

**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
August 22, 2023**

This meeting was opened at 7:01 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:

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

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

Special Town Board Meeting for Budget Presentations by Town Departments on Wednesday, September 6, 2023 at 5:30 pm.

The following Public Hearings are scheduled for September 26, 2023:

- **Adopt Orangetown Comprehensive Plan**
- **Proposed Zone Change for 90 West Madison Avenue, Pearl River**
- **Address Issues Related to Short Term Property Rentals**
- **Address Parking Issues in South Nyack**

RESOLUTION NO. 418

OPEN PUBLIC HEARING / PROPOSED ZONE CHANGE / PREL PLAZA / 60 DUTCH HILL ROAD, ORANGETOWN, NY / AMEND CHAPTER 43, 2.2

RESOLVED, that the Public Hearing regarding the proposed Zone Change for Prel Plaza / 60 Dutch Hill Road, Orangetown, New York to amend Chapter 43, 2.2 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, Postings and Mailing, Negative Declaration and comments from various agencies, which are labeled Exhibit 08-22-A and made a part of these minutes.

Donald Brenner, Attorney for Petitioner, explained this parcel is in a "CO" zone, bordered by "CO" to the South and "CS" to the east. The existing building is presently rented to tenants who can be classified in the "CO" or "CS" zone. The property was originally zoned "CS" but was changed to "CO" creating a mixed usage which still exists. The demand for office space is marginal.

Summary of Public Comments: None

**RESOLUTION NO. 419
CLOSE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR PREL PLAZA
60 DUTCH HILL ROAD, ORANGEBURG, NY / AMEND CHAPTER 43, 2.2**

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

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. 420
LEAD AGENCY / SEQRA / NEGATIVE DECLARATION / PROPOSED ZONE
CHANGE FOR PREL PLAZA / 60 DUTCH HILL ROAD, ORANGEBURG, NY
AMEND CHAPTER 43, 2.2**

WHEREAS, the Town Board has considered a petition by the property owner of the property located at 60 Dutch Hill Road, Orangeburg, NY, Ulster Heights Properties, Inc. for a zone change of the property by adoption of a Local Law, amending Chapter 43, of the Town Code to change the zone from Commercial Office (CO) to Commercial Shopping (CS); and

WHEREAS, on or about July 3, 2023 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review (SEQRA) of the above referenced action; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed zoning text amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto (Exhibit 08-22-A), and authorizes the Town Supervisor or her designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

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. 421
ADOPT / LOCAL LAW NO. 9, 2023 OF THE TOWN OF ORANGETOWN
AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF
ORANGETOWN TO CHANGE THE ZONING DISTRICT OF PREL PLAZA
60 DUTCH HILL RD, ORANGEBURG, NY / 74.10-1-70**

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

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

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

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

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

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

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

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

WHEREAS, on July 3, 2023, the Town Clerk mailed, via USPS First Class Mail, the proposed Local Law and related documents (i.e., a full statement of the proposed action) to the Rockland County Planning Department (“RCPD”), pursuant to NYS General Municipal Law (“GML”) §239-1, *et seq.*, and the RCPD has not provided its GML review report to the Town Board, and more than thirty days have elapsed since the RCPD’s presumed receipt of said full statement of the proposed action. Now, therefore, pursuant to GML §239-m(4)(b), the Town Board hereby takes final action on the proposed Local Law without such GML review report.

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

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

**TOWN OF ORANGETOWN
LOCAL LAW NO. 9, 2023
AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW TO CHANGE THE ZONING
DISTRICT OF PREL PLAZA / 60 DUTCH HILL RD, ORANGEBURG, NY / 74.10-1-70**

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

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

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

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

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

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

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

RUNNING THENCE along said lands the following courses and distances:

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

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

**RESOLUTION NO. 422
RESUME PUBLIC HEARING FROM JULY 25, 2023 / PROPOSED LOCAL LAW
AMENDING CHAPTER 15 OF THE TOWN CODE, "FIRE PREVENTION CODE" BY
REPEALING AND ADDING A NEW SECTION 15-10(D)" / OUTDOOR BURNING,
OPEN BURNING AND BURNING OF REFUSE**

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

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

Summary of Public Comments:

Susan McWhinny, Orangeburg, thanked the Town Board for this Local Law.
Carol Schelin, Tappan, concerned that any type of burning will be close to a structure.

**RESOLUTION NO. 423
CLOSE PUBLIC HEARING / PROPOSED LOCAL LAW / AMENDING CHAPTER 15
OF THE TOWN CODE, "FIRE PREVENTION CODE" BY REPEALING AND ADDING
A NEW SECTION 15-10(D)" / OUTDOOR BURNING, OPEN BURNING AND
BURNING OF REFUSE**

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

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. 424
LEAD AGENCY / SEQRA / NEGATIVE DECLARATION / PROPOSED LOCAL LAW /
AMENDING CHAPTER 15 OF THE TOWN CODE, "FIRE PREVENTION CODE" BY
REPEALING AND ADDING A NEW SECTION 15-10(D)" / OUTDOOR BURNING,
OPEN BURNING AND BURNING OF REFUSE**

WHEREAS, the Town Board has the adoption of a Local Law, amending Chapter 15, of the Town Code entitled "Fire Prevention Code", Article I, Section 15-10(D) regarding open fires and

WHEREAS, on or about July 3, 2023 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review (SEQRA) of the above referenced action; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed zoning text amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto (Exhibit 08-22-B), and authorizes the Town Supervisor or her designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

