



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday September 26, 2023

This Town Board Meeting was opened at 7:00 PM.

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

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ★ **Pearl River Farmers Market: Fall Harvest Festival 9/30, 10/7, 10/21 & 10/28, 10 am – 2 pm, Central Avenue Field**
- ★ **Saturday, October 14, 2023 from 8 am - 11:30 am / Free Paper Shredding Event at the Tappan Zee High School Parking Lot held by the Town Clerk's Office / Please bring a non-perishable food item for donation to local food pantries**

DISCUSSION:

◆ WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. **RESUME PUBLIC HEARING OF JULY 25, 2023 / 7:05 P.M. / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding Accept Draft Comprehensive Plan / Consider Adopting the Orangetown Comprehensive Plan is hereby resumed.

Summary of Comments:

4. **CLOSE OR CONTINUE PUBLIC HEARING RE: ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding to Accept Draft Comprehensive Plan/ Consider Adopting the Orangetown Comprehensive Plan is hereby closed/continued to ____.

5. **DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION / TOWN OF ORANGETOWN COMPREHENSIVE PLAN**

WHEREAS, the Town Board of the Town of Orangetown is considering the adoption of the Town of Orangetown Comprehensive Plan; and

WHEREAS, the Town Board is the only agency that has the authority to adopt the Town's Comprehensive Plan, therefore, no other agencies are considered potential Involved Agencies;

NOW, THEREFORE BE IT RESOLVED, that pursuant to §617.6(b)(1) of the State Environmental Quality Review Act (SEQRA), the Town Board of the Town of Orangetown, hereby declares itself Lead Agency for purposes of SEQRA for this Type I Action.

AND BE IT FURTHER RESOLVED, that the Town of Orangetown Town Board as Lead Agency has determined that the proposed action, for the reasons set forth in the Expanded Environmental Assessment Form dated September 6, 2023, and the appended SEQRA Notice of Determination of Significance, the adoption of the Town of Orangetown Comprehensive Plan will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

6. **OVERRIDE RECOMMENDATIONS OF THE ROCKLAND COUNTY PLANNING DEPARTMENT REGARDING THE TOWN COMPREHENSIVE PLAN**

WHEREAS, the Town Board of the Town of Orangetown is updating its Comprehensive Plan for the first time since 2003 to establish a guiding framework for future sustainable development, economic growth, and natural resource preservation in the Town; and,

WHEREAS, on September 13, 2022, the Town Board of the Town of Orangetown referred the Comprehensive Plan to the Rockland County Planning Department in accordance with NYS Town Law §272-a and GML 239-l and -m, which recommended modifications on October 24, 2022; and

WHEREAS, on September 13, 2023, the Town Board of the Town of Orangetown transmitted a revised Comprehensive Plan to the Rockland County Planning Department in accordance with NYS Town Law §272-a and GML 239-l and -m, which recommended modifications to the revised Comprehensive Plan on September 22, 2023; and

WHEREAS, the Town Board considered the 39 recommendations dated October 24, 2022, and the seven recommendations dated September 23, 2023, of the Rockland County Planning Department; and

WHEREAS, the draft Comprehensive Plan was updated to include following recommendations dated October 24, 2022:

Comment 1:	<i>The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations are considered Type I Actions under Section 617.4(b)(1) of the New York State Environmental Quality Review Act (SEQRA). As such, they are more likely to require the preparation of an Environmental Impact Statement (EIS). The GML referral did not include any SEORA documents. The EIS or Environmental Assessment Form must be submitted for our review.</i>
Response 1:	The full EAF was referred to the Rockland County Planning Department on December 5, 2022.
Comment 2:	<i>The goals and objectives are not clearly and consistently identified within each chapter. For instance, Chapter 3 (Community Character and Historic Resources) vaguely states the intended goal on Page 95, but does not identify objectives; however, it does list implementation strategies starting on Page 96. By contrast, Chapter 2 (Current and Future Land Use, Zoning, and Design) identifies the goal on Page 62, but lists the objectives as bullet points on Page 25, after the introduction. "The Vision, Goals, and Objectives" Section of each chapter must clearly state the general goal or goals of the chapter and list all objectives that relate to the implementation strategies established.</i>
Response 2:	The goals and objectives are consistent between chapters. The objectives in Chapter 2 are listed in the context of the public engagement process.
Comment 6:	<i>In Goal 3, Objective 11 on Page 19, Rockland County Public Transportation should be listed as a local transit provider.</i>
Response 6:	Rockland County Department of Public Transportation has been added to the list of local transit providers on page 19.
Comment 7:	<i>Goal 4 on Page 19 is to "Promote sustainable development and plan for climate resiliency." Page 222 in the Sustainability and Climate Resiliency Chapter includes the action of "continuing to enforce the recently adopted NYStretch Code." It is recommended that the use of the NYStretch Energy Code be incorporated as an objective for Goal 4.</i>
Response 7:	Use of the NYStretch Energy Code has been added as Objective 11 under Goal 4 on page 20.

