

**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
July 25, 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 Thomas Diviny
Councilperson Paul Valentine
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny
Councilperson Brian Donohue

Also Present:

Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Bob Urban, Human Resource Coordinator
Matthew Lenihan, Computer Network Specialist
Brendon Carton, IT Department
Donald Butterworth, Police Chief

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- **Unclaimed Funds Event at Town Hall / Thursday, July 27, 2023 / 11:30 am - 3:00 pm**
- **The Regular Town Board Meeting for August 8, 2023 is cancelled.**
- **The following Public Hearing is scheduled for August 22, 2023:
Zone Change for Prel Plaza/ 60 Dutch Hill Rd**

PRESENTATION:

PKF O'Conner Davies presenting results of the Annual Comprehensive Financial Report for the Fiscal Year ended December 31, 2022. Summary Overview is labelled Exhibit 07-25-A.

DISCUSSION:

Workshop of Agenda Items

RESOLUTION NO. 392

OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

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

Motion: 5 - 0

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

Noes: None

Summary of Public Comments:

Sharon Bailey, S. Nyack, asked the Town Board for clarification of issues leading up to the amendment of Chapter 15, Fire Prevention Code, of the Town Code.

Susan McWhinny, Orangeburg, spoke about the 10 court guilty pleas by RCW.

Gerry Goggin, Orangeburg, alleges RCW's proposed zone change does not address bars & alcohol sales on the property. He believes Rockland County laws supersedes Town laws.

Eileen Larkin, Palisades, thank the Town Board for the actions that have been taken regarding the HNA Training Conference Center and keeping the zoning in the Comprehensive Plan tight.

**RESOLUTION NO. 393
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 394
RESUME PUBLIC HEARING FROM JUNE 27, 2023 / ACCEPT DRAFT
COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN
COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding the Draft Comprehensive Plan and consider adopting the Orangetown Comprehensive Plan is hereby resumed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

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

Noes: None

Summary of Public Comments:

Maryann Gavioli, Orangeburg, supports the changes and the modifications being listed on the Town's website separately.

Ray Fusco, Orangetown, wants to keep the open space statement in the Comprehensive Plan.

Wayne Gavioli, Orangeburg, congratulated the Town Board for coming a long way. He supports this new Comprehensive Plan.

Eileen Larkin, Palisades, is against Accessory Dwelling Units (ADU) proposed by the Governor and hopes the Town's Comprehensive Plan survives.

Mike Mandel, Pearl River, is in favor of the changes made to the Plan and suggested other changes. Changing zoning districts should be looked at very cautiously and carefully.

Joseph Peralta, Pearl River, would like to see language addressing bicycle paths, walking communities, affordable housing for young adults and mobility that doesn't need a car.

A motion was made to make certain changes to the Draft Comprehensive Plan in accordance with a proposal prepared by Councilman Diviny and Councilman Valentine (Exhibit 07-25-B) and directing that the changes be reflected in the Final Comprehensive Plan prior to its adoption at a later date.

The motion was made by Councilman Diviny, which was seconded by Councilman Valentine. On a Roll Call Vote, the Board Members voted as follows on the motion:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue

Noes: Supervisor Teresa M. Kenny

**RESOLUTION NO. 395
CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN
CONSIDER / ADOPT THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding the Draft Comprehensive Plan and Consider Adopting the Orangetown Comprehensive Plan is hereby continued to September 25, 2023 at 7:05 pm.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 396
OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW, AMENDING CHAPTER 15 OF THE TOWN CODE (“FIRE PREVENTION CODE”) BY REPEALING AND ADDING A NEW SECTION 15-10(D)**

RESOLVED, that the public hearing to consider a proposed Local Law amending the Town Code of the Town of Orangetown Chapter 15 “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) is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

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

Noes: None

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication and Postings; which are labeled Exhibit 07-25-C and made a part of these minutes.

Summary of Comments:

Sharon Bailey, S. Nyack, is very happy to be part of Orangetown. She is opposed to this poorly drafted proposed local law. She suggested a committee of residents to share their input.

Ray Fusco, Orangetown, thanked the Town Board for these regulations but would like to know more information.

Eileen Larkin, Palisades, is confused about this proposed local law. She is against fire pits and asked many questions.

**RESOLUTION NO. 397
CONTINUE PUBLIC HEARING ON PROPOSED LOCAL LAW, AMENDING CHAPTER 15 OF THE TOWN CODE (“FIRE PREVENTION CODE”) BY REPEALING AND ADDING A NEW SECTION 15-10(D)**

RESOLVED that the public hearing on a proposed local law, amending Chapter 15 of the Town Code, to repeal the current Section 15-10(D) with a new Section 15-10(D) is hereby continued August 22, 2023 at 7:10 pm.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 398
DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW,
AMENDING CHAPTER 15 OF THE TOWN CODE AND DETERMINATION UNDER
SEQRA**

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law, amending Chapter 15 of the Town Code, entitled "Fire Prevention Code" to repeal the existing Section 15-10(D) and add a new Section 15-10(D); and further determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 399
AUTHORIZING THE WITHDRAWAL OF EDPL DETERMINATION AND FINDINGS
HNA TRAINING CENTER, 334 ROUTE 9W (78.13-1-1)**

WHEREAS, the Town of Orangetown ("Town") has a vision for maximizing, revitalizing, and redeveloping the currently underutilized and vacant property located at 334 Route 9W, Orangetown, New York (Tax Lot 78.13-1-1) ("Property") for the benefit of the community, with a use or mix of uses that will enhance the sound growth of the Town, increasing its tax base, preserving key environmental on-site features, providing public amenities and uses, and encouraging good design standards; and

WHEREAS, the Property has been owned by HNA Training Center NY LLC ("HNA"), and was vacant and/or not in use as a hotel/conference center for approximately five (5) years;

WHEREAS, in order to realize this vision, the Town, initially in cooperation with HNA, issued a Request for Expressions of Interest ("RFEI"), identified Reveil LLC ("Reveil") as its Preferred Developer and entered into a Memorandum of Understanding ("MOU") with Reveil for the development of the Property, which contemplated, inter alia, the Town using its eminent domain authority to facilitate redevelopment of the Property, if necessary; and

WHEREAS, with the assistance of the Town, on or about April 28, 2022, HNA entered into a Letter of Intent ("LOI") with Reveil, which set forth the terms pursuant to which, among other things, Reveil would hopefully enter into a consensual Purchase and Sale Agreement with HNA ("PSA") to sell the Property to Reveil; and

WHEREAS, despite Reveil's signing of a PSA in October 2022 and depositing a total \$600,000.00 with an Escrow Agent in contemplation of the sale of the Property, HNA did not release a signed version of the PSA, and the parties were unable to consummate the sale; and

WHEREAS, HNA had effectively abandoned the Property and the already blighted Property continued to deteriorate and fall further into an unsafe condition, including, among other conditions, numerous events of vandalism and trespass; utilities to the Property being cut off resulting in standing water accumulating in the basement of the existing buildings due to pipes freezing and bursting; HNA failing to maintain the emergency access road in a passable condition for fire apparatus, and failing to repair a large sink hole on the secondary access road and under HNA's continued ownership; and

WHEREAS, due to the aforementioned conditions, numerous violations had been issued to HNA due to the failure to upkeep the Property, causing the Property to exhibit a deteriorating and unsafe condition, including, but not limited to, several environmental incidents that have occurred recently on the Property, such as discharges of wastewater into the Town's WWTP and illegal dumping of C&D material; and

RESOLUTION NO. 399 - Continued

WHEREAS, based upon HNA's failure to sign the PSA with Reveil, the continuing and worsening underutilized and unsafe nature of the Property, the various open violations, and the significant amount of taxes in arrears, on October 25, 2022, the Town Board adopted a Resolution, which authorized Zarin & Steinmetz to take all necessary steps pursuant to the MOU to commence and prosecute eminent domain proceedings against the Property and HNA; and

WHEREAS, on February 21, 2023, March 21, 2023 and April 25, 2023, the Town Board conducted public hearings pursuant to EDPL Section 201 to review with the public and Property owner the proposed public purpose and potential environmental impact of the acquisition of the Property through the use of the Town's eminent domain authority; and

WHEREAS, on May 19, 2023, the United States District Court for the Southern District of New York issued an Opinion and Order compelling an affiliate of HNA to turn fee title to the Property over to an affiliate of SL Green Realty Corp. ("SL Green") as partial satisfaction of an arbitration award, but, due to several stays granted by the Court, HNA remained the owner of the Property; and

WHEREAS, because it was not clear whether SL Green would be able to obtain title to the Property and/or consummate the PSA with Reveil in a timely manner, the Town Board adopted Determinations and Findings on July 11, 2023 to comply with the 90-day deadline under the EDPL to adopt findings after the close of the public hearings ("Determination and Findings"); and

WHEREAS, SL Green has obtained fee title to the Property, and since July 11th has taken various steps to secure the Property from further damage, and has indicated to the Town its desire to reasonably remediate unsafe conditions as well as continue working towards a PSA with Reveil in an expeditious manner; and

WHEREAS, given SL Green's acquisition of the Property and the new information the Town has learned about SL Green's efforts to secure the Property and its desire to move forward with the PSA, the Town Board wishes to withdraw the Determination and Findings to permit Reveil and SL Green to consummate the PSA in a timely fashion.

NOW, THEREFORE, IT IS HEREBY RESOLVED that, upon considering the above-summarized facts and new circumstances, the Town Board withdraws the Determination and Findings adopted on July 11, 2023, and authorizes the Supervisor to execute a certificate withdrawing said Determination and Findings and file the same with the Town Clerk's Office, as well as provide a copy to the Property Owner and any party requesting a copy of the same.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 400**APPROVE / ORANGETOWN 2024 BUDGET CALENDAR**

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town and the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2024 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law;

RESOLUTION NO. 400 - Continued

- SEPTEMBER 6, 2023 (Wednesday): Special Town Board Meeting at 5:30 P.M. will take place at Town Hall, Orangeburg, New York, to include all Department Heads to present their budget requests.
- SEPTEMBER 19, 2023 (Tuesday): Last day for Department Heads to submit budget estimates.
- SEPTEMBER 26, 2023 (Tuesday): At the RTBM of the Town Board at 7:00 P.M., the 2024 Supervisor's Tentative Budget shall be distributed to the Town Board and Department Heads, and the Finance Department will publish it on the Town's website;
- SEPTEMBER 26, 2023 (Tuesday): Schedule a Public Hearing for October 10, 2023, 7:00 P.M. / Blauvelt Fire Protection District Contract;
- SEPTEMBER 26, 2023 (Tuesday): Schedule a Public Hearing for October 10, 2023, 7:10 P.M. Regarding the Orangetown Library Districts for a one-year contract (Blauvelt, Orangeburg, Tappan and Palisades);
- SEPTEMBER 26, 2023 (Tuesday): Schedule a Public Hearing for October 10, 2023, 7:15 P.M. Regarding the 2024 Preliminary Budget; once the Town Board approves modifications to the Tentative Budget (by Resolution(s)), it becomes the Preliminary Budget; and is filed with the Town Clerk and the Director of Finance is authorized to publish it on the Town's website.
- OCTOBER 10, 2023 (Tuesday): Public Hearings: (1) Blauvelt Fire Protection District; (2) Orangetown Library Districts; and (3) 2023 Preliminary Budget
- NOVEMBER 14, 2023 (Tuesday): Public Hearing at 7:00 P.M. / Continuation of Public Hearing on the Preliminary Budget shall be held at Town Hall, Orangeburg, New York. At the conclusion of the Hearing, the Town Board may by resolution adopt a final budget, by either accepting or amending the Preliminary Budget and said budget may become the legally Adopted Budget for the Town of Orangetown for the year commencing January 01, 2024.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 401**CHANGE DATE OF POLICE COMMISSION MEETING / AUGUST 8, 2023 TO AUGUST 22, 2023 / BUDGET PRESENTATIONS**