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. 425
ADOPT LOCAL LAW NO. 10, 2023, AMENDING CHAPTER 15 OF THE TOWN
CODE, SECTION 15-10 ENTITLED "GENERAL FIRE SAFETY REQUIREMENTS"
TO ADD A NEW SUB-SECTION (D) / OUTDOOR BURNING, OPEN BURNING AND
BURNING OF REFUSE**

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

RESOLUTION NO. 425 - Continued

The purpose of this Section is to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Orangetown due to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

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

**TOWN OF ORANGETOWN
LOCAL LAW NO. 10, 2023**

**AMENDING CHAPTER 15 OF THE TOWN CODE, SECTION 15-10 ENTITLED
“GENERAL FIRE SAFETY REQUIREMENTS” TO ADD A NEW SUB-SECTION (D)
OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE**

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

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

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

AND REPLACING IT IN TOTAL AS FOLLOWS:

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

- 1) Definitions. As used in this Section, the following terms shall have the meanings indicated:
 - A. BONFIRE: An outdoor fire utilized for ceremonial purposes.
 - B. BUILDING INSPECTOR: The Building Inspector of the Town of Orangetown and/or his/her designee.
 - C. BURNING: Open burning, outdoor burning, fire(s), recreational fire(s), and special event fire(s).
 - D. CLEAN WOOD: Natural, seasoned and/or dry firewood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - E. CODE ENFORCEMENT OFFICER: The Code Enforcement Officer(s) of the Town of Orangetown.
 - F. FIRE CHIEF: The Chief of the local Fire Department or other person authorized by the Fire Chief.
 - G. FIRE INSPECTOR: The Chief of the Bureau of Fire Prevention or any Fire Inspector of the Town of Orangetown.
 - H. GARBAGE: The animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.

LOCAL LAW NO. 10, 2023 - Continued

- I. **OPEN BURNING:** The burning of materials wherein the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.
 - J. **OPEN FIRE:** Any open fire or outdoor smoke-producing process from air contaminants that are emitted directly into the outdoor atmosphere.
 - K. **OUTDOOR BURNING:** Open burning or burning in a manufactured freestanding portable outdoor fireplace or manufactured fire pit.
 - L. **OUTDOOR FIREPLACE or FIRE PIT:** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
 - M. **POLICE:** The Chief of the Town of Orangetown Police Department or Orangetown Police Officers.
 - N. **RECREATIONAL OUTDOOR FIRE:** A small outdoor fire, burning materials other than rubbish, where the fuel being burned is NOT contained in an incinerator, barbecue grill or barbecue pit or portable outdoor fireplace; and is on residential property; and has a total fuel area of three (3') feet or less in diameter and two (2') feet or less in height, for pleasure, religious, ceremonial, cooking, warmth or similar purposes; and in accordance with the requirements of §15-10 D (5) of this section. A permitted built-in fireplace with required OBZPAE approval is a recreational outdoor fire.
 - O. **REFUSE:** all waste material, including but not limited to: garbage, rubbish, incinerator residue, street sweepings, dead animals and offal.
 - P. **RUBBISH:** Solid or liquid waste materials including, but not limited to, rags, furniture, cartons, chemicals, paint, grease, sludges, oils, any petroleum products other than legitimate home heating and cooking products, construction materials including, but not limited to, sheetrock, chip board, asphalt or fiberglass shingles, or pressure treated lumber, automobile parts, tires, metal goods including, but not limited to, refrigerators, stoves and like appliances, diapers, yard grass clippings, paper and paper products, packaging materials, Styrofoam, mattresses, cigarette filters, glass, plastic of any kind and furniture.
 - Q. **SPECIAL EVENT FIRE:** A bonfire or any other open-air fire kindled to mark a public event, victory celebration or similar occurrence that does not meet the criteria of a recreational outdoor fire.
- 2) Prohibited burning. The following fires are prohibited in the Town of Orangetown.
- A. The burning of garbage, refuse and rubbish in any manner is prohibited.
 - B. All open fire burning is prohibited in the Town of Orangetown except as set forth in Paragraph 3 herein.
 - C. **EXCEPTIONS:** Live burn drills conducted by a local Fire Department, fires for religious purposes or for other purposes specifically approved by the Town of Orangetown Fire Inspector, and those fires that require a permit as required from the Fire Inspector.
- 3) Bonfires and Special Event Fires. Bonfires and special event fires shall be permitted only for a publicly sponsored celebration or event, an organization-sponsored event, or for a public or private school sponsored event.
- A. An operational permit shall be obtained from the Bureau of Fire Prevention prior to igniting the fire.
 - B. These fires shall be subject to the filing and approval of an Outdoor Burning permit application with the Bureau of Fire Prevention at least thirty (30) days prior to the event.
 - C. Permitted special event fires shall be located not less than fifty (50') feet from any structure.
 - D. Materials used for fuel shall consist of wood only.
 - E. The allowable quantity of wood to be burned shall be determined by the Chief of the Bureau of Fire Prevention or his/her designee based upon the fire safety considerations of the situation and the desired duration of the burn.
 - F. The duration of the bonfire or special event fire shall be approved and authorized by the Chief of the Bureau of Fire Prevention or his/her designee.

LOCAL LAW NO. 10, 2023 - Continued

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

LOCAL LAW NO. 10, 2023 - Continued

- 6) Portable Outdoor Fires: Portable outdoor fireplaces shall be permitted at single or two-family detached dwellings only and used in accordance with the manufacturer’s instructions.
 - A. Competent adult supervision must be at the site while the fire is burning. Competent adult supervision is a person over eighteen (18) years of age.
 - B. Appropriate fire extinguishing equipment, sufficient to extinguish the fire, shall be present at all times and readily available.

