.

TOWN CLERK

35. RETENTION OF “BORN-DIGITAL” RECORDS IN THEIR ORIGINAL FORMAT FOR LGS-1 PRESCRIBED PERIOD OF TIME; AND DIGITALIZATION OF PLAIN PAPER RECORDS REQUIRED TO BE RETAINED PERMANENTLY

WHEREAS, the Town Board of the Town of Orangetown (“Town Board” and “Town,” respectively) previously adopted the Retention and Disposition Schedule for New York Local Government Records, issued by State Archives of the State of New York (“NYS”) of the NYS Education Department, pursuant to Article 57-A of the NYS Arts and Cultural Affairs Law, the most recent version of which (issued by State Archives 2020, and revised 2022) is known as “LGS-1” (8 NYCRR §185.15; Appendix L).

WHEREAS, the Town has limited physical storage space for plain paper records.

WHEREAS, it is the Town’s intention to digitalize, to the extent practicable, plain paper records that are required to be retained permanently by LGS-1 (as same may be amended from time to time).

Now, therefore, it is hereby **RESOLVED** that:

(1). The Town shall retain all records that originate in a digital format ("born-digital") in their original born-digital format for the retention period of time prescribed for each record by LGS-1 (as same may be amended from time to time).

(2). Each Town Department or Office may digitalize plain paper records that are required to be retained permanently by LGS-1 (as same may be amended from time to time), which digitalization shall be in accordance with the State Archives's Digital Imaging Guidelines (as same may be amended from time to time); and the plain paper originals and copies of all such digitalized records shall be deemed convenience copies, and may be disposed of at the discretion of each Town Department or Office.

(3). Each Town Department or Office shall be responsible for records retention and disposition for their respective Department's or Office's own records.

AUDIT

36. 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 three (3) warrants (attached) for a total of **\$2,942,685.21**.

EXECUTIVE SESSION

37. 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 and matters relating to employment.

ADJOURNMENTS

38. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Patricia "Trish" DuBow**, *Former South Nyack Mayor from 2006-2013*
- ❖ **Bert Hughes**, *Resident of Nyack*