Comment 8	<i>The Village of South Nyack was dissolved on March 31, 2022. as indicated on Page 26. The last sentence of the last paragraph mentions that land use and zoning regulations related to the Village have become the responsibility of the town. The Comprehensive Plan must clarify if the Town intends on continuing to enforce regulations of the South Nyack Zoning Code or if provisions for South Nyack will be incorporated into the Orangetown Zoning Code.</i>
Response 8:	Chapter 2, under the Existing Land Use Conditions (page 26) has been updated to clarify that the regulations of South Nyack were adopted by the Town of Orangetown on September 13, 2022.
Comment 9:	<i>The third paragraph on Page 38 indicates that there is a continued concern for the development of manufacturing, warehouse, and distribution centers along the Route 303 Corridor, despite the adoption of the Route 303 Overlay District. Our department continues to receive proposals to permit the construction of the aforementioned uses within the Overlay District. Several of our concerns that align with the study have been overridden by the local land use boards. The level of success with the adoption of the Overlay District and Town's efforts to enforce its regulations should be further discussed in this section of the plan.</i>
Response 9:	Comment noted. The Comprehensive Plan recommends clarifying the Route 303 Overlay District provisions. This additional clarification could minimize the necessity for future overrides.
Comment 10:	<i>Figure 2-3, Existing Zoning Map, on Page 44, as well as Figure 2-5, Proposed Zoning Map, on Page 65 include labels for the Villages of Nyack, South Nyack, Grand View on Hudson, and Piermont. These municipalities are subject to different zoning regulations from the Orangetown Zoning Code and thus their boundaries must be more clearly distinguished from Orangetown's zoning districts on the map. Since South Nyack is under the purview of Orangetown, it is recommended that its zoning districts be identified in Figures 2-3 and 2-5.</i>
Response 10:	Comment noted. Labels and boundaries for the Villages of Nyack, Grand View-on-Hudson, and Piermont are included on Figures 2-3 and 2-5.
Comment 11:	<i>Table 2-5 on Pages 48 and 49 lists uses indicated as currently "being permitted as of right," not permitted, "special permit uses," or "conditional uses." A description for special permit uses is included on Page 50, following performance standards. A description should be added for conditional uses since they are also included on the Table.</i>
Response 11:	A description of conditional uses has been added to the paragraph on special permit uses on page 50. The paragraph also references Zoning Code Chapter 43, Sections 7.1-6, which describe the procedure for a conditional use permit.
Comment 12:	<i>The paragraph on the bottom of Page 56 lists "the top land use areas indicated as important to future development," according to a survey. In parenthesis, the paragraph notes "see Appendix A"; however, the same graph in the appendix is also on Page 57. This similarly occurs in the paragraph on the bottom of Page 57, continuing to the top of Page 58, regarding "the top residential land uses encouraged by respondents." Appendix A is once again referenced, but the same graph in the Appendix is on Page 58. These two paragraphs should reference subsequent graphs instead of Appendix A, as they will be easier for a reader to find.</i>