- 7) Enforcement and Control. The Chief of the Bureau of Fire Prevention, the Fire Inspectors, Building Inspectors, Code Enforcement Officers and the officers of the Orangetown Police Department, are hereby vested with authority to enforce the provisions of this section. He/she/they may suspend the operation of open burning, recreational fires or portable outdoor fireplaces, and shall have the right to declare that any and all burning shall cease immediately until further notice:
 - A. if weather conditions are such that starting or the continuation of burning is a risk to life, health, safety or property within the Town, or
 - B. if smoke, ash, or smell emitting from open burning or an outdoor fireplace becomes
 - C. objectionable or offensive to neighboring properties, or
 - D. if the Official determines the open burning or recreational fire constitutes a hazardous condition.

- 8) Penalties for offenses. Penalties are set forth in Town Code Section 15-6.

- 9) Severability. If any section or specific part or provision or standard of this section or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section or the application thereof to other person or circumstances.

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

DISCUSSION:

Workshop of Agenda Items

RESOLUTION NO. 426

OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion 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

Summary of Public Comments:

Stephen Reich, Laborer Local 754, explained that the Data Center (Data Bank) permitting process might be in jeopardy, if it is not started this quarter. He asked the Town Board to please lean on the Building Department to move this forward.

Susan McWhinny, Orangeburg, is against any businesses like RCW being in a residential area and she reiterated her concerns and complaints.

**RESOLUTION NO. 427
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

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. 428
ACCEPT PETITION / REQUEST FOR ZONE CHANGE AND DIRECT CIRCULATION
OF PROPOSED LOCAL LAW, AMENDING TOWN ZONING MAP / 90 WEST
MADISON AVE, PEARL RIVER, NY / 68.19-4-24**

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239-1 & m; and

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

RESOLUTION NO. 428 - Continued

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. 429
SET PUBLIC HEARING ON PROPOSED ZONE CHANGE / 90 WEST MADISON AVENUE PEARL RIVER / 68.19-4-24**

RESOLVED that the Town Board will hold a public hearing on September 26, 2023 at 7:10 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 90 West Madison Avenue, in the hamlet of Pearl River (Tax Lot 68.19-4-24) from “CO” Commercial Office to “RG” Residence General.

Councilperson Jerry Bottari 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

**PROPOSED LOCAL LAW
AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT OF 90 WEST MADISON AVENUE PEARL RIVER / 68.19-4-24**

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

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

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

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

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

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

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

**RESOLUTION NO. 430
SET PUBLIC HEARING ON SEPTEMBER 26, 2023 AT 7:15 P.M. RE: PROPOSED
AMENDMENT TO TOWN CODE / CHAPTER 43 ARTICLE XVI "LANDLORD
REGISTRY" / SHORT TERM RENTALS**

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

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. 431
DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY
PURSUANT TO SEQRA / "LANDLORD REGISTRY" / SHORT TERM RENTALS**

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

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

WHEREAS, upon review thereof, the Board makes the following preliminary determinations:

1. The proposed Action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed Action as an "Unlisted" action under SEQRA; and
3. The following are involved or interested agencies in the review of the Action under SEQRA:
 - a) Orangetown Planning Board;
 - b) Rockland County Department of Planning;
 - c) Rockland County Department of Health;
 - d) Town of Clarkstown
 - e) Town of Ramapo
 - f) Village of Piermont
 - g) Village of Nyack
 - h) Village of Chestnut Ridge
 - i) Palisades Interstate Parks Commission

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

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. 432
SET PUBLIC HEARING ON SEPTEMBER 26, 2023 AT 7:20 P.M. RE: PROPOSED
AMENDMENT TO TOWN CODE / CHAPTER 24 “PARKING LOTS & METERS
CHAPTER 39 “VEHICLES & TRAFFIC / HAMLET OF SOUTH NYACK**

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

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. 433
DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY
PURSUANT TO SEQRA / CHAPTER 24 “PARKING LOTS & METERS / CHAPTER 39
“VEHICLES & TRAFFIC / HAMLET OF SOUTH NYACK**

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

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

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

WHEREAS, upon review thereof, the Board makes the following preliminary determinations:

- a) The proposed Action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
- b) The proposed Action as an “Unlisted” action under SEQRA; and
- c) The following are involved or interested agencies in the review of the Action under SEQRA:

- Orangetown Planning Board;
- Rockland County Department of Planning;
- N.Y.S. Department of Transportation; and

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

Councilperson Jerry Bottari 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. 434
STREET NAMING/PRIVATE ROAD/THE RESERVE AT PEARL RIVER/LUCY
COURT**

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

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

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

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

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

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

Councilperson Paul Valentine 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. 435
ACCEPT / AWARD BID FOR THE 1959 TOWN HALL DEMOLITION PROJECT
STATE CONTRACTING CORP OF NY / dba CAPITAL INDUSTRIES**

WHEREAS, on July 21, 2023 in accordance with the requirements of New York General Municipal Law §101, et seq., the Town Clerk issued a Request for Bids for the Original 1959 Town Hall Building Demolition ("project"), based upon plans and specifications prepared for the Town by the Town's architect, Lothrop Associates, LLP ("Lothrop"), for the purpose of receiving bids to provide demolition services to the Town related to the original 1959 Town Hall Building, as part of the overall addition to part of the existing Town Hall building, and

WHEREAS, bid responses for each of the trades for the Project were received and thereafter opened publicly on August 11, 2023; the Affidavit of Publication and Posting is labeled Exhibit 08-22-C and

WHEREAS, Lothrop has provided to the Town Board a bid tabulation chart (Exhibit 08-22C), which is incorporated by reference; and

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

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

RESOLUTION NO. 435 - Continued

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

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

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

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. 436

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

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

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

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

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

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

Councilperson Jerry Bottari 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. 437
GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
LISA FERRANTE, 1031 ROUTE 9W, UPPER GRANDVIEW, NEW YORK, 71.09-1-17**