RESOLVED, upon the recommendation of the Police Chief, the August 8, 2023 Police Commission meeting is hereby moved to August 22, 2023 starting at 6:30 pm for their budget presentation to the Town Board.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 402
SET DATE / STBM OF AUGUST 22, 2023 (TUESDAY) AT 6:00 PM / DEME 2024
BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date for a STBM on August 22, 2023 (Tuesday) at 6:00 pm regarding DEME's 2024 Budget Presentation to Town Board.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 403
SET DATE / STBM OF SEPTEMBER 06, 2023 (WEDNESDAY) AT 5:30 P.M. / TOWN
DEPARTMENTS 2024 BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date for a STBM on September 06, 2023 (Wednesday) at 5:30 P.M. regarding the Town Departments 2024 Budget Presentation to the Town Board.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 404
SET DATE / RTBM OF SEPTEMBER 12, 2023 (TUESDAY) AT 7:05 P.M. FOR SPECIAL
DISTRICTS RE: 2024 BUDGET PRESENTATIONS TO THE TOWN BOARD
(BLAUVELT VOLUNTEER FIRE DEPARTMENT FOR THE BLAUVELT FIRE
PROTECTION DISTRICT, ROCKLAND PARAMEDICS, SOUTH ORANGETOWN
AMBULANCE CORPS, NYACK AMBULANCE CORPS, ORANGEBURG LIBRARY,
TAPPAN LIBRARY, PALISADES LIBRARY AND THE BLAUVELT LIBRARY)**

RESOLVED, that upon the recommendation of the Director of Finance, set date of September 12, 2023 (Tuesday) at 7:05 P.M. for Special Districts (Blauvelt Volunteer Fire Department for the Blauvelt Fire Protection District, Rockland Paramedics, South Orangetown Ambulance Corps, Nyack Ambulance Corps, Orangeburg Library, Tappan Library, Palisades Library and the Blauvelt Library) regarding their 2024 Budget Presentations to the Town Board.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 405
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:

Gallay, Inc., 75 Old Route 304, New City, NY 10956

RESOLUTION NO. 405 - Continued

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 406

ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF MARY ANSEMI ADMINISTRATIVE SECRETARY /POLICE DEPARTMENT / EFFECTIVE JULY 29, 2023

RESOLVED, that the Chief of Police and the Town Board accepts with regret, the resignation/retirement of Mary Anselmi, Administrative Secretary, from the Orangetown Police Department, after nearly 20 years, effective July 29, 2023.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 407

APPOINT SUZANNE DELLI PIZZI / PRINCIPAL CLERK-TYPIST / PROBATIONARY GRADE 10, STEP 1 / EFFECTIVE JULY 31, 2023

RESOLVED, that upon the recommendation of the Chief of Police, appoint Suzanne Delli Pizzi to the position of Principal Clerk-Typist from Eligible List #66832, Probationary, Grade 10, Step 1 at a salary of \$60,340, effective July 31, 2023.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 408

AMEND 12/14/21 RESOLUTION NO. 501 TO INCREASE PKF O'CONNOR DAVIES 2022 ACCOUNTING SERVICES FEE BY \$25,000 TO A TOTAL COST OF \$127,900

RESOLVED, upon the recommendation of the Finance Director, the Town of Orangetown Board authorizes a one-time increase of \$25,000 in Accounting Services provided by PKF O'Connor Davies for the Year Ended 2022 due to the additional audit work necessary related to the dissolution of the Village of South Nyack. The additional cost of \$25,000 will be paid from the Legacy District, SM.1320.457.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 409
ADOPT / CURRENT BASE PERCENTAGES AND ADJUSTED BASE PROPORTIONS
2023 TAX ASSESSMENT ROLL**

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 and 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes based upon the 2023 Assessment Roll, and the Town Clerk is hereby authorized to affix a Town certification.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 410
AUTHORIZE SUBMISSION OF AN APPLICATION TO APPLY FOR AN
ENVIRONMENTAL FACILITIES CORPORATION (EFC) NEW YORK WATER
INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT / TIER IV PUMPING
STATIONS / DEME**

WHEREAS, upon the recommendation of the Commissioner of the Department of Environmental Management and Engineering, the Town of Orangetown has determined it desirable and in the public interest to submit an application to the EFC for funding consideration for improvements to several pumping stations; and,

WHEREAS, the project is for the rehabilitation and upgrade of seven existing sanitary pumping stations within the Town's sewer collection system which sends untreated sewage to the existing Orangetown Wastewater Treatment Plant; and,

WHEREAS, one of the pump stations to be upgraded is the Nyack pumping station in which a portion of its sanitary tributary flow is within an Environmental Justice Area; and,

WHEREAS, the amount of funding being requested shall not exceed \$753,125 which is 25% of the total project; and,

WHEREAS, the Town of Orangetown Town Board is hereby committed to using municipal funds for the balance of the project; and,

NOW THEREFORE BE IT RESOLVED, the Town Board authorizes and directs the Town Supervisor or her designee to submit an application on behalf of the Town of Orangetown for the Tier IV Pumping Station Improvements under the EFC New York Water Infrastructure Improvement Act Grant Program, and is authorized to execute all other documents necessary for the implementation of this work, and is authorized to execute all financial and/or administrative processes relating to the grant program.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 411
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 \$1,515,021.92.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 412
ENTER EXECUTIVE SESSION**

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

RESOLVED, at 8:34 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 413
RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at 9:30 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: William Buchan, *Resident of Pearl River*; Peter Francis Fegan, *Resident of Blauvelt*; and John Komar, *Former Orangetown Town Supervisor and County Legislator*.

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

Motion: 5 - 0

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

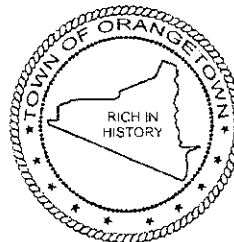
Noes: None



Rosanna Sfraga, Town Clerk

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 7/20/2023
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 7/25/2023 consists of 3 warrants for a total of \$1,515,021.92.

The first warrant had 28 vouchers for \$37,112 and had the following items of interest.

1. De Lage Landen (p1) - \$24,868 for golf cart leases.

The second warrant had 30 vouchers for \$290,948 and had the following items of interest.

2. NYPA (p4) - \$23,192 for streetlight project.
3. Zarin & Steinmetz (p12) - \$5,352 for outside counsel.

The third warrant had 147 vouchers for \$1,186,960 and had the following items of interest.

1. Applied Business Systems (p4) - \$7,200 for postage for tax bills.
2. Commissioner of Taxation & Finance (p10) - \$13,954 for 2Q worker's comp board.
3. Crown Castle Fiber (p12) - \$6,758 for connectivity.
4. Granicus (p19) - \$10,575 for agenda software.
5. Kuehne Chemical Co. (p25) - \$7,858 for sewer chemicals.
6. NYS Dept. of Civil Service (p30) - \$923,658 for health care premiums.
7. Tilcon (p40) - \$60,432 for Highway materials.

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204

Town of Orangetown

DATE: July 25, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	070723	\$ 37,112.73
	071423	\$ 290,948.88
	072523	\$ 1,186,960.31
		\$ 1,515,021.92

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

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

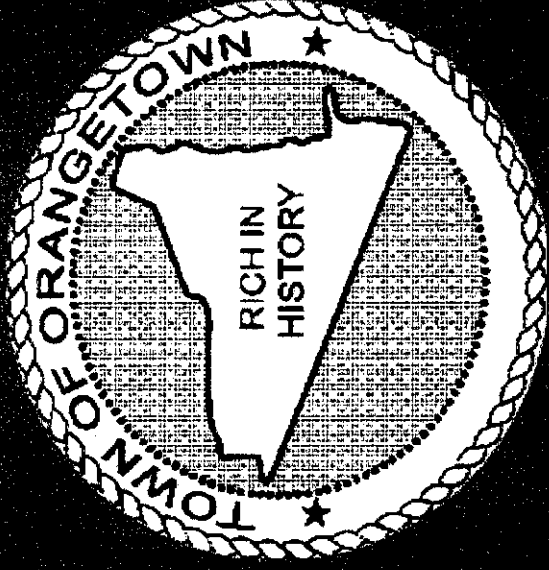
Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny



**O'CONNOR
DAVIES**
ACCOUNTANTS AND ADVISORS



Town of Orangetown, New York Report to the Town Board December 31, 2022

Nicholas DeSantis, Partner
Robert A. Daniele, Partner

July 25, 2023

EXHIBIT
107-25-A

KNOW
GREATER
VALUE

Agenda

Summary Overview/Deliverables

Financial Statement Walkthrough

General Fund

- 2022 Budget to Actual Summary
- 2022 Budget to Actual – Revenues
- 2022 Budget to Actual – Expenditures
- Fund Balance Analysis – 5 Year Comparison

Town Outside Villages Fund

- 2022 Budget to Actual Summary – Police
- 2022 Budget to Actual Summary – Other
- Fund Balance Analysis – 5 Year Comparison

Other Funds (Sewer, Highway, Debt Service, Capital Projects, Special Districts Funds)

Blue Hill Golf Course Fund
Broadacres Golf Course Fund

Internal Service Funds – Workers' Compensation and Risk Retention

Other Considerations – Outstanding Debt – Bonds and Direct Borrowings

Summary – Closing Points

Summary Overview

- Fieldwork completed in April, follow-up in May and completion in June
- Deliverables
 - Independent Auditors' Report on the basic financial statements
 - Required communications to those charged with governance
 - Management letter
 - Town Justice Court audit report
- We did not identify control deficiencies that we consider to be material weaknesses or significant deficiencies concerning internal control over financial reporting
- No uncorrected differences
- Audit results – Independent Auditors' Report - PKFOD issued an **unmodified opinion** on the basic financial statements
- We also audited the Orangetown Housing Authority – a component unit of the Town.

Financial Statement Walkthrough

Annual Comprehensive Financial Report ("ACFR")

- The Town has received the Certificate of Achievement for Excellence in Financial Reporting for 16 consecutive years.

Components:

Introductory Section (pages i-x)

Financial Section:

Independent Auditors' Report (pages 1-3)