Response 12:	Appendix A is referenced because it contains supplementary information in addition to the graphs.
Comment 13:	<i>The definition for Garden townhome on Page 68 must clarify if a townhome unit exists on its own lot, as it could otherwise be confused with multi-unit residential classifications.</i>
Response 13:	This comment is no longer applicable, as the definition of Garden Townhome, as well as recommendations regarding Garden Townhomes, have been deleted from the Comprehensive Plan.
Comment 14:	<i>We appreciate that the Town is considering revising their code to better address data centers, which have different needs from standard warehouses. The proposed definition for data centers on Page 69 is informative and mirrors our department's concerns regarding their energy and water usage. Data centers are currently only permitted within the RPC-OC (Rockland Psychiatric Center Office Park) zoning district. In spite of this, our department has recently reviewed applications required for permitting a data center within the LIO (Light Industrial-Office District), where data centers are not listed as a permitted land use, making approval difficult. According to Page 71, Table 2-6 of the Comprehensive Plan, data centers may eventually be allowed within the LIO district as a conditional use (as well as other districts). We find such changes to the zoning code to be necessary, as the demand for data centers has increased in recent years. The special considerations related to data centers must be adequately discussed in the Zoning Code.</i>
Response 14:	The Comprehensive Plan provides a description of data centers along with general considerations. Special considerations for data centers will be addressed when the zoning is advanced.
Comment 18:	<i>Page 116 includes a subsection titled "Parking," referring to downtown and other busy areas where parking is limited, and how to address parking demands. While the parking shortage is apparent in many of Orangetown's commercial centers, this section of the Plan should also include information about areas where the supply of parking spaces is highly abundant compared to the actual demand. Though the excess of parking and pavement is primarily addressed in Chapter 7 (Sustainability and Climate Resiliency) of the Comprehensive Plan, it is also a transportation related issue and should be discussed further in this section of Chapter 4. Parking standards should be evaluated in light of recent trends such as remote working, online shopping, etc. Reduced parking standards will lead to reduced impervious surface area, as referenced on Page 205.</i>
Response 18:	The parking subsection on page 116 has been revised to indicate that the Town is conducting a parking study for South Nyack, and to recommend that parking studies be conducted to determine parking demand.
Comment 20:	<i>On Page 122, Rockland County Department of Public Transportation should be added to the list of collaborators in the effort to study, improve, and expand existing public transportation service, including bus stops, routing, frequency, and reliability.</i>
Response 20:	Rockland County Department of Public Transportation has been added to the list of collaborators on page 122.
Comment 21:	<i>Census tracts in Orangetown that are Disadvantaged Communities, as part of the State's Climate Act Initiative, should be identified in either the</i>

	<p>demographics subsection on Page 128 and/or in Chapter 7. These Disadvantaged Communities can be found on the New York State's website:</p> <p>https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria/Disadvantaged-Communities-Map</p>
Response 21:	<p>The demographics subsection on page 129 has been updated to note the Census tracts in Orangetown that have been identified as Disadvantaged Communities under the State's Climate Act Initiative.</p>
Comment 22:	<p><i>On Page 176, it is stated that "the Office of Parks and Recreation, in collaboration with the Orangetown Environmental Committee should consider instituting a local park and environmental stewardship program for youths and students." We suggest adding the Rockland County Division of Environmental Resources and Youth Bureau to the partners for this potential initiative and any other efforts to improve access to open space and parks.</i></p>
Response 22:	<p>The Rockland County Division of Environmental Resources and Youth Bureau have been added as partners on page 178.</p>
Comment 23:	<p><i>Throughout Chapter 6 (Open Space and Recreation) there are several different references to plantings as "climate-resilient species," "suitable species," and "sustainable species." With several different descriptors, it is unclear what the Plan is trying to achieve. This department recommends using trees and plants that are native to New York. Native plants are better adapted to the local climate and soils and are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local waterbodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: https://www.dec.ny.gov/public/44290.html.</i></p>
Response 23:	<p>A reference to native plants listed by DEC has been added to page 179. Also, references to "species" have been updated to refer to "native species" where applicable.</p>
Comment 24:	<p><i>In addition to watershed protection discussed in Chapter 6, Open Space and Recreation, we urge the Town to consider a watershed protection approach not only within the Town but through inter-municipal cooperation with adjoining municipalities and local watershed groups to protect water resources and water quality throughout the region.</i></p>
Response 24:	<p>A strategy has been added on page 177 to recommend that the Town also consider watershed protection through inter-municipal cooperation with adjoining municipalities and local watershed groups to protect water resources and water quality throughout the region.</p>
Comment 25:	<p><i>Chapter 7 is titled "Sustainability and Climate Resiliency. We suggest that this chapter either be given a different title or separated into two different chapters, one on natural resources and one on sustainability and climate. Addressing climate and emissions reduction through land use planning is in and of itself deserving of being addressed in a separate chapter. Separating natural resource protection and climate action goals will make the Plan overall more reader friendly. While many of the sustainability elements are addressed at one level or another throughout the Plan, we suggest the Town consolidate</i></p>