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

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

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

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

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

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. 438
STANDARD WORK DAY (SWD) FOR APPOINTED OFFICIAL, STEFANIE A. KOCOVIC (A/K/A STEFANIE A. SCHERA), TO REPORT SWD PER MONTH TO NEW YORK STATE & LOCAL RETIREMENT SYSTEM (NYSLRS)**

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

<u>Elected or Appointed Official’s Title</u>	<u>Name</u>	<u>NYSLRS Registration Number</u>	<u>Standard Work Day/SWD (hours per day)</u>	<u>Term Begins/End</u>	<u>Participates in Town’s Time Keeping System</u>	<u>SWD Days per Month (based on ROA)</u>	<u>ROA Submitted</u>
Deputy Town Attorney	Stefanie A. Kocovic (a/k/a Stefanie A. Schera)	REDACTED	7	02/17/2023 - 12/31/2023	NO	10.29	YES (2023)

RESOLUTION NO. 438 - Continued

BE IT FURTHER RESOLVED that this Resolution shall be posted for at least 30 days, and a certified copy of the Resolution shall be filed by the Town Clerk with the Office of the New York State Comptroller.

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. 439
APPROVE / SURPLUS / ASPHALT TAILINGS**

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

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. 440
APPROVE / COST OF ADDITIONAL DESIGN WORK & CONSTRUCTION
INSPECTION SERVICES / TRAFFIC SIGNAL REPLACEMENT PROJECT
COLLIERS ENGINEERING & DESIGN**

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

Councilperson Paul Valentine 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. 441
ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF CHRISTOPHER
FEROLDI /LABORER /HIGHWAY DEPARTMENT / EFFECTIVE AUGUST 31, 2023**

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

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. 442
APPROVE / INSTALLATION OF TWO STREET LIGHTS / STAFF SGT JAMES
PARKER ROAD & GREENBUSH ROAD / NORTH AND SOUTH INTERSECTIONS /
BLAUVELT**

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of two street lights at the intersection of Staff Sgt James Parker Rd and Greenbush Rd, both north and south intersections in Blauvelt (North Utility Pole# 60616/39188 and South Utility Pole# 60600/39102) is hereby approved to be paid from the following budget line item B.5182.452.17.

Councilperson Paul Valentine 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. 443
AMEND RESOLUTION NO 422-2022, 9/13/2022 APPROVE/PURCHASE OF FOUR
VEHICLES/OBZPAE & FIRE / INCREASE IN COST**

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

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

Councilperson Jerry Bottari 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. 444
AMEND CONTRACT/ADD FIRE INSPECTION MODULE/BUILDING DEPARTMENT
PERMITTING SOFTWARE/TYLER TECHNOLOGIES-ENERGOV**

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

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

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

RESOLUTION NO. 444 - 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. 445
COMBINE / APPROVE AGENDA ITEMS #27 TO 34**

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

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. 446
APPROVE / LEND ASSISTANCE / SOUTH NYACK 10- MILER / 9/10/2023**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades from the Highway Dept., and police detail from OPD, for the South Nyack Road Race to be held on Sunday, September 10, 2023.

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

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. 447
APPROVE / LEND ASSISTANCE / TAPPAN 9/11 MEMORIAL DAY SERVICE
SEPTEMBER 11, 2023**

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

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. 448
APPROVE / LEND ASSISTANCE / 2023 SONS OF ITALY ITALIAN FEAST
SEPTEMBER 14- 17, 2023**

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

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

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. 449
APPROVE / LEND ASSISTANCE / DOMINCAN UNIVERSITY / FIRE IN THE SKY
SHOWMOBILE / SEPTEMBER 30, 2023**

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

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. 450
APPROVE / LEND ASSISTANCE / 2023 NOBLE NINTH TRAUBENFEST / 10/1/2023**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & barrels from the Highway Dept., and auxiliary police from OPD, for the Noble Ninth Traubenfest to be held on Sunday, October 1, 2023 from 11am-10pm.

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. 451
APPROVE / LEND ASSISTANCE / 2023 PEARL RIVER HIGH SCHOOL PEP RALLY
& BONFIRE / OCTOBER 13, 2023**

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

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. 452
APPROVE/ LEND ASSISTANCE / 2023 ANNUAL HALLOWEEN PARADE
ORANGEBURG FIRE DEPARTMENT/ TUESDAY, OCTOBER 31, 2023**

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

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. 453
APPROVE / LEND ASSISTANCE / 2023 ORANGEBURG FIRE DEPARTMENT
HOLIDAY PARADE / SATURDAY, DECEMBER 9, 2023**

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

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. 454
RETENTION OF “BORN-DIGITAL” RECORDS IN THEIR ORIGINAL FORMAT FOR
LGS-1 PRESCRIBED PERIOD OF TIME; AND DIGITALIZATION OF PLAIN PAPER
RECORDS REQUIRED TO BE RETAINED PERMANENTLY**

WHEREAS, the Town Board of the Town of Orangetown (“Town Board” and “Town,” respectively) previously adopted the Retention and Disposition Schedule for New York Local Government Records, issued by State Archives of the State of New York (“NYS”) of the NYS

RESOLUTION NO. 454 - Continued

Education Department, pursuant to Article 57-A of the NYS Arts and Cultural Affairs Law, the most recent version of which (issued by State Archives 2020, and revised 2022) is known as "LGS-1" (8 NYCRR §185.15; Appendix L).