Management's Discussion & Analysis

Financial Statements

Notes to Financial Statements

Required Supplementary Information

Statistical Section

Federal Awards



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

Town of Orangetown
New York

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

December 31, 2021

Christopher P. Morrill
Executive Director/CEO

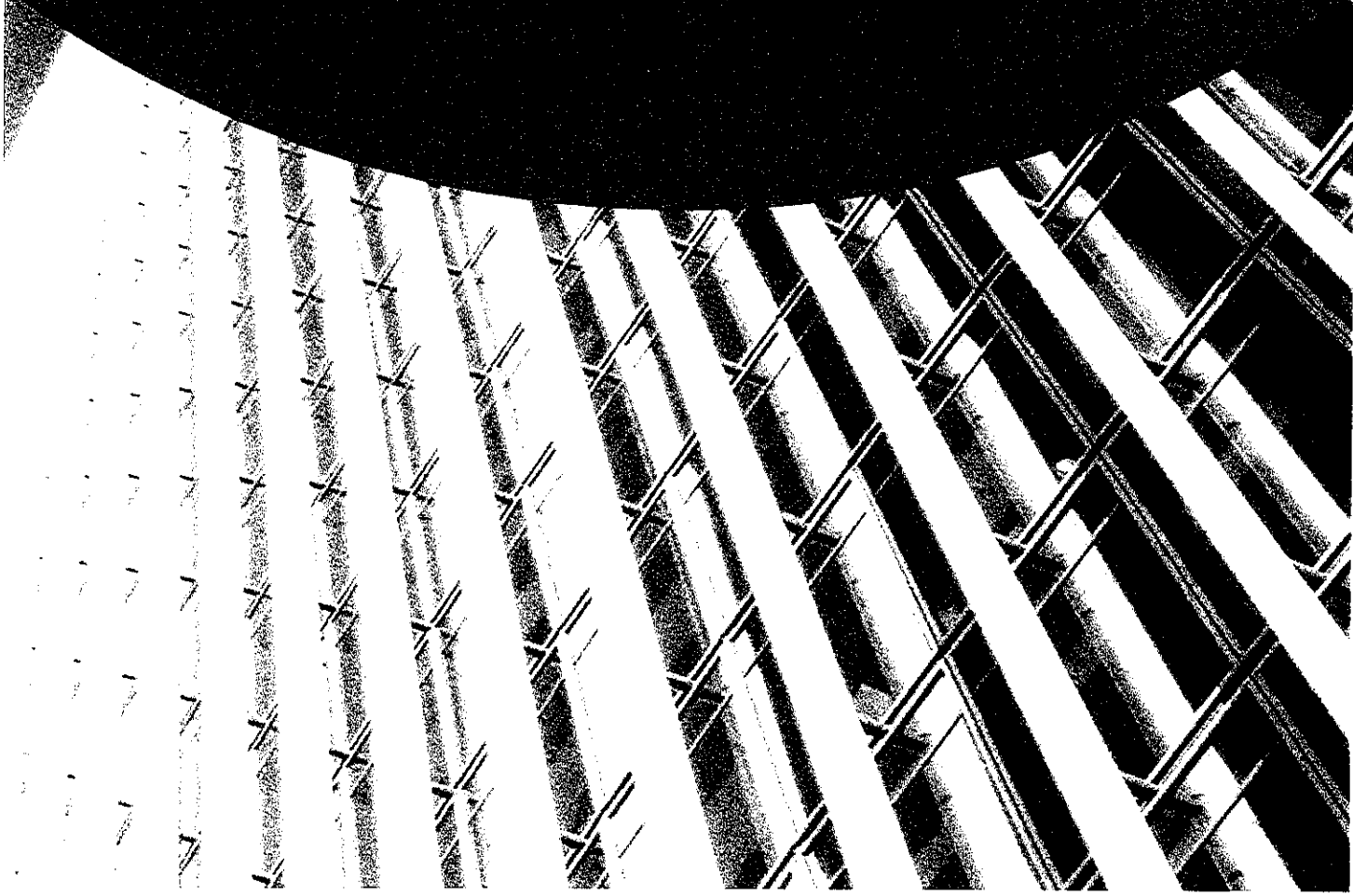




**O'CONNOR
DAVIES**

ACCOUNTANTS AND ADVISORS

General Fund



General Fund - 2022 Budget to Actual Summary

Pages 75-76 - Basic Financial Statements

	Original Budget	Final Budget	Actual	Variance with Final Budget
Total Revenues	\$ 14,499,115	\$ 15,029,863	\$ 18,295,319	\$ 3,265,456
Total Expenditures	15,713,446	16,259,976	15,290,588	969,388
Deficiency of Revenues Over Expenditures	(1,214,331)	(1,230,113)	3,004,731	4,234,844
Total Other Financing Sources (Uses): Transfers out	-	-	-	-
Net Change in Fund Balance	(1,214,331)	(1,230,113)	3,004,731	4,234,844
Fund Balance - Beginning of Year	1,214,331	1,230,113	13,525,368	12,295,255
Fund Balance - End of Year	\$ -	\$ -	\$ 16,530,099	\$ 16,530,099

General Fund – 2022 Budget to Actual Revenues

Pages 75-78 Basic Financial Statements

REVENUES

	Budget		Actual	Variance with Final Budget
	Original	Final		
Real Property Taxes	\$ 1,624,945	\$ 1,624,945	\$ 1,630,292	\$ 5,347
Other Tax Items	129,898	129,898	119,235	(10,663)
Non-property taxes	2,650,000	2,650,000	3,248,664	598,664
Departmental Income	801,000	801,000	767,408	(33,592)
Use of Money and Property	220,000	220,000	338,254	118,254
Licenses and permits	416,000	416,000	329,446	(86,554)
Fines and Forfeitures	440,000	440,000	458,961	18,961
Interfund revenues	4,522,272	4,522,272	4,522,273	1
State aid	3,490,000	4,020,748	4,878,411	857,663
Federal aid	-	-	1,996,493	1,996,493
Miscellaneous	205,000	205,000	5,882	(199,118)
Total Revenues	\$ 14,499,115	\$ 15,029,863	\$ 18,295,319	\$ 3,265,456

1. **Non-Property taxes** – Sales tax exceeded the final budget of \$1.9 million by \$571,000 in the current year resulting in a favorable variance
2. **Use of money and property** generated \$94,000 in interest income due to the higher interest rates in 2022
3. **State aid – Mortgage tax revenues** increased significantly due to the lower interest rates and increased activity in 2022. Such revenues exceeded the final budget by \$256k. The Town also received \$1 million from NYS for the Citizen empowerment tax credit relating to the Town absorbing the activities of the dissolve Village of South Nyack. The Town also received additional state aid of over \$600k, mostly from a \$550k DASNY Playground grant for which it did not anticipate when the budget was developed.
4. **Federal aid** – the Town recognized almost \$2 million in Coronavirus State and Local Fiscal Recovery fund in 2022

Overall – The Town's General Fund actual revenues were \$3.265 million more than Town's final budget.

General Fund – 2022 Budget to Actual Expenditures

Pages 75, 79-81 Basic Financial Statements

	Budget			Actual		Variance with Final Budget
	Original	Final		Original	Final	
EXPENDITURES						
Current:						
General Government Support	\$ 6,900,334	\$ 7,407,999	\$ 6,888,537	\$ 519,462	1	
Public safety	227,200	227,200	207,954	19,246		
Health	35,000	35,000	34,900	100		
Transportation	559,214	564,774	483,696	81,078		
Economic opportunity and development	204,500	210,915	204,915	6,000		
Culture and Recreation	3,195,680	3,211,461	3,121,829	89,632		
Home and community services	177,429	177,429	149,679	27,750		
Employee Benefits	4,414,089	4,425,198	4,199,078	226,120	2	
Sub-Total Expenditures	15,713,446	16,259,976	15,290,588	969,388		
OTHER FINANCING USES						
Transfers out	-	-	-	-		
Total Expenditures	\$ 15,713,446	\$ 16,259,976	\$ 15,290,588	\$ 969,388		

General Government Support - savings in all categories including Town Attorney building department and central data processing, budgeted vacancies as well as savings in college chargebacks.

Savings occurred in the area of medical and dental insurance.

Fund Balance – General Fund Retrospective

Fund Balance Comparison
General Fund
 Page 67-68 Basic Financial Statements

2022	2021	2020	2019	2018
\$ 238,565	\$ 270,662	\$ 266,677	\$ 203,473	\$ 267,044
4,152,007	4,552,007	4,952,007	5,202,007	5,402,007
4,390,572	4,822,669	5,218,684	5,405,480	5,669,051
-	-	236	236	236
-	-	-	-	-
-	-	236	236	236
14,289	91,832	46,517	45,358	72,591
13,138	-	2,138	1,790	-
67,000	-	40,760	54,232	7,107
15,781	522,499	24,647	21,606	26,890
800,000	600,000	700,000	1,200,000	1,000,000
910,208	1,214,331	814,062	1,322,986	1,106,588
11,229,319	7,488,368	4,907,497	4,655,453	6,217,846
\$ 16,530,099	\$ 13,525,368	\$ 10,940,479	\$ 11,384,155	\$ 12,993,721
11,229,319	=	70.2%		
15,987,573				

Nonspendable-
 Prepaid expenditures
 Advances

Restricted:
 Law enforcement
 Debt Service

Assigned-
Purchases on order:
 General government support
 Public safety
 Transportation
 Culture and recreation
 Subsequent year's expenditures

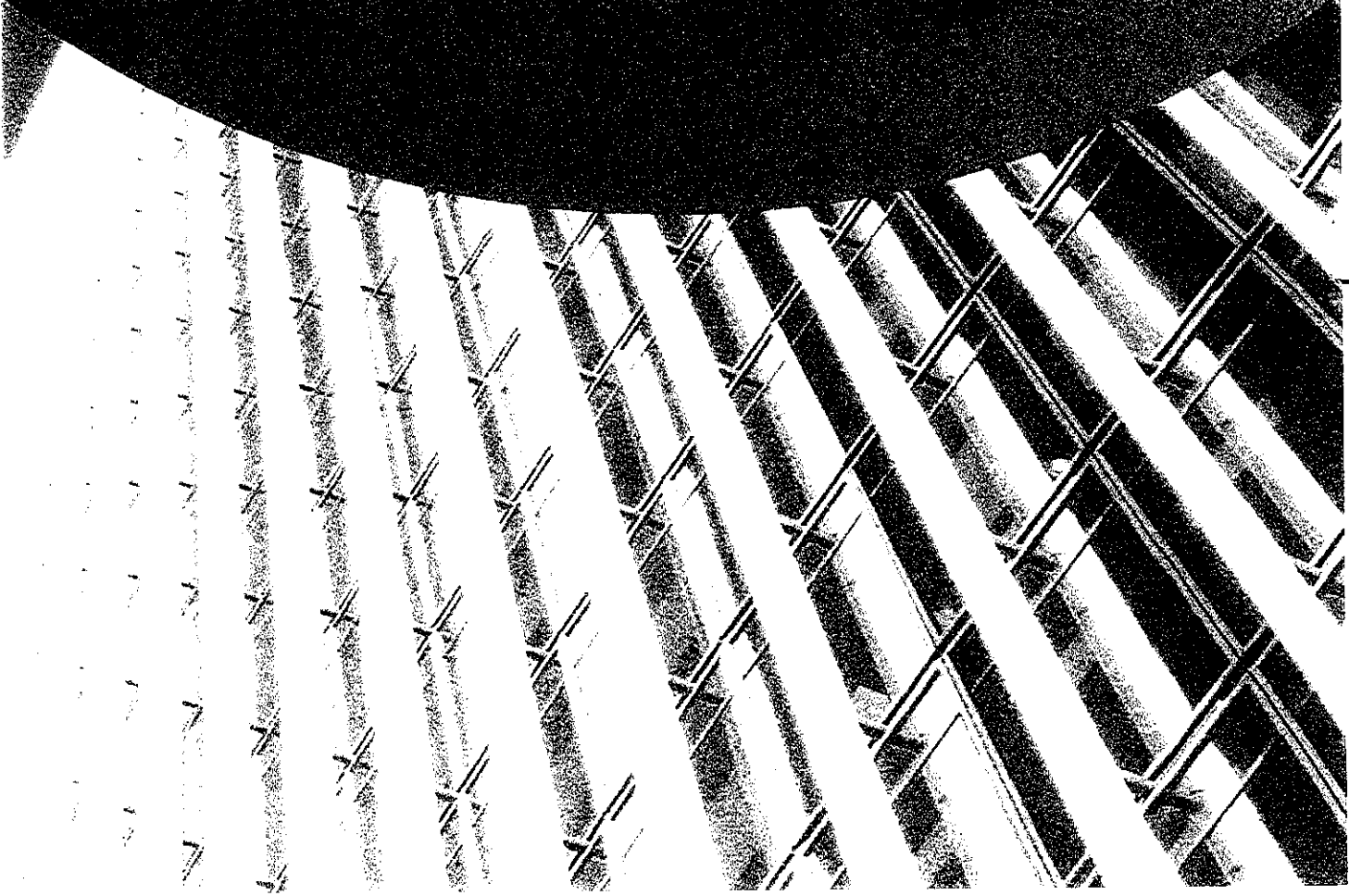
Total Assigned Fund Balances

Unassigned

Total Fund Balances

Unassigned
 2023 adopted Budget

Town Outside Villages Fund



Town Outside Villages Fund – Police Budget to Actual Revenues and Expenditures

Pages 84-85 Basic Financial Statements

2022

	Original Budget	Final Budget	Actual	Variance with Final Budget
REVENUES				
Real property taxes	\$ 28,961,084	\$ 28,761,084	\$ 28,761,303	\$ 219
Other tax items	814,255	814,255	750,530	(63,725)
Departmental income	200,000	467,718	886,102	418,384 ¹
Intergovernmental charges	163,000	163,000	200,049	37,049
Use of money and property	-	-	127,660	127,660 ²
Sale of Property & Comp for loss	-	-	43,424	43,424
State aid	20,000	20,000	24,567	4,567
Federal aid	-	-	90,744	90,744 ³
Miscellaneous	22,000	22,000	21,636	(364)
Total Revenues	30,180,339	30,248,057	30,906,015	657,958
EXPENDITURES				
Current				
General government support	1,333,200	1,334,187	1,334,187	-
Public safety	17,734,248	17,809,807	17,809,807	-
Employee benefits	11,202,157	11,193,329	11,193,329	-
Total Expenditures	30,269,605	30,337,323	30,337,323	-
Deficiency of Revenues Over Expenditures	(89,266)	(89,266)	568,692	657,958
FUND BALANCE				
Beginning of Year	89,266	89,266	3,048,995	2,959,729
End of Year	\$ -	\$ -	\$ 3,617,687	\$ 3,617,687

1. Police fees more than doubled as compared to the PY
2. Earnings on investments were significant in 2022 due to the rise in interest rates.
3. The Town received FEMA disaster assistance and equitable sharing program revenue of \$90k which were not anticipated.

Budget was developed with an approximate 8% increase compared to the 2021 budget.

Town Outside Villages Fund – Other Budget to Actual Revenues and Expenditures

Pages 89-92 Basic Financial Statements

2022

	Original Budget	Final Budget	Actual	Variance with Final Budget
REVENUES				
Real property taxes	\$ 2,400,403	\$ 2,400,403	\$ 2,405,203	\$ 4,800
Other tax items	83,135	83,135	81,132	(2,003)
Departmental income - permit, safety inspection fees	2,380,000	2,380,000	2,725,366	345,366
Intergovernmental charges	106,000	106,000	114,616	8,616
Use of money and property	-	-	25,808	25,808
State aid	75,710	75,710	134,506	58,796
Miscellaneous	-	-	1,214	1,214
Total Revenues	5,045,248	5,045,248	5,487,845	442,597
EXPENDITURES				
Current				
General government support	856,765	857,317	857,317	-
Public safety	1,768,038	1,812,355	1,812,355	-
Transportation	271,400	271,400	240,660	30,740
Home and community services	1,562,546	1,597,566	1,441,848	155,718
Employee benefits	874,801	794,912	751,409	43,503
Total Expenditures	5,333,550	5,333,550	5,103,589	229,961
Excess (Deficiency) of Revenues Over Expenditures	(288,302)	(288,302)	384,256	672,558
FUND BALANCE				
Beginning of Year	288,302	288,302	1,399,060	1,110,758
End of Year	\$ -	\$ -	\$ 1,783,316	\$ 1,783,316

Building permit fees and planning board fees -- exceeded the budget by \$279k and \$72K, respectively
Expenditure savings in all categories

Fund Balance - Town Outside Village - Retrospective

Fund Balance Comparison
Town Outside Villages Fund - Police and Other
 Page 67-68 Basic Financial Statements

	2022	2021	2020	2019	2018
Nonspendable-					
Prepaid expenditures	\$ 1,012,166	\$ 1,056,508	\$ 914,569	\$ 914,882	\$ 860,088
Restricted-					
Law Enforcement	150,712	75,086	70,050	43,231	105,168
Assigned-					
Purchases on order:					
Public safety	276,807	69,278	46,914	170,285	88,180
Home and Community services	24,663	8,290	-	-	-
Subsequent Year's Expenditures - TOV Other	1,500,000	300,000	300,000	800,000	500,000
Assigned major funds	2,436,655	2,938,893	1,965,447	984,796	2,996,749
Total Assigned	<u>4,238,125</u>	<u>3,316,461</u>	<u>2,312,361</u>	<u>1,955,081</u>	<u>3,584,929</u>
Total Fund Balances	<u>\$ 5,401,003</u>	<u>\$ 4,448,055</u>	<u>\$ 3,296,980</u>	<u>\$ 2,913,194</u>	<u>\$ 4,550,185</u>

Assigned
 2023 adopted Budget = 6.6%

Other Funds

- Sewer Fund (pages 95-96) - Ended the year with revenues that exceeded expenditures by \$327,166 resulting in ending fund balance of \$2,605,383 of which \$2,448,155 is considered assigned for sewer purposes. Sewer Fund appears to be financially stable.
- Highway Fund (Part-Town & Town-wide) (pages 96-101) - Ended the year with expenditures that exceeded revenues by \$791,788 resulting in ending fund balance of \$1,574,896. (Town is utilizing \$400,000 to balance the 2023 budget). Although expenditures exceeded revenues in current year, Highway Fund appears financially stable.
- Debt Service Fund (pages 102-104) - Expenditures exceeded revenues by \$213,240 and ending fund balance is \$1,742,343, restricted for debt.
- Capital Projects Fund (pages 105-108) - Approximately 40 active projects. Fund balance of \$23,986,071, restricted for capital projects - \$26.255 Million in bonds issued in 2022 and not fully spent. - Building new Town Hall
- Special Districts Fund (Pages 114-115) - ended the year with revenues exceeding expenditures by \$2,468,909 for which the majority was related to the South Nyack legacy Fund, from its dissolution which will be restricted for that purpose.

	Sewer Fund	Highway Fund	Debt Service Fund	Capital Projects Fund	Special Districts Funds
Nonspendable -					
Prepaid expenditures	\$ 157,228	\$ 183,806	\$ -	\$ -	\$ -
Restricted:					
Capital projects	-	-	-	23,919,182	-
Debt service	-	-	1,242,343	-	-
Debt service - subsequent year's Parklands	-	-	500,000	-	491,701
Total Restricted	-	-	1,742,343	23,919,182	491,701
Committed -					
Capital improvements	-	-	-	66,889	-
Assigned - purchases on order	339,433	28,911	-	-	-
Subsequent year's expenditures	-	400,000	-	-	-
Major Funds	2,108,722	962,179	-	-	-
Special Districts	-	-	-	-	2,602,387 **
Pearl River Parking	-	-	-	-	316,648
Total Assigned	2,448,155	1,391,090	-	-	2,919,035
Total Fund Balances	\$ 2,605,383	\$ 1,574,896	\$ 1,742,343	\$ 23,986,071	\$ 3,410,736

** due to dissolution of the Village of Nyack, the Town absorbed such activities in a Special District Fund - entitled South Nyack Legacy. \$2,524,453 of such fund balance is assigned for such legacy costs.



Enterprise Fund - Blue Hill Golf Course Fund

Comparative Statement of Revenues, Expenditures and Changes in Fund Balances

Page 122 Basic Financial Statements

	2022	2021
OPERATING REVENUES		
Greens fees	\$ 2,151,618	\$ 2,214,535
Cart rental	501,949	519,709
Facility rental	24,792	24,000
Permit cards	141,315	162,561
Other income	253	-
Total Operating Revenues	<u>2,819,927</u>	<u>2,920,805</u>
OPERATING EXPENSES		
Rental of equipment	95,450	95,450
Landscaping materials	895	2,735
Utilities	7,955	8,297
Contractual and other	1,935,278	2,164,929
Employee benefits	47,743	52,869
Employee benefits - OPEB	(229,429)	(35,286)
Depreciation	185,980	231,716
Total Operating Expenses	<u>2,043,872</u>	<u>2,520,710</u>
Income from Operations	<u>776,055</u>	<u>400,095</u>
NON-OPERATING REVENUES (EXPENSES)		
Interest income	15,375	388
Interest expense	(26,920)	(36,935)
Total Non-Operating Expenses	<u>(11,545)</u>	<u>(36,547)</u>
Change in Net Position	764,510	363,548
NET POSITION		
Beginning of Year	1,679,360	1,315,812
End of Year	<u>\$ 2,443,870</u>	<u>\$ 1,679,360</u>
COMPOSITION OF NET POSITION		
Net investment in capital assets	3,548,670	3,613,784
Unrestricted	(1,104,800)	(1,934,424)
Total Net Position	<u>\$ 2,443,870</u>	<u>\$ 1,679,360</u>

Enterprise Fund – Broadacres Golf Course Fund – Comparative Statement of Revenues, Expenditures and Changes in Fund Balance

Page 125 - Basic Financial Statements

	2022	2021
OPERATING REVENUES		
Greens fees	\$ 785,932	\$ 829,791
Cart rental	129,283	131,206
Other income	16,464	17,128
Total Operating Revenues	931,679	978,125
OPERATING EXPENSES		
Rental of equipment	33,053	33,053
Utilities	17,144	13,431
Contractual and other	713,936	713,652
Employee benefits	27,819	24,485
Employee benefits - OPEB	9,640	(24,690)
Depreciation	28,733	28,215
Total Operating Expenses	830,325	788,146
Income from Operations	101,354	189,979
NON-OPERATING REVENUES		
Interest income	3,709	126
Change in Net Position	105,063	190,105
NET POSITION		
Beginning of Year	(60,471)	(250,576)
End of Year	\$ 44,592	\$ (60,471)
COMPOSITION OF NET POSITION		
Net investment in capital assets	2,654,555	2,683,288
Unrestricted	(2,609,963)	(2,743,759)
Total Net Position	\$ 44,592	\$ (60,471)



Internal Service Fund – Worker's Compensation Benefits Fund – Comparative Balance Sheet

Page 131 Basic Financial Statements

	<u>2022</u>	<u>2021</u>
ASSETS		
Cash and equivalents	\$ 2,295,495	\$ 1,202,276
Accounts receivable	-	99,035
Due from other funds	-	10,863
Prepaid expenses	187,706	170,087
Total Assets	<u>2,483,201</u>	<u>1,482,261</u>
LIABILITIES		
Current liabilities		
Accounts payable	15,845	21,300
Current portion of claims payable	299,000	305,000
Total Current Liabilities	314,845	326,300
Noncurrent liabilities		
Claims payable, less current portion	2,692,085	2,741,678
Total Liabilities	<u>3,006,930</u>	<u>3,067,978</u>
NET POSITION		
Unrestricted	<u>\$ (523,729)</u>	<u>\$ (1,585,717)</u>

Internal Service Fund – Worker’s Compensation Benefits Fund – Comparative Statement of Revenues, Expenditures and Changes in Fund Balance

Page 132 Basic Financial Statements

	2022	2021
OPERATING REVENUES		
Charges for services	\$ 2,501,832	\$ 2,382,697
Insurance recoveries	246,403	413,068
Total Operating Revenues	<u>2,748,235</u>	<u>2,795,765</u>
OPERATING EXPENSES		
Insurance	963,138	878,190
Employee benefits	724,116	1,720,839
Total Operating Expenses	<u>1,687,254</u>	<u>2,599,029</u>
Income from Operations	1,060,981	196,736
NON-OPERATING REVENUES		
Interest income	<u>1,007</u>	<u>100</u>
Change in Net Position	1,061,988	196,836
NET POSITION		
Beginning of Year	<u>(1,585,717)</u>	<u>(1,782,553)</u>
End of Year	<u>\$ (523,729)</u>	<u>\$ (1,585,717)</u>



Internal Service Fund – Risk Retention Fund – Comparative Balance Sheet

Page 134 Basic Financial Statements

	2022	2021
ASSETS		
Cash and equivalents	\$ 103,708	\$ 135,876
Prepaid expenses	261,225	228,845
Total Assets	<u>364,933</u>	<u>364,721</u>
LIABILITIES		
Current liabilities		
Accounts payable	45,058	10,809
Due to other funds	-	10,948
Current portion of claims payable	47,000	34,000
Total Current Liabilities	92,058	55,757
Noncurrent liabilities		
Claims payable, less current portion	423,883	304,337
Total Liabilities	<u>515,941</u>	<u>360,094</u>
NET POSITION		
Unrestricted	<u>\$ (151,008)</u>	<u>\$ 4,627</u>

Internal Service Fund – Risk Retention Fund Comparative Statement of Revenues, Expenditures and Changes in Fund Balance

Page 135 Basic Financial Statements

	2022	2021
OPERATING REVENUES		
Charges for services	\$ 977,127	\$ 1,135,597
Insurance recoveries & Misc	41,445	47,631
Total Operating Revenues	<u>1,018,572</u>	<u>1,183,228</u>
OPERATING EXPENSES		
Insurance	848,971	779,180
Contractual	109,632	38,649
Judgments and claims	215,604	413,989
Total Operating Expenses	<u>1,174,207</u>	<u>1,231,818</u>
Income (Loss) from Operations	(155,635)	(48,590)
NET POSITION		
Beginning of Year	<u>4,627</u>	<u>53,217</u>
End of Year	<u>\$ (151,008)</u>	<u>\$ 4,627</u>

Other Considerations (Cont'd)

-- Debt Service requirements (Page 53-54 Basic Financial Statements) -- Bonds and Direct Borrowings. Debt service requirements are approximately \$7.6 million for next year. The Town has a Aa2 bond rating reaffirmed by Moody's.