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

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

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

- (1). The Town shall retain all records that originate in a digital format ("born-digital") in their original born-digital format for the retention period of time prescribed for each record by LGS-1 (as same may be amended from time to time).
- (2). Each Town Department or Office may digitalize plain paper records that are required to be retained permanently by LGS-1 (as same may be amended from time to time), which digitalization shall be in accordance with the State Archives's Digital Imaging Guidelines (as same may be amended from time to time); and the plain paper originals and copies of all such digitalized records shall be deemed convenience copies, and may be disposed of at the discretion of each Town Department or Office.
- (3). Each Town Department or Office shall be responsible for records retention and disposition for their respective Department's or Office's own records.

Councilperson Jerry Bottari 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. 455
AUDIT**

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants (attached) for a total of **\$2,942,685.21**.

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. 456
ENTER EXECUTIVE SESSION**

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

RESOLVED, at 7:50 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value and matters relating to employment.

RESOLUTION NO. 456 - Continued

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. 457

RE-ENTER RTBM / ADJOURNED / MEMORY

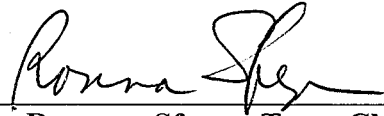
RESOLVED, at 8:45 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of **Patricia "Trish" DuBow**, *Former South Nyack Mayor from 2006-2013* and **Bert Hughes**, *Resident of Nyack*.

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

DATE: August 22, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	072823	\$ 644,858.11
	081123	\$ 226,229.58
	082223	\$ 2,071,597.52
		\$ 2,942,685.21

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

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

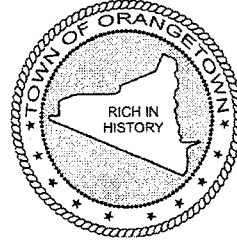
Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 8/17/2023
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 8/22/2023 consists of 3 warrants for a total of \$2,942,685.21.

The first warrant had 27 vouchers for \$644,858 and had the following items of interest.

1. Capasso & Sons (p2) - \$90,817 for recycling.
2. CSEA Employee Benefit Fund (p3) - \$34,426 for dental benefits.
3. De Lage Landen (p3) - \$24,868 for golf cart leases.
4. Fanshawe (p3) - \$304,397 for new town hall electrical.
5. Joe Lombardo Plumbing & Heating (p3) - \$22,246 for new town hall plumbing.
6. Metropolitan Life (p4) - \$14,070 for Police dental insurance.

The second warrant had 40 vouchers for \$226,229 and was for utilities.

The third warrant had 245 vouchers for \$2,071,597 and had the following items of interest.

1. AAA Cooleration Supply (p1) - \$7,356 for emergency AC repair DEME.
 2. Arthur J. Gallagher (p9) - \$16,149 for TPA fee.
 3. Brooker Engineering (p14) - \$5,796 for drainage review escrow.
 4. Calgi Construction (p15) - \$91,265 for construction manager.
 5. Corsi Tire (p19) - \$9,210 for Highway tires.
 6. Cotter, Michael (p20) - \$20,350 for title inspections.
 7. Environmental Construction (p23) - \$24,520 for Escrow release.
 8. Fanshawe (p27) - \$45,296 for new town hall electrical.
 9. Fred Devens Construction (p30) - \$146,247 for sewer reconstruction (bonded).
-

10. G&G Enterprises (p31) - \$10,316 for odor control chemicals.
11. Global Montello (p35) - \$63,967 for fuel.
12. Joe Lombardo Heating & Cooling (p39) - \$9,516 for new town hall plumbing.
13. Johnson Controls (p43) - \$7,224 for HVAC service old town hall.
14. Keane & Beane (p45) - \$15,131 for outside counsel.
15. Kuehne Chemical Co. (p47) - \$15,442 for sewer chemicals.
16. Morano Brothers (p51) - \$46,713 for traffic signal replacement (bonded).
17. NYS Dept. of Civil Service (p53) - \$934,464 for health care premiums.
18. PKF O'Conner Davies (p56) - \$50,725 for final audit payment.
19. Pressure King, Inc. (p59) - \$7,982 for Highway equipment.
20. Rockland Commissioner of Finance (p63) - \$5,355 for hauler permits.
21. Rockland County Solid Waste (p64) - \$7,827 for solid waste.
22. Sealcoat USA (p68) - \$24,319 for Highway road treatments.
23. Skyhawks Sports Academy (p69) - \$28,975 for summer camp program.
24. State Comptroller (p73) - \$66,219 for Justice fines.
25. Steril Koni (p73) - \$64,553 for Highway equipment.
26. Tilcon (p77) - \$47,572 for Highway materials.
27. Tomco Construction (p78) - \$16,345 for H4H retainage refund.
28. Zarin & Steinmetz (p85) - \$7,645 for outside counsel.

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204



EXHIBIT

08-22-A

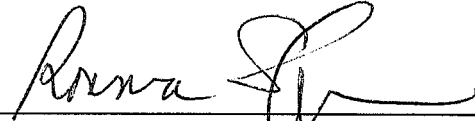
STATE OF NEW YORK }
COUNTY OF ROCKLAND } SS.
TOWN OF ORANGETOWN }

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

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

That, on the 31st 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.

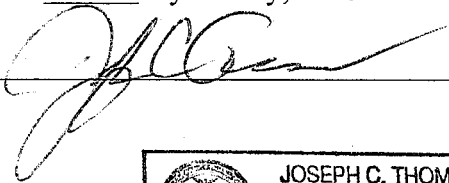
1. Town Hall Bulletin Boards
2. Town Website
- 3.
- 4.
- 5.