Pages 52-53 Notes to Financial statements - General Obligation Bonds and Direct Borrowings

Purpose	Year of Issue	Original Issue Amount	Final Maturity	Interest Rates	Amount Outstanding at December 31, 2022
Sewer Reconstruction	2002	\$ 5,775,000	May, 2024	6.1813 - 6.1813	\$ 725,000
Public Improvements	2008	45,480,718	April, 2038	4.2700	27,780,000
Public Improvements	2011	3,369,194	November, 2040	3.2590 - 4.7460	2,300,000
Public Improvements	2012	1,605,800	May, 2042	1.8590 - 4.0980	1,150,000
Public Improvements	2013	3,830,000	July, 2023	2.0000	380,000
Blue Hill Golf Course	2014	62,000	February, 2024	2.0000 - 2.2500	13,487
Public Improvements	2015	5,179,000	February, 2024	2.0000 - 2.2500	1,126,513
Various Purposes	2015	2,700,000	January, 2030	2.0000 - 4.0000	1,665,000
Various Purposes	2016	3,107,500	January, 2029	2.0000 - 4.0000	1,790,000
Public Improvements	2018	8,207,564	March, 2033	3.0000 - 3.2500	6,339,200
Blue Hill Golf Course	2018	150,000	March, 2033	3.0000 - 3.2500	115,800
Sewer Improvements	2019	1,454,000	August, 2048	0.0000	1,260,220
Sewer Improvements	2019	421,207	August, 2049	1.3370 - 3.7990	375,000
Public Improvements	2020	9,525,000	May, 2038	5.000	8,930,000
Sewer Improvements	2020	3,805,000	September, 2026	5.000	2,655,000
Public Improvements	2022	26,255,000	June, 2050	3.500-5.000	26,255,000

Bonds and Direct Borrowings Environmental Facilities Corporation (excludes Energy Performance Contract Debt)

Year Ended December 31,	Governmental Activities		Business-type Activities		Totals	
	Principal	Interest	Principal	Interest	Principal	Interest
2023	\$ 4,825,535	\$ 2,630,177	\$ 112,935	\$ 33,689	\$ 4,938,470	\$ 2,663,866
2024	5,089,825	1,946,655	118,645	28,391	5,208,470	1,975,046
2025	4,281,589	1,821,399	116,881	22,883	4,408,470	1,844,282
2026	4,421,549	1,709,201	121,921	17,206	4,543,470	1,726,407
2027	3,912,885	1,590,087	30,585	11,284	3,943,470	1,601,371
2028-2032	20,144,803	6,524,501	172,547	36,014	20,317,350	6,560,515
2033-2037	18,891,052	4,392,299	146,298	10,821	19,037,350	4,403,120
2038-2042	9,069,132	2,778,483	28,218	317	9,097,350	2,778,800
2043-2047	6,767,350	1,576,221	-	-	6,767,350	1,576,221
2048-2050	4,598,470	276,980	-	-	4,598,470	276,980
	<u>\$ 82,012,190</u>	<u>\$ 25,246,003</u>	<u>\$ 848,030</u>	<u>\$ 160,605</u>	<u>\$ 82,860,220</u>	<u>\$ 25,406,608</u>

Summary – Closing Points

The continuation of the Towns overall good financial health can be credited to:

- *Continued leadership of the Town Board and Administration*
- Having remained within the 2% tax cap “Tax levy Limitation Law” since it was enacted in June 2011.
- The Town has received the Certificate of Achievement for Excellence in Financial Reporting (ACFR Program) for 16 consecutive years.

Financial Health is important because:

- *Assists in the computation of the Town’s Tax levy*
- *Improves cash flow and can impact credit rating*
- *Town currently maintains **Aa2 Bond rating from Moody’s***
- *Funds unexpected and unbudgeted contingent expenditures and/or revenue shortfalls while preserving Town programs*
- *Reduces borrowings and interest costs*
- *Enables the Town to meet future challenges*

Issued Our Communication to Those Charged With Governance

“Management letter”, No material weaknesses or significant deficiencies noted.

New GASB Pronouncements for 2023

GASB Statement No. 87 – “SBITA” Subscription-based information Technology

Village of South Nyack Dissolution

Town assumes the debts, liabilities and obligations of former Village in 2022

Contact Us

Nicholas DeSantis
Partner

ndesantis@pkfod.com | 914.421.5637

Robert A. Daniele
Partner

rdaniele@pkfod.com | 914.421.5618

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Legend

Paul = Red comment
or strike through

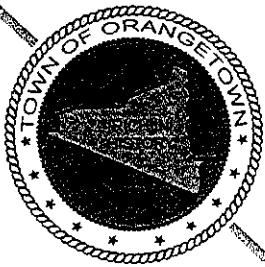
Tom = Blue comment
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Both Paul & Tom =
Purple strike through

Orangetown Comprehensive Plan

March 2023

EXHIBIT
07-25-B



Vision, Goals, and Objectives

With its natural beauty, convenient location, quality schools, cultural resources, and historic hamlets, Orangetown is a wonderful community to live in. An overarching goal of the Comprehensive Plan is to enhance the quality-of-life features and community resources that draw residents and businesses to the Town.

~~A central aspect of the Vision is to ensure that the goals below address the community's definition of sustainability, as well as the three "E's" of sustainability: environment, economy, and equity. The environment and economy components are addressed in specific chapters, while the equity component, which aims to ensure an even distribution of the burdens and benefits of policy actions across the community, is woven throughout.~~



Maintain the Town's community and neighborhood character while balancing the need for growth and development.

- Objective 1** Encourage an appropriate balance of residential and non-residential development.
- Objective 2** Update and modernize the Zoning Code to simplify enforcement, remove inconsistencies, and regulate new land uses not previously contemplated.
- Objective 3** Develop design guidelines for façades, signage, and streetscapes to preserve, protect, and enhance the unique characteristics of each hamlet.
- Objective 4** Develop measures to increase the efficiency of the Zoning Code and land use review process.
- Objective 5** Discourage new warehouse and distribution center land uses in certain zoning districts, particularly near residential areas. Consider allowing repurposing of existing industrial and commercial buildings and sites for other potential alternative uses.
- Objective 6** Develop design guidelines and performance standards to better regulate certain land uses and to protect open space, viewsheds, historic resources, and community character.
- Objective 7** Strengthen zoning and code protections for natural resources such as wetlands, trees, stormwater, steep slopes, and ridgelines.
- Objective 8** Maximize, revitalize, and redevelop underutilized and vacant or neglected properties as the Town may deem necessary for the benefit of the community, with the purpose of enhancing sound growth of the Town, increasing its tax base and preserving environmental features and resources of such sites.



Preserve history, open space, and hamlet center character, ~~while promoting a diversity of housing options in appropriate neighborhoods to ensure members of the community have access to quality housing.~~

- Objective 1** ~~Update the Zoning Code to allow a diversity of housing types (e.g. townhomes, mixed-use buildings, and apartment building style condominiums) in appropriately identified areas to meet the various needs of the community, including first-time home buyers/renters and downsizing seniors.~~
- Objective 2** Maintain an adequate supply of senior housing and for a variety of income levels.
- Objective 3** Where appropriate, update the Zoning Map ~~and Code to create transitional districts between hamlet centers and single-family neighborhoods.~~
- Objective 4** Establish efforts and mechanisms, including more robust zoning and development enforcement, to protect and preserve hamlet character.



Strengthen the Town's transportation network for vehicles, pedestrians, and alternative modes of mobility.

- Objective 1** Design and implement context-sensitive dedicated bicycle lanes (on- and off-road) to improve bicycle access and safety.
- Objective 2** Provide additional sidewalks throughout the Town to improve pedestrian access and safety, where appropriate.
- Objective 3** Create pedestrian-friendly, walkable streets in key hamlet centers by limiting traffic during certain times on low-traffic roadways.
- Objective 4** Implement walkable, green streetscapes and rights-of-way.
- Objective 5** Establish performance standards within the Zoning Code to mitigate traffic impacts. Address congestion and parking shortage in key areas.
- Objective 6** Update the Zoning Code to include design guidelines and protections for rural and scenic roadways.
- Objective 7** Encourage more robust enforcement of traffic regulations, particularly those related to truck, delivery, and warehouse traffic.
- Objective 8** Continue to implement the Complete Streets policy.

- Objective 5** Review and update local regulations to promote resilient construction practices, manage stormwater, and reduce flooding.
- Objective 6** Update the Town’s tree preservation ordinance (Chapter 35, “Trees and Shrubbery”) which was last updated in 1973, to establish more robust preservation regulations.
- Objective 7** Build on the success of the Town’s Community Choice Aggregation Program.
- Objective 8** Create and enforce regulations to limit noise and air pollution coming from light industrial zoned areas, especially those close to residential neighborhoods.
- Objective 9** Revisit goals of the 2002 Route 303 Sustainable Development Study.

???

Objective 10 Continue to apply for grants, such as the New York State Climate Smart Communities Grant, to implement sustainability objectives and prepare a Climate Action Plan.

???

Objective 11 Continue to enforce the recently adopted NYStretch Code.



Preserve the Town’s natural resources and increase access to parks and open space.

- Objective 1** Encourage preservation of open space through flexible/conservation subdivisions which cluster new development to preserve larger contiguous areas of open space.
- Objective 2** Work with the New York State legislature to establish a preservation fund that can be used to acquire property for open space, recreation, or historic reservation.
- Objective 3** Establish a long-term open space preservation plan to guide the implementation of the Town’s open space fund.
- Objective 4** Encourage conservation of waterfront areas, lakes, wetlands, steep slopes and other natural assets.
- Objective 5** Implement the plans for a waterfront park on Lake Tappan within the 216-acres of Town-owned land at the Rockland Psychiatric Center, including walking trails, wheelchair accessible trails, and access to water for passive recreation activities.
- Objective 6** Encourage conversion of inactive rail lines into rail trail facilities to develop a network connecting with trails in adjacent municipalities.

Existing Land Use Patterns and Development Trends

The existing land uses in the Town of Orangetown fall into nine (9) main categories (see **Figure 2-1, Land Use Map** and **Table 2-1** and **Table 2-2**):

- **Single-family residential:** Individual homes on distinct parcels. This is the predominant use of land in the Town, and represents approximately thirty-six (36) percent of land in the Town;
- **Multi-family residential:** Residential structures containing more than one housing unit;
- **Commercial:** Generally, property used for the sale of goods or provision of services, including restaurants and dining establishments, hotels, retail shopping centers, office and professional buildings. Major retail areas include the NYS Route 303 corridor, and the hamlet downtowns of Pearl River (N. Middletown Road & E. Washington Avenue), Sparkill (Main Street), Orangeburg (Orangeburg Road), Blauvelt (E. Erie Street), and Tappan (Washington Street, Main Street, and Oak Tree Road). Major areas of office or professional use include Blue Hill Plaza along the New York-New Jersey state line;

Formed by North Middletown Rd., East Central Ave, and both North and South Main St.
- **Institutional:** This category includes land devoted to government functions, libraries, schools, colleges and universities, civic and religious functions, hospitals, police, fire, and EMS facilities. Significant properties within this category include the Rockland Psychiatric Center, Orangetown Town Hall, Dominican University New York, St. Thomas Aquinas College, and schools comprising the South Orangetown Central School District, Pearl River Union Free School District, Nanuet Union Free School District, and Nyack Union Free School District;
- **Industrial:** These uses include traditional industrial uses as well as warehousing and distribution facilities. They are located primarily, and somewhat densely, along the NYS Route 303 corridor, but also include the Pfizer campus in northwest Orangetown, and multiple facilities clustered near the New York-New Jersey state line to the east of Lake Tappan;
- **Infrastructure:** This category includes property used for structures that provide facilities and services necessary for the Town's basic operation;
- **Recreation & entertainment:** This category includes public and private golf courses, camps, and camping facilities. It includes the Henry Kaufmann Campgrounds, Blue Hill Golf Course, Broadacres Golf Club, Manhattan Woods Golf Club, Rockland Country Club, and Tappan Golf Center;
- **Vacant land:** This includes property not in use, in temporary use, or lacking improvement (most often due to land constrained by steep slopes, wetlands, or a lack of roadway access), much of which can be found along Lake Tappan and the Hackensack River which feeds it; and
- **Public parks & open space:** This category is the second largest land use in the Town, at approximately 17 percent, and includes Blauvelt State Park, Tallman Mountain State Park, Veteran's Memorial Park, Clausland Mountain Park, and various other, smaller parks throughout the Town.

This 2022 Comprehensive Plan prioritizes protection of environmentally sensitive areas, protection from warehouse and industrial overdevelopment, especially near residential areas, preservation of open space, and contextual infill development where appropriate.

Future Land Use

The future land use map reflects the Comprehensive Plan goal of maintaining the Town's community and neighborhood character while balancing the need for growth and development. The Future Land Use Map echoes the historical growth patterns of the Town of Orangetown, which large swaths of single-family residential neighborhoods and retail/commercial uses centered around the hamlets and major roadways like Route 303.

Central to the development of the Future Land Use Map was the consideration of Goal #2, to preserve history, open space, and hamlet center character, ~~while promoting a diversity of housing options in appropriate neighborhoods to ensure members of the community have access to quality housing. The Future Land Use Map identifies a few new mixed-use areas, where a diversity of housing types (e.g. townhomes, mixed-use buildings, and condominiums) could be accommodated to meet the needs of first-time home buyers/renters and downsizing seniors looking to stay within the community.~~

Figure 2-4, Future Land Use Map.

Proposed Implementation Strategies

Analysis of the existing Zoning Code and land use regulations revealed several issues relating to consistency, readability, and ease of enforcement. These issues were echoed by the Town's staff, land use board members, and the public during the public engagement process. This section identifies several areas where the zoning code and land use regulations can be updated.

- The existing Zoning Code is cumbersome in the way it is setup, making it confusing to interpret and difficult to implement. Suggested improvements for consideration:

- Eliminate and consolidate some of the zoning districts. Several districts have substantially similar allowable uses and dimensional (bulk) regulations. Consider the following strategies:

- **Commercial** Consolidate similar commercial zoning districts to streamline the provisions, improve readability, facilitate consistent implementation of the zoning code, and support economic growth.
- **Residential** Rezone undersized residential parcels to reduce the number of pre-existing non-conforming single-family residential lots to lessen the burden on homeowners seeking to improve their residences.

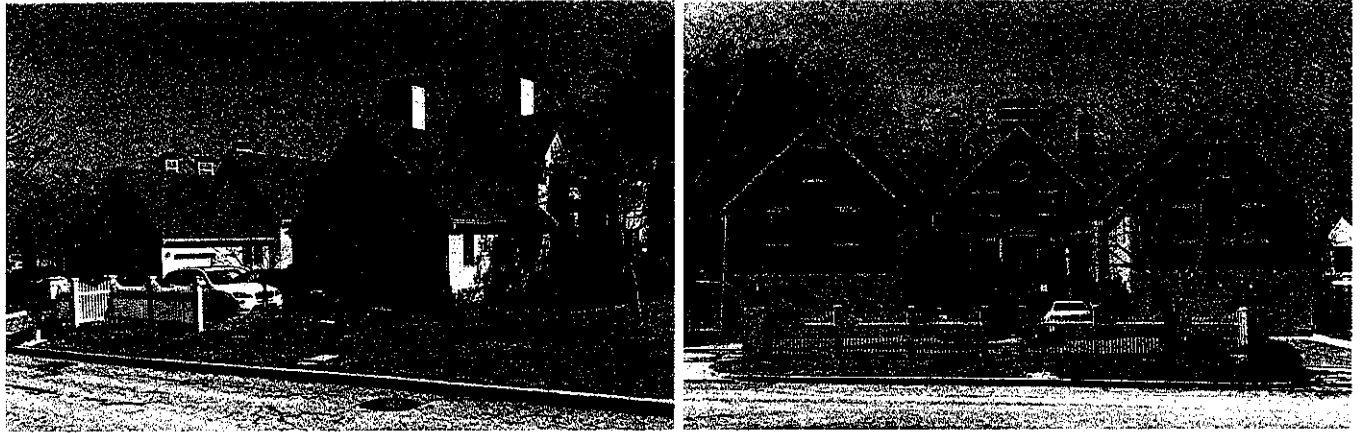
Merge residential zoning districts consisting of fewer than three parcels with the immediately adjacent zoning district to increase consistency.

- Restructure the use and bulk tables to improve readability and understanding of the specific district regulations. Also, consider adding new uses to existing zoning districts.
- Consider deleting the deed-like descriptions of the zoning district boundaries within the text of the regulations; the boundaries are already established on the zoning map, and having them also detailed in the text increases the complexity and chances for inconsistencies in future amendments.

- Update the zoning districts, as well as allowable land uses and definitions, to recognize uses not previously addressed and assign appropriate performance standards where applicable.

New zoning district:

- **Mixed-Use** ~~Mixed-Use zoning districts are established and intended to foster a mutually supportive mix of compatible residential and nonresidential uses. By integrating multiple compatible uses, mixed-use development reduces sprawl, auto dependence, and infrastructure costs (including, fire and police department, sanitation and garbage collection, ambulances, and construction and maintenance of utilities and roadways), while supporting healthy, environmentally sustainable, pedestrian-oriented communities. The district emphasizes the streetscape experience through techniques such as discouraging (or prohibiting) parking areas in the front of buildings, and it is subject to flexible standards that encourage compact development at an appropriate scale and balance of uses to ensure that development is compatible with surrounding uses.~~



Regional examples of attached single-family dwellings © AKRF

New land uses and definitions:

Residential

Update regulations to support a diversity of housing options to ensure members of the community have access to quality housing. Under current regulations, residences generally fall into one of three broad categories: single-family (attached and detached), two-family, and multifamily, defined as having three or more dwelling units. Expanding housing types to include a greater variety of options, such as townhomes, can facilitate contextual housing development and meet local housing demand. In addition, a regulatory approach to allow more housing as of right would reduce the time and cost associated with new home construction. The parameters of integrating and regulating more diverse housing options would be established during the development of the local law.

Garden townhome

A row house that shares at least one wall with adjacent units and exists on its own lot. Garden townhomes have modest lot coverage of not more than 25-35 percent to preserve open space. The open space may be natural or landscaped, active or passive, open to the public or limited to residents. Akin to cluster-style development, garden townhomes provide for enhanced stormwater management for reduced flooding (through less impervious surfaces), decrease infrastructure strain, conserve natural and scenic space, and foster social communities.

Regional example of garden townhome development © AKRF

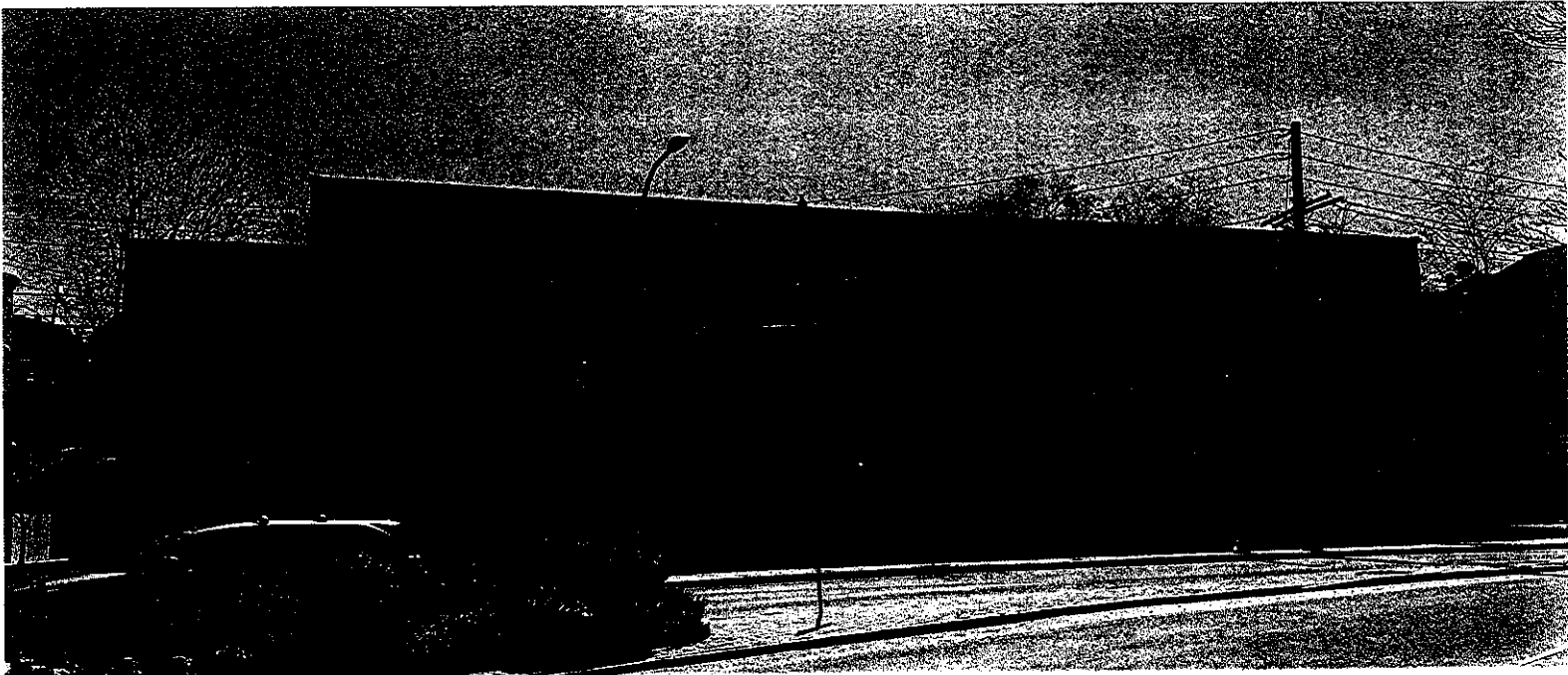


- Update the Route 303 Overlay District for clarity, enforcement, and to minimize variance requests.
 - In line with the Legislative Intent outlined in the Town's Zoning Code,¹⁷ target identified commercial, strip style developments for retrofitting with mixed-use and "missing middle" housing, both of which facilitate walkable, environmentally sustainable development.
 - ~~Missing middle housing includes a range of multi-unit housing that are compatible in scale with traditional single-family homes, help meet the growing demand for walkable neighborhoods, and help address the housing shortage.¹⁸ The locations and standards applicable to missing middle housing would be established during the development of the local law.~~
 - Public feedback provided support for redeveloping strip malls, particularly with mixed-use developments; however, common concerns were for design standards and strain on infrastructure. Consider requiring increased design, façade, and landscaping standards on redevelopments and new developments, as well as contributing to upgrades for existing infrastructure. Identified commercial interchanges:
 - Oak Tree Road/Tappan
 - Orangeburg Road/Orangeburg
 - Erie Street/Blauvelt
 - Consider adding other auto-oriented uses (e.g., drive-through facilities) to the list of prohibited uses in § 13.10.B (6), particularly on sites that abut residential areas; consider requiring a pedestrian/bicyclist-only entrance from the side streets.

¹⁷ See § 13.5.

¹⁸ The housing shortage is particularly acute in Rockland County, which has both the highest rate of rent-burdened tenants in the metro area (59% as of 2017) and among the lowest housing production rates in the country.

Regional example of modern townhomes © AKRF



- Minimize variance requests. Variances provide relief to property owners who seek to use their property in a way not permitted by the regulations, either because the desired land use is not permitted, or because the physical building and/or lot do not meet the minimum or maximum bulk (dimensional) standards. If a particular land use becomes a frequent source of variance requests, it is an indication that the regulations should be updated to clarify that portion of the Zoning Code. Similarly, when stringent dimensional standards hinder favorable development because of the need for variances, this indicates that the dimensional standards should be updated.

- Warehouses and distribution center

The ban on “[r]etail warehouse uses including mini-storage uses and distribution centers...in excess of 65,000 square feet” within the Overlay District has been a source of confusion and the subject of variance requests and appeals, specifically, on the issue of whether the ban applies to all distribution warehouses (retail and wholesale), or if the ban is limited to only retail warehouses and distribution centers. To resolve this ambiguity and clearly address the community concern, the text of the Overlay District should be amended to clearly differentiate between different types of warehouses and distribution centers, specify which types are permitted, and establish performance standards to address residents' concerns.¹⁹

Discuss?

- Constrained redevelopment

Within the Overlay District, certain sites may be in technical compliance with the required dimensional standards but may not meet the aspirational redevelopment goals of the Overlay District. Yet, redevelopment on these sites is constrained because of their relatively small lot sizes, which makes it infeasible or impossible to fit the new structures and desired features and still comply with the required setbacks and other dimensional standards. In these cases, property owners would have to obtain variances to proceed, which discourages and hinders redevelopment – even redevelopment that is desirable and in line with the goals of the Overlay District. Therefore, to reduce the need for variances and encourage favorable redevelopment, the dimensional standards in the Overlay District should be loosened.

- As a complementary technique, retrofitting is an approach to upgrade, without necessarily redeveloping, existing developments by integrating enhanced features such as landscaping, bicycle/pedestrian pathways, seating areas, environmental protections, and general aesthetic updates.

- Update nuisance regulations to improve resident quality of life.

- Review minimum buffer requirements between commercial and residential uses; effective buffers are not necessarily wide, but dense, to enhance visual quality (and provide screens when necessary), reduce noise, and enhance environmental sustainability; they should be planted with mixed, native vegetative, hearty species with sufficient size and density and regularly supplemented with new plantings.

¹⁹ The ban is referenced in two sections of the Code: § 13.10.B.5., Nonresidential areas, quoted above, and § 15.5.J. Legislative intent, which states that: “particular types of retail and retail warehouse uses shall be prohibited, pursuant to § 13.10.” To implement the recommended change, both sections of the Code would need to be updated to differentiate between permitted and prohibited types of warehouses.

- Review noise, light, and odor regulations, and increase enforcement of existing provisions. Consider restricting truck deliveries and loud machinery uses to certain hours. Residents report that noise and odors issues have gotten worse as facilities are allowed to expand but nuisance regulations are not enforced to protect residents. In particular, residents expressed concern about recycling facilities with odors that travel as far as half a mile away.
- Establish regulations to govern short-term housing rentals and the commercial use of residential properties. In particular, the short term rental of residential swimming pools should be prohibited.