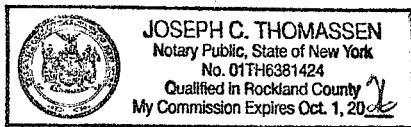


 Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 31st day of July, 2023





**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

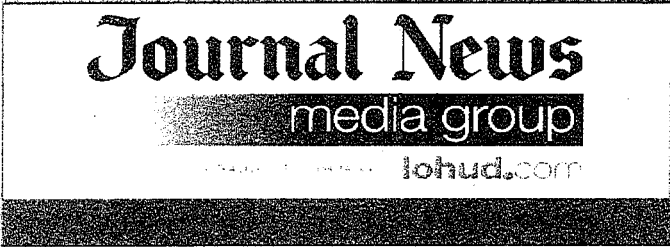
NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on June 27, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 60 Dutch Hill Road, Orangeburg, NY (74.10-1-70) from "CO" (Commercial Office) to "CS" (Community Shopping). This public hearing is scheduled for the 22nd day of August, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

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

Dated: June 27, 2023

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney



**AFFIDAVIT OF PUBLICATION
FROM**

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

On the 10 day of August in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tett, 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 Tett 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: Run Dates:
Rockland 08/10/2023

Linda Tett
Signature

Sworn to before me, this 10 day of August, 2023

[Signature]
Notary Public, State of Wisconsin, County of Brown

8-25-26

My commission expires
Legend:

WESTCHESTER:
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005787025

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on June 27, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 60 Dutch Hill Road, Orangeburg, NY (74.10-1-70) from "CO" (Commercial Office) to "CS" (Community Shopping). This public hearing is scheduled for the 22nd day of August, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangetown 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: June 27, 2023

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

0005787025

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

Project Name: Zone Revision from "CO" to "CS"

Address: 60 Dutch Hill Road, Orangeburg, N.Y. 10962

HELEN INGALLS being duly sworn, deposed that he/she is the applicant
(Name)

herein, or is representing the applicant herein:

That he/she resides at 91 Riverside Terr. Blauvelt N.Y. 10913

That heretofore and the 1st day of August, 2023

Posting

He/She posted the required Notice of Public Hearing sign as required pursuant to the Orangetown Code, Chapter 43, Article 10.44 by posting the attached Notice on every lot corner and at least once every One Hundred (100) feet thereafter, facing each public street on which the property abuts. Such sign has been displayed for a period of not less than 5-days immediately preceding the hearing date. The sign was not set back more than 10 feet from any property or street line, was not less than two feet or more than six feet above grade at the property line and was clearly visible from the property line.

Notices

He/She mailed the required Notice of Public Hearing as required pursuant to Orangetown Code, Chapter 43, Article 10.44, by mailing the Notice to property owners within at least 500 feet of the subject property as measured from the front, side and rear lot lines of the subject parcel (excluding public roadways, rights of way, and property owned by any public utility or public entity in measuring the 500 feet) as well as all properties within 500 feet of the subject parcel along both sides of parcel, along both sides of any street or roadway on which the subject parcel abuts, at least 10-days prior to the public hearing.

Helen M. Ingalls
(Signature)

Subscribed and sworn to before me

This 1st day of August, 2023

Donald Brenner

DONALD BRENNER
NOTARY PUBLIC, State of N.Y.
No. 02BR4510200
Qualified in Rockland County
Commission Expires May 31, 2027

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

**TOWN OF ORANGETOWN, ROCKLAND COUNTY
ZONING TEXT AMENDMENT**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: August 22, 2023

LEAD AGENCY: The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION:

Adoption of Local Law No. 9 of 2023 of the Town of Orangetown, changing the zoning designation of the property located at 60 Dutch Hill Road, Orangeburg, NY, from Commercial Office (CO) to Commercial Shopping (CS) by amending the Town Code, Chapter 43.

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The proposed action consists of a local law amending the Town Code to provide for the definition, accommodation and permitting of Solar Energy Systems in the Town of Orangetown.

DETERMINATION:

There will be no significant adverse environmental impact(s) as a result of the proposed action.

REASONS SUPPORTING THIS DETERMINATION:

The proposed action is the approval of legislation amending existing Town Code to change the zoning designation of the property located at 60 Dutch Hill Road, Orangeburg NY from CO to CS,

primarily to accommodate existing and previous conditions, and which change would permit restaurants and retail drug stores to permitted uses at the subject property.

POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:

Based on the Short Environmental Assessment Form, prepared by the Town's Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board's familiarity with the parcels and the area in which they are situated, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Traffic;
- Agricultural Land Resources
- Historic and Archaeological Resources
- Surface or Groundwater Quantity or Quality
- Critical Environmental Areas
- Energy
- Public Health
- Air Quality and Noise Levels
- Human Health, or
- Future Development of Adjacent and Nearby Lands

In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that such action will not result in a significant adverse environmental impact

For Further Information, Contact:

Town Supervisor Teresa M. Kenny
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100



Rockland County

Ed Day, Rockland County Executive

ROCKLAND COUNTY SEWER DISTRICT NO. 1

4 Route 340
Orangeburg, New York 10962
Phone: (845) 365-6111 Fax: (845) 365-6686
RCSD@co.rockland.ny.us

Michael Specht
Chairman

Michael R. Saber, P.E.
Executive Director

July 25, 2023

Ms. Rosanna Sfraga
Town Clerk – Town of Orangetown
26 Orangeburg Road
Orangeburg, NY 10962

Re: Proposed Zone Change for Prel Plaza
60 Dutch Hill Road, Orangeburg
Tax Lot 89/74.10-1-70 (formerly 30-75-730.1)

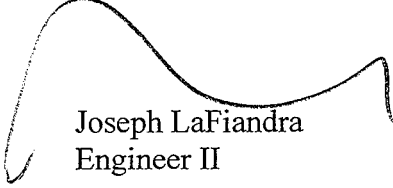
Dear Ms. Sfraga:

Our office has received and reviewed a site plan that was last revised on May 2, 2023, which Jay A. Greenwell, PLS prepared for the above referenced zone change. We thank you for the opportunity to comment on this application. Our comments are as follows:

1. Rockland County Sewer District No. 1 does not object to the Town Board serving as lead agency for this review.
2. Rockland County Sewer District No. 1 does not object to changing the zoning classification of the site. The sanitary sewers from this lot do not affect the District's sewers. We request no future correspondence for this site.