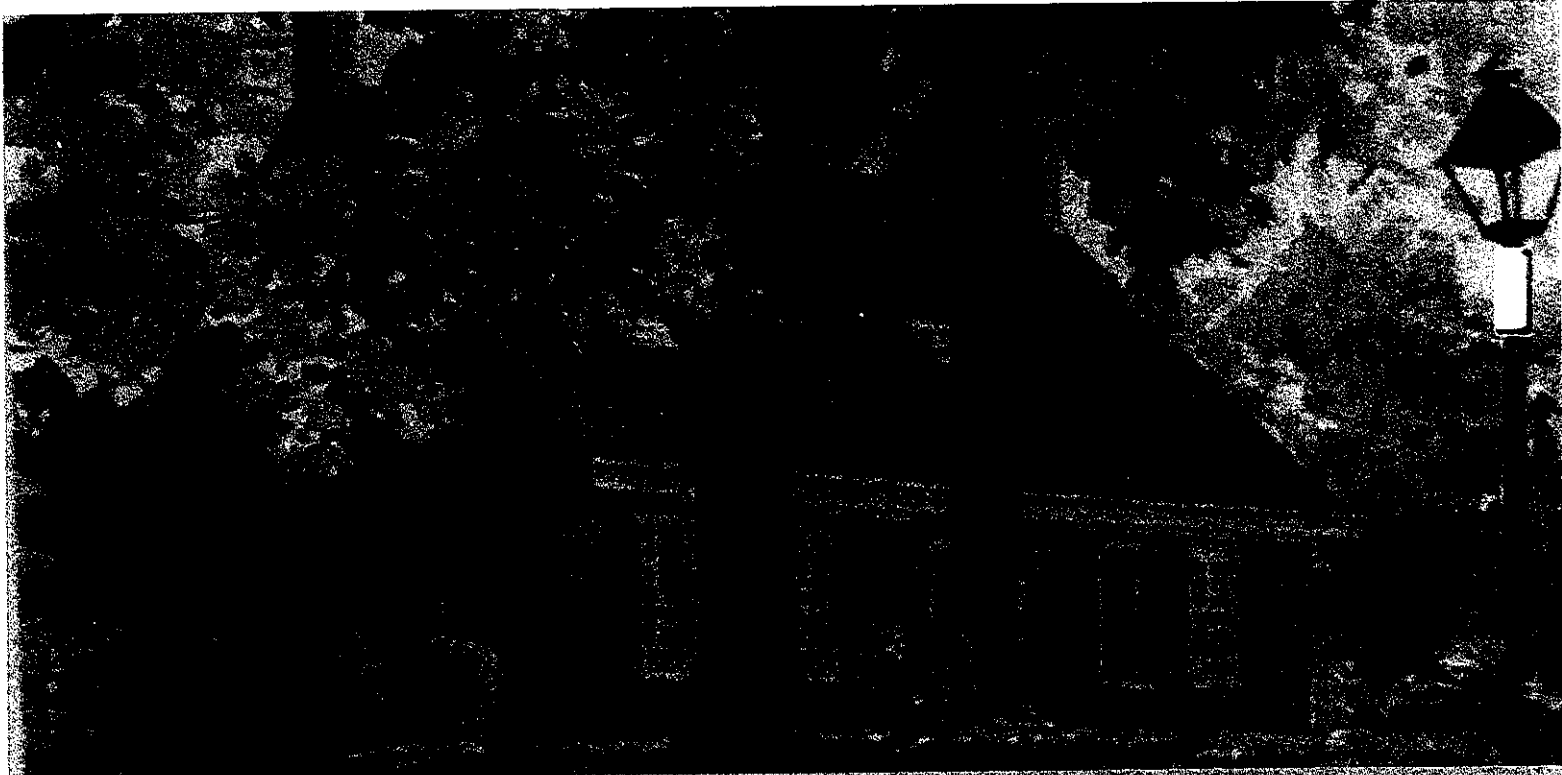
Regional example of senior living apartments on a major road © AKRF

- ~~Where appropriate, update the Zoning Map and Code to create transitional districts between hamlet centers and suburban neighborhoods. Transitional districts take into account the character and scale of the areas on either side of it. Generally, the scale of buildings decreases as you move (or transition) from a higher density downtown to a lower density residential neighborhood.~~
 - ~~Mixed-use districts, which integrate townhome and apartment housing types with retail spaces, are a natural way to transition between residential and commercial shopping areas. Buildings in mixed-use districts may include shops, restaurants, or offices on the ground floor and apartments on the upper floors. Typical housing types in mixed-use districts include townhomes, low-rise apartments, and live-work buildings. These housing types are sometimes referred to as the “missing middle” because they sit in the middle of the spectrum between detached single-family homes and multi-family homes in terms~~

~~of scale, as well as number of units and often, affordability.²⁰ In addition to providing more housing diversity, missing middle housing supports locally-serving retail and public transportation options. Missing middle housing fits well among single-family homes, or alongside single-family areas where it can form a transition to the downtown. Public feedback emphasized that, in addition to the array of housing construction styles, mixed-use districts are particularly suitable for senior housing owing to their walkability and access to services and public transit. The details, including location, restrictions, and standards for transitional districts would be established during the development of the local law.~~

- Establish performance standards within the Town's Zoning Code to mitigate traffic impacts.
- Update the Zoning Code to include design guidelines and protections for rural and scenic roadways.
- Review flexible/conservation subdivision regulations.
- Consider establishing a maximum height of three stories in downtown areas.
- Update the Tree Preservation Code to regulate the removal of mature trees.
 - Details of the ordinance would be established during the development of the local law. However, it is anticipated that the removal of dead, dying, or invasive species would be exempt from the tree preservation ordinance.
- Review Special Permit and Conditional Use Permit Standards and update as necessary to address current uses and concerns. In particular, clarify and update the standards for warehouses and distribution centers.

²⁰ The term "missing" refers to the fact that this type of home construction has been largely illegal in the United States since the mid-1940s. "What is Missing Middle Housing?" 2022. <https://missing-middlehousing.com/about>.



Dewint House, Tappan. John Scott photographed this Edwin Danilberg painting.
Source: Nyack Library Local History Collection

Vision, Goals, and Objectives

The vision, goals, and objectives related to historic preservation were developed based on an inventory of the existing historic preservation measures and public feedback in the community survey. 64 percent of respondents indicated that the preservation of historic buildings and structures was an important or very important factor to consider in terms of future development.

Proposed Implementation Strategies

The 2022 Comprehensive Plan goals include maintaining the town's community and neighborhood character while balancing the need for growth and development and preserving history, open space, and hamlet center character, while promoting a diversity of housing options in appropriate neighborhoods to ensure members of the community have access to quality housing.



Downtown Pearl River © AKRF

Existing Economic Development and Downtown Revitalization Strategies and Programs

2018 Pearl River TOD Opportunities Analysis

In 2018, the “Pearl River TOD Opportunities Analysis” (Pearl River Study) was submitted to the Town of Orangetown. The purpose of the Pearl River Study was to establish a downtown revitalization strategy for the hamlet of Pearl River. According to the Pearl River Study, key assets in Pearl River, which make it “uniquely positioned for physical and economic rejuvenation” include a relatively large downtown (for the area), a compact urban form comprised of a mix of uses, and rail connectivity to Secaucus Junction and New York City by way of the NJ Transit Pascoack Valley line.

At the time of the Pearl River Study, it was observed that home sales and rental prices had been rising in the hamlet, especially for one-bedroom apartments. While restaurants and similar establishments continued to attract patrons to the downtown, “neighborhood-scale

2018 Pearl River TOD Opportunities Analysis



Pearl River © AKRF

retail offerings along Central Avenue had become smaller and less diverse” as they competed with nearby malls and societal shifts to e-commerce. In the decade preceding the Pearl River Study, “only minimal infrastructure improvements [were] implemented in the downtown core.”

The Pearl River Study included quantitative analysis of Pearl River’s demographics, economic and fiscal conditions, housing, and land use. It also, through a community workshop and other outreach efforts, explored desires of the local community, and community feedback was informative. Some strategies advanced by the community included:

- Encourage a greater diversity of entertainment, retail, and service establishments.
- Increase working opportunities downtown through office and co-working space which could assist in generating foot traffic.
- Attract more consumers to the hamlet by improving dated storefront facades, filling vacancies, beautifying lots and sidewalks, and adopting design standards.
- Support locating higher density housing closer to the train station, while maintaining zoning and building code enforcement to preserve community character.
- Improve train service in the hamlet, including more frequent express service to New York City.
- Enhance the pedestrian experience by repairing existing sidewalks, creating new sidewalks, and installing traffic calming measures to improvement pedestrian and motorist safety.
- Enhance streetscapes with trees, landscaping, planters and outdoor seating.

The Study concluded that Pearl River was “well positioned physically and economically for downtown infill development, especially in an around its train station.” The Study’s land use assessment found that the “existing urban form around the train station could accommodate a greater mix of uses, higher intensity of land use, and taller buildings.”

2018 Orangetown Bike Study

The “Orangetown Bike Study: A Comprehensive Plan for a Safer and More Welcoming Cycling Environment on Orangetown’s Roads and Trails” (Bike Study), was presented to the Town Board in June 2018. The primary goal of the Bike Study was to create a community vision for the local cycling network, with a focus on connecting residents with local business districts and community facilities including schools, libraries, and parks.

The Bike Study included some limited recommendations regarding economic development and downtown revitalization. It discussed the “Bike Friendly New York”¹¹ program as a method of connecting the local business community to cyclists, and improving the experience for Orangetown residents and visitors who wish to dine, shop, travel, or make other trips by bike. Launched in 2017 by Parks & Trails New York, a statewide advocacy organization for parks and trails, the Bike Friendly New York program awards certification to businesses in New York State that fulfill certain eligibility requirements and offer specified bicycle-friendly amenities that demonstrate support for cyclists. As explained by Parks & Trails New York, “[t]he purpose of the Bike Friendly New York program is to recognize

¹¹ <https://www.ptny.org/cycle-the-erie-canal/bikefriendly>

- Attract new businesses of varying types and sizes to broaden business offerings and protect the Town's tax base.

The Town can create a more attractive environment for businesses in a variety of ways. Improvements to downtown connectivity, linking amenities, housing, retail options, and natural resources and open space would enhance the sense of place in the hamlet downtowns. Promotion of walking as an important mode of local circulation within the downtowns, and strengthening intermodal connections, would make it easier for pedestrians to travel within downtown areas, frequenting more businesses with ease, and between downtowns and other areas of the Town. Economic development initiatives to attract new businesses and broaden business offerings should be focused on placemaking strategies (discussed above) and improving quality of life for residents.

- Encourage infill development wherever possible to maintain the 'feel' and 'character' of the hamlet downtowns.

To facilitate infill development, the Town can develop an inventory of existing vacant properties, organizing the properties by type (e.g., professional offices, commercial businesses, strip mall, factory/manufacturing, warehousing, dining). This inventory can also identify underutilized parcels. Using this information, the Town can develop specific strategic plans for hamlets that are more receptive to commercial development. Orangeburg and Pearl River were the hamlets more receptive to commercial development than others, based on Public Survey responses (see **Figure 5-7**). Infill residential development could also be considered as part of a downtown revitalization strategy, as the housing data presented regarding vacancy (see **Table 5-9**) indicates there is low residential vacancy in the Town. Increased housing in downtown areas could also grow those local populations, further benefitting downtown businesses.

As **Figure 5-2** indicates, Orangetown's older residents are aging in place. In response to that phenomenon, infill development could consider the development of facilities catering to the needs of that cohort of the population, which could include condominiums (for those individuals wishing to downsize), a senior center, a community center, and medical facilities.

open spaces, increase access to parks across the Town, and support the ecological function of open spaces in flood mitigation, carbon sequestration, and in providing wildlife habitat and biodiversity.

Goal: Preserve the Town’s Natural Resources, Increase Access to Parks and Open Space, and Enhance their Ecological Role.

Proposed Implementation Strategies and Actions

- Use cluster development and conservation easements to preserve large contiguous areas of open space and protect environmentally sensitive areas.

Discuss?

NYS Town Law Section 278 authorizes municipalities to approve cluster development. Cluster development is a type of subdivision in which typical zoning requirements are modified to allow an alternative “layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping.”⁷ Development is clustered so that natural, scenic, or historic resources and environmentally sensitive sites are preserved. In exchange, developers are permitted to subdivide property in ways that deviate from the bulk and area requirements that would otherwise apply under the Zoning Code. Cluster development should be considered for development and redevelopment on large parcels to preserve and protect contiguous open space and safeguard environmentally sensitive areas.