Please inform us if any developments in this application change to affect the District. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,


Joseph LaFiandra
Engineer II

cc: M. Saber M. Dolphin
 Jake Palant – Rockland County Department of Planning

File: TOO 74.10-1-70 – Prel Plaza
 Reader

Rocklandgov.com

DISTR: TTB, TA.



August 7, 2023

Ms. Rosanna Sfraga
Town Clerk
Town of Orangetown
26 W. Orangeburg Road
Orangeburg, NY 10962

Dear Ms. Sfraga,

The Palisades Interstate Park Commission (PIPC) is in receipt of Orangetown's July 3, 2023 notice concerning its intention to assume SEQRA Lead Agency status for a proposed zone change at Prel Plaza and 60 Dutch Hill Road (74.10-1-70).

We would also like to take this opportunity to request that the upcoming review consider potential impacts to the Palisades Interstate Parkway, which is immediately adjacent to the subject parcel. We would like to be included as an interested party for the review.

We look forward to working with you to protect the Palisades Interstate Parkway, while accommodating reasonable development in Orangetown.

Sincerely,

Joshua R. Laird

James E. Hanson II
PRESIDENT
D. Bryce O'Brien II
VICE PRESIDENT
David H. Mortimer
SECRETARY
Hon. Paul Tomasko
TREASURER
Jeannette Redden
Rose Marie Manger, Esq.
Kevin B. Tremble
Jennifer Cunningham
Phillip H. White
Joshua R. Laird
EXECUTIVE DIRECTOR

PALISADES INTERSTATE
PARK COMMISSION
ADMINISTRATION BUILDING
3006 Seven Lakes Drive
PO Box 427
Bear Mountain, NY 10911-0427
(845) 786-2701

TOWN OF ORANGETOWN
2023 AUG 10 P 12:02
TOWN CLERK'S OFFICE

8/15/23
Distr: R. Magrino, TA
P. Michaels, TB, Allison, Jane

Cheryl Coopersmith

From: Cheryl Coopersmith
Sent: Thursday, August 3, 2023 1:07 PM
To: Rosanna Sfraga
Cc: Robert Magrino
Subject: Town Board Referral - Prel Plaza
Attachments: Town Board Referral - Prel Plaza.pdf

Rosanna,
Attached please find the Planning Board signed consent to have the Town Board act as Lead Agency for GML 239 Section (1) & (m) Referral/ Proposed Zone Change for Prel Plaza, 60 Dutch Hill Road, Orangeburg, 74.10-1-70. The hard copy will be sent via interoffice mail.
Cheryl

TOWN OF ORANGETOWN
2023 AUG - 7 A 11:45
TOWN CLERK'S OFFICE

**TOWN OF ORANGETOWN, ROCKLAND COUNTY
ZONING TEXT AMENDMENT**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: August 22, 2023

LEAD AGENCY: The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

TITLE OF ACTION:

Adoption of Local Law No. 10 of 2023 of the Town of Orangetown, amending Chapter 15 of the Town Code, Article I, Section 15-10(D) regarding "Outdoor Fires".

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The proposed action consists of a local law amending the Town Code to provide for the definition and regulation of outdoor fires in the Town of Orangetown.

DETERMINATION:

There will be no significant adverse environmental impact(s) as a result of the proposed action.

REASONS SUPPORTING THIS DETERMINATION:

The proposed action is the approval of legislation to properly define and regulate outdoor fires in the Town of Orangetown. Amending the Code as indicated is to provide guidance to residents regarding outdoor fires and conditions under which such fires are permitted.

POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:

Based on the Short Environmental Assessment Form, prepared by the Town's Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board's familiarity with the parcels and the area in which they are situated, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Traffic;
 - Agricultural Land Resources
 - Historic and Archaeological Resources
 - Surface or Groundwater Quantity or Quality
 - Critical Environmental Areas
 - Energy
 - Public Health
 - Air Quality and Noise Levels
 - Human Health, or
 - Future Development of Adjacent and Nearby Lands
-

In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that such action will not result in a significant adverse environmental impact

For Further Information, Contact:

Town Supervisor Teresa M. Kenny
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

NOTICE OF POSTING: NOTICE TO BIDDERS: DEMOLITION OF ORIGINAL 1959 TOWN HALL BUILDING

EXHIBIT
08-22-C

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

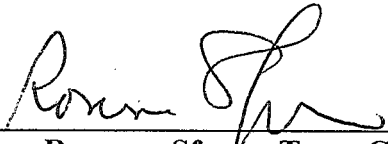
SS.

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 21st 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.

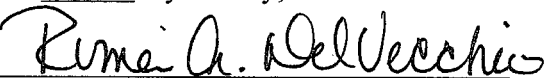
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 21st day of July, 2023



RIMA A. DELVECCHIO
Notary Public, State of New York
No. 01DE622835
Qualified in Rockland County
My Commission Expires June 1, 2026

NOTICE TO BIDDERS

PROJECT: ORIGINAL 1959 TOWN HALL BUILDING DEMOLITION
Orangetown Town Hall
26 West Orangeburg Road
Orangeburg, NY 10962

Sealed bids for a single contract for **ORIGINAL 1959 TOWN HALL BUILDING DEMOLITION** will be received by the Town of Orangetown at the Office of the Town Clerk, located at 26 West Orangeburg Road, Orangeburg, NY 10962, up to and including August 11, 2023 at 11:00 AM local time. No bids will be received after 11:00 AM. Bids will be publicly opened August 11, 2023 at 1:30 PM local time and read aloud.

Contract No. GC-1 – Building Demolition

A **non-mandatory** Pre-Bid Site Meeting will be held at the Orangetown Town Hall Site, 26 West Orangeburg Road, Orangeburg, N.Y. at **10:00 am on August 2, 2023**. Attendance by prospective Bidders is **recommended**. Additional site visits will be made available to Bidders, weekdays, by appointment between 9:00 AM and 3:00 PM. Contact the Architect's office to make an appointment. Meetings will begin at the Construction Manager's field office (Calgi Construction) at the rear of the Town Hall site. All visiting personnel will be responsible for their own safety and personal protective equipment.

The Bid Documents may be obtained at the office of the Architect, Lothrop Associates Architects D.P.C. , via electronic transmission only, between the hours of 8:30 am and 5:30 pm, Monday through Friday, starting on **July 24, 2023**.

Requests for Bid Documents shall be made via email only by contacting Vincent Lisanti at the email addresses below.

Contact: **Vincent Lisanti** at vlisanti@lothropassociates.com or 914 495 4291

Awarded Contractor shall be required to provide the following:

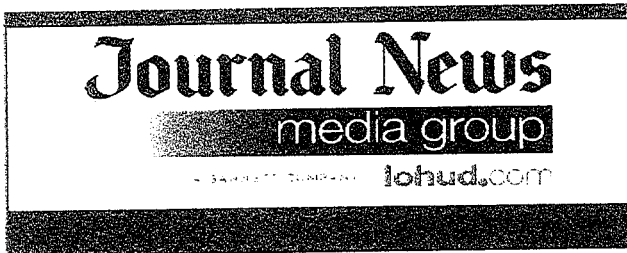
- Bid Bonds equal to 5% of the bid amount on AIA A310 Bid Bond Form.
- Performance and Labor and Material Payment Bonds, each equal to 100% of the Contract amount
- Insurance coverages as specified in the Contract Documents, with the Town, Architect and Construction Manager named as additional insured.

This is a NYSDOL Prevailing Wage Project.

ADDITIONAL BIDDING REQUIREMENTS ARE INCLUDED IN THE INSTRUCTIONS TO BIDDERS INCLUDED IN THE BID DOCUMENTS

DATED: July 24, 2023

Rosanna M. Sfraga
Town Clerk
Town of Orangetown
Townclerk@orangetown.com
(845) 359-5100 Ext. 5004



**AFFIDAVIT OF PUBLICATION
FROM**

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

On the 24 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:
07/23/2023**

Linda Tuttle
Signature

Sworn to before me, this 24 day of July, 2023

M. Verhagen
Notary Public. State of Wisconsin. County of Brown

8.25.26

My commission expires

Legend:

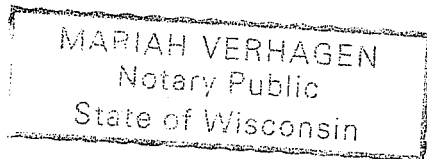
WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, 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, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005775813



NOTICE TO BIDDERS

PROJECT: ORIGINAL 1959 TOWN HALL BUILDING DEMOLITION
Orangetown Town Hall
26 West Orangeburg Road
Orangeburg, NY 10962

Sealed bids for a single contract for **ORIGINAL 1959 TOWN HALL BUILDING DEMOLITION** will be received by the Town of Orangetown at the Office of the Town Clerk, located at 26 West Orangeburg Road, Orangeburg, NY 10962, up to and including August 11, 2023 at 11:00 AM local time. No bids will be received after 11:00 AM. Bids will be publicly opened August 11, 2023 at 1:30 PM local time and read aloud.

Contract No. GC-1 – Building Demolition

A **non-mandatory** Pre-Bid Site Meeting will be held at the Orangetown Town Hall Site, 26 West Orangeburg Road, Orangeburg, N.Y. at **10:00 am on August 2, 2023**. Attendance by prospective Bidders is **recommended**. Additional site visits will be made available to Bidders, weekdays, by appointment between 9:00 AM and 3:00 PM. Contact the Architect's office to make an appointment. Meetings will begin at the Construction Manager's field office (Calgi Construction) at the rear of the Town Hall site. All visiting personnel will be responsible for their own safety and personal protective equipment.

The Bid Documents may be obtained at the office of the Architect, Lothrop Associates Architects D.P.C., via electronic transmission only, between the hours of 8:30 am and 5:30 pm, Monday through Friday, starting on **July 24, 2023**. Requests for Bid Documents shall be made via email only by contacting Vincent Lisanti at the email addresses below.

Contact: **Vincent Lisanti** at vlisanti@lothropassociates.com or 914 495 4291

Awarded Contractor shall be required to provide the following:

- Bid Bonds equal to 5% of the bid amount on AIA A310 Bid Bond Form.
- Performance and Labor and Material Payment Bonds, each equal to 100% of the Contract amount
- Insurance coverages as specified in the Contract Documents, with the Town, Architect and Construction Manager named as additional insured.

ADDITIONAL BIDDING REQUIREMENTS ARE INCLUDED IN THE INSTRUCTIONS TO BIDDERS INCLUDED IN THE BID DOCUMENTS

DATED: July 24, 2023

Rosanna M. Sfraga
Town Clerk
Town of Orangetown
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