§21-7.1, Conservation Easements (created in 1999, amended in 2007), of the Town Code authorizes the Planning Board to require conservation easements on real property that is situated within environmentally sensitive and flood-prone areas. To enhance the maintenance and enforcement of conservation easements, the Town could consider establishing a Conservation Easement Program that annually monitors compliance, provides funding for private property owners who require financial assistance in maintaining the easements, and creates a program for active maintenance and stewardship of Town-held conservation easements.⁸ In terms of ecological management, the Conservation Easement Program can guide the management of invasive species, native species, and pests within conservation easements. For instance, rather than following a tree preservation ordinance based on solely tree trunk diameter, guidelines can be introduced to promote preservation of native plant and tree species while allowing for the removal of harmful, invasive species. Through attentive monitoring and maintenance, conservation easements can be impactful in ameliorating environmental effects of climate change.

7 Raines, P., Cluster Development and Policy (2017)

8 Town of Gardiner (Ulster County, NY), “Town of Gardiner Open Space Commission: 2019 Annual Report”

- 2 Setting clear targets and providing timeline and guidelines for reducing GHG emissions.
- 3 Limiting truck traffic and deliveries during peak hours by incentivizing businesses to choose overnight or off-hour deliveries.
- 4 Rerouting truck traffic from residential areas and schools to major highways and roads.
- 5 Creating connected, safe and walkable communities with generous pedestrian infrastructure (sidewalks, crosswalks, pedestrian lights, landscaping), and public transportation (bus stops and shelters) on NY State Route 303 and throughout Orangetown.
- 6 Relocating commuter parking to existing developed areas with safe, sheltered bus stops to encourage the use of public transportation.
- 7 Encouraging the installation of electric vehicle (EV) charging stations in public areas.
- 8 Beginning with schools and businesses, advertising and enforcing efforts to limit the use of engine idling within the Town.
- 9 ~~Limiting the use of gasoline-powered leaf blowers.~~
- 10 Increasing resident participation in waste management programs such as the Town's Food Scraps Recycling Program.

EV charging stations in a Sparkill parking lot © MUD Workshop



- Limit the use of fossil fuels as a source of energy supply and encourage the use of green building technologies for new development projects and retrofits.

In 2012, Orangetown’s commercial sector produced 25.5 percent of the Town’s total GHG emissions, and the residential sector was responsible for 21.1 percent.⁶⁹ These commercial and residential sectors generated close to 50 percent of the Town’s GHG in order to fulfill heating, cooling, lighting, and other needs. As such, the Town should consider prioritizing renewable sources for electricity and encouraging green building technologies that would decrease overall residential and commercial energy usage. Green building technologies include but are not limited to adaptive reuse, green roofs, use of renewable energy, and energy-efficient appliances and heating/cooling systems, and can be used in new development sites and retrofitted for existing sites. The Town can consider updated energy supply and infrastructure as well as green building strategies, including:

- 1 Continue meeting NYSERDA benchmarks in order to qualify for future phases of the Rockland Community Power CCA program.
- 2 ~~Adopting the CCA’s 100 percent NY-sourced renewable electricity option as the default supply for Town residents and small business.~~
- 3 Building on the success of the Town’s Community Choice Aggregation Program.
- 4 ~~Exploring efficient alternatives to the aging existing electrical grid infrastructure, which has limited ability to take advantage of modern technologies. These alternatives should promote micro-grid Community Distributed Generation of electricity, such as Community Solar installations, as a means to both protect critical infrastructure and to lower the stress on the existing utility infrastructure. Leading upgrades and retrofits by updating all municipal buildings for high energy efficiency and switching 100 percent of energy supply to renewable sources. Incentivizing businesses and institutional buildings to follow.~~
- 5 **Encouraging** Requiring the use of green building technologies for heating and cooling for all new construction and redevelopment.
- 6 Continuing to enforce the recently adopted NYStretch Code for development, and improving the energy efficiency of building systems, including heating, cooling, and lighting.
- 7 Encouraging building performance code certifications such as Energy Star, LEED, and the Living Building Challenge for new construction over a certain size.

Encouraging

⁶⁹ NY Climate Smart Communities *Mid-Hudson Regional Greenhouse Gas Emissions Inventory*, Table 26. “Rockland County; Total Emissions by Municipality and Sector”.

Strategy	Action Item	Time Frame	Responsible Agency
Land Use, Zoning, and Design			
Update the zoning districts, as well as allowable land uses and definitions, to recognize and regulate uses not previously addressed.	New district: Mixed Use (for transitional areas) New residential uses: attached single family residence and townhomes	Short-Term	Town Board
	New commercial uses: standalone fitness center, media production facility and soundstage	Short-Term	Town Board
Add new permitted uses in LI/LO zoning districts which are already permitted in commercial districts	Additional permitted uses in LI/LO: hotel and motel and retail drug, dry goods and variety, food, hardware, stationary, and auto supply	Short-Term	Town Board
Update the Rt 303 Overlay District	Add other auto-oriented uses (e.g., drive-through facilities) to the list of prohibited uses in § 13.10.B (6), particularly on sites that abut residential areas; consider requiring a pedestrian/bicyclist-only entrance from the side streets.	Short-Term	Town Board
	Target identified commercial, strip style developments for retrofitting, mixed use and “missing middle” housing, both of which facilitate walkable, environmentally sustainable development that serve as transitions between commercial areas and single-family neighborhoods. Consider requiring increased design, façade, and landscaping standards for new and redevelopments, as well as requiring developers to contribute to infrastructure upgrades.	Medium-Term	
	Update relevant sections to differentiate between the different types of warehouse uses, and to establish performance standards to address resident concerns. Encourage new uses in the Overlay District, including “clean and green” uses such as indoor greenhouses and vertical farms.	Short-Term	
Increase flexibility of dimensional standards (minimum lot size, setbacks, FAR) to allow for favorable redevelopment without the need for variances; explore retrofitting options for constrained sites.			
Update nuisance regulations and increase enforcement.	Increase minimum buffer requirements for dense, hearty, and mixed vegetation. Reevaluate existing uses for compliance for nuisance regulations, particularly for noise and odors along the Rt. 303 corridor.	Medium-Term	Town Board

Strategy	Action Item	Time Frame	Responsible Agency
Land Use, Zoning, and Design			
Create environmental protection ordinances	Wetlands protection ordinance; Steep slopes and ridgeline protection ordinance.	Medium-Term	Town Board
Update the zoning map and code to create transitional districts between hamlet centers and suburban neighborhoods	Establish and encourage mixed-use districts, which integrate townhome and "missing middle" housing with retail spaces; these districts are a natural way to transition between residential and commercial, shopping areas. (See Future Land Use Map)	Short-Term	Town Board

Community Character and Historic Resources

Protect historic resources	Maintain existing local preservation tools.	Short-Term	Town Board
	Develop designation criteria for Historic Areas	Medium-Term	Historical Areas Board of Review
	Develop design guidelines and performance standards	Long-Term	Historical Areas Board of Review
	Publish online an inventory of locally-designated historic roads	Short-Term	Town Board
	Consider individual landmark protections	Medium-Term	
	Survey Orangetown's historic buildings and structures	Short-Term	
	Consider joining the CLG Program	Long-Term	

Strategy	Action Item	Time Frame	Responsible Agency
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Economic Development and Downtown Revitalization

<p>Encourage small businesses that add to the vitality of hamlet centers by providing cultural, recreational, and entertainment amenities desired by the community</p>	<p>To attract businesses to Orangetown’s hamlet centers, the Town could undertake a marketing campaign to showcase the Town as a unique place to live, work, visit, and explore. The campaign should encourage business development equally across the Town.</p>	<p>Medium-Term</p>	<p>Town Board</p>
	<p>The Town could consider some increases in density in downtown areas, and the development of transit-oriented districts.</p>		
	<p>Establish procedure to meet with potential property buyers and developers at pre-application meetings, to advise on potential uses that meet zoning designations.</p>		
<p>Establish a local development corporation (LDC)</p>	<p>The Town Board and Planning Board, with the assistance of the Town Attorney, should determine the feasibility of establishing an LDC in Orangetown.</p>	<p>Medium-Term</p>	<p>Town Board and Planning Board</p>
	<p>In addition to considering creation of an LDC, the Town should connect with the Rockland Economic Development Corporation (REDC) or the Rockland County Industrial Development Agency (IDA) to facilitate redevelopment projects.</p>		
<p>Create an Orangetown Economic Development Plan (EDC)</p>	<p>Explore creation of a new Town department (or identify appropriate existing Town department) that would establish, implement, and monitor an EDC for Orangetown. Conduct public outreach to establish economic development goals and strategies for the Town based on citizen and business-owner feedback.</p>	<p>Short-Term</p>	<p>Town Board, Planning Board, and Supervisor’s Office</p>
		<p>Medium-Term</p>	
<p>Attract new businesses of varying types and sizes to broaden business offerings and protect the Town’s tax base</p>	<p>Undertake improvements to downtown connectivity, linking amenities, housing, retail options, and natural resources and open space, to enhance the sense of place in the hamlet downtowns. Promote walking within the downtowns and strengthen intermodal connections.</p>	<p>Long-Term</p>	<p>Town Board, with assistance from Parks and Recreation and Highway Departments</p>
	<p>Encourage uses that include clean industry and data centers, which could be facilitated by the implementation of a floating zone. This could be applied to the Town-owned areas of the Rockland County Psych Center.</p>		

Strategy	Action Item	Time Frame	Responsible Agency
Sustainability and Climate Resiliency			
Reduce carbon emissions and promote healthier air quality.	Create and enforce new regulations including those to: (1) limit air pollution from light industrial areas; (2) limit truck traffic and deliveries during peak hours; (3) reroute truck traffic from residential areas and schools to major highways and roads; and (4) ban the use of gasoline-powered gardening equipment.	Medium-Term	Planning Board
Limit the use of fossil fuels as a source of energy supply and encourage the use of green building technologies for new development projects and retrofits.			
Enforce Orangetown Code Section 4.27 to limit light pollution.	Undertake public outreach to promote awareness of negative impacts of light pollution, and methods to reduce it. Consider revisions to Town Code to ensure stricter enforcement, and by limiting light pollution indicated on building applications through the ACABOR board.	Short-Term	Planning Board

EXHIBIT

07-25-C

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

SS.

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

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

That, on the 12th day, July, 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.

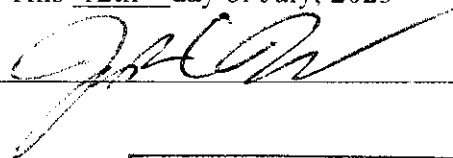
1. Town Hall Bulletin Boards
2. Town Website
- 3.
- 4.
- 5.

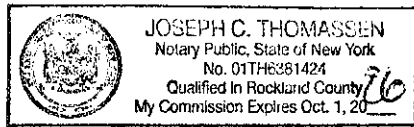


 Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 12th day of July, 2023





**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

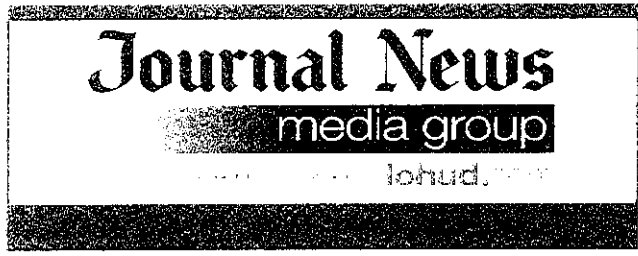
NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held July 11, 2023, a public hearing will be held by the Town Board on a proposed Local Law, amending Chapter 15, "Fire Prevention Code" of the Town Code, Article I "Uniform Fire Prevention Code", Section 15-10 entitled "General Fire Safety Requirements", subsection "D" by repealing the current Section 15-10(D) and replacing it in its entirety. This public hearing is scheduled for the 25th day of July, 2023 at 7:10 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: July 11, 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 July, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttle, 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 Tuttle 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:** 07/12/2023

Linda Tuttle
Signature

Sworn to before me, this 12 day of July, 2023
Kathleen Allen
Notary Public, State of Wisconsin, County of Brown

**KATHLEEN ALLEN
Notary Public
State of Wisconsin**

1-7-25
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 Bndge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers
ROCKLAND:
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Taitman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005760768

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NOTICE OF PUBLIC HEARING**

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

Dated: July 11, 2023

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

0005760768