	<p><i>and tighten up its goals and objectives regarding sustainability and climate resilience.</i></p> <p><i>A climate action/resiliency related chapter can incorporate sustainability elements already in the draft such as the Town's CCA program, encouragement of electric vehicle charging stations, and renewable energy goals. The Plan discusses the use of 'green building technologies' for both new development and retrofits. It is suggested that the Plan define what is meant by green building technology and elaborate on the use of such technologies in development and redevelopment. This chapter should also address the promotion of carbon neutral development in the town and how local laws may be used to further development that does not result in additional greenhouse gas emissions. Energy efficiency in development and redevelopment can be addressed. Other elements to consider include promoting the development of local food systems and minimizing solid waste.</i></p>
Response 25:	Sustainability and Climate Resiliency are discussed in the same chapter because they are interdependent and include the same topics. Green building strategies for new buildings and retrofits have been added to page 222.
Comment 27:	<i>We recommend that the Town consider developing a Townwide Natural Resources Inventory (NRI). The NYSDEC Hudson River Estuary Program offers tools and resources to assist municipalities in developing an NRI.</i>
Response 27:	A strategy has been added on page 222 to recommend that the Town develop a National Resources Inventory.
Comment 28:	<i>In developing sustainability goals in the Comprehensive Plan, we suggest the Town review the Pledge Elements (PE) of New York's States Climate Smart Communities Program, particularly PE6 Action: Comprehensive Plan with Sustainability Elements. Making sure all these elements, such as smart growth principles, are addressed will help the Town in pursuing higher certification in both the Climate Smart Community Program and the Clean Energy Community Program.</i>
Response 28:	Page 212 has been updated to include that the Town should review the Pledge Elements (PE) of New York's States Climate Smart Communities program.
Comment 29:	<i>As is referenced in the plan, transportation is a significant contributor to greenhouse gas emissions. Reduction of transportation related GHGs should be addressed in a chapter on Sustainability and Climate including goals to reduce vehicle miles travelled.</i>
Response 29:	Chapter 7, Sustainability and Climate Resilience, has been amended to include reduction of transportation related GHGs, on page 212.
Comment 30:	<i>There are several references to the 2018 County Multijurisdictional Hazard Mitigation Plan, including Pages 202 and 203, particularly in reference to flooding in the community. Please note that Rockland County Fire and Emergency Services is preparing to update the 2018 Plan- The County will want to add current hazard mitigation related concerns and projects in the Town of Orangetown to this update. We encourage the Town's participation in this effort.</i>
Response 30:	Flood mitigation strategies have been updated to include that the Town participate in the County's effort to update the Hazard Mitigation Plan, on page 223.

Comment 32:	<i>On Page 219, we concur with the last strategy listed, which considers setting limits to impervious surfaces on any lot. The town should consider doing an impervious surface analysis to further verify the need for reduced impervious surface area. In addition, we highly recommend that Orangetown adopt maximum development coverage regulations within its zoning code. Many other municipalities within Rockland County, such as Ramapo and Clarkstown, have included this requirement in their bulk regulations. Orangetown could particularly benefit from this requirement, given the magnitude of development coverage of some of the recent development proposals submitted to the town and the flooding issues noted in Chapter 7.</i>
Response 32:	Chapter 7 has been amended to recommend that zoning regulations be updated to set limits on impervious surfaces on page 219.
Comment 33:	<i>In exploring local educational programs on MS4s through partnerships with the Stormwater Consortium of Rockland County, Orangetown Department of Environmental Management and Engineering, Orangetown Environmental Committee, Office of Parks and Recreation, local schools and school districts, and community organizations as outlined on Page 220, we would also suggest collaboration with the Rockland County Division of Environmental Resources.</i>
Response 33:	Collaboration with the Rockland County Division of Environmental Resources has been added to page 220.
Comment 34:	<i>Green building strategies outlined on Page 222 reference performance code certifications such as Energy Star and/or LEED for new construction. It is suggested that The Town also consider encouraging the use of the Living Building Challenge https://living-future.org/lbc/</i>
Response 34:	The performance code certification list was changed to include the Living Building Challenge on page 222.
Comment 36:	<i>The consideration of consolidating the R-22 and R-15 zoning districts into a single medium density residential district should be added as an action item to the table on Page 230 for the strategy of "updating the zoning code and streamlining provisions." This was listed as a potential action item in the Land Use and Zoning chapter of the Plan, on Page 66, but not added to the table.</i>
Response 36:	In response to public comments, this recommendation was removed. Page 66 and 230 were updated for consistency.
Comment 39:	<i>Listed below are typographical, punctuation, format, and update errors that we observed while reviewing the document.</i>
Response 39:	All items noted in Comment 39 have been corrected in the Comprehensive Plan.

WHEREAS, the draft Comprehensive Plan was updated to include following recommendations dated September 22, 2023:

Comment 5:	<i>While our department disagrees with the changes concerning density made to the 2023 Comprehensive Plan, the "Future Land Use Map" in Chapter 2 (Current and Future Land Use, Zoning, and Design), has not been revised from the 2022 version. "Missing Middle Housing," which was distinctly</i>
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	<i>removed from the text Chapter 2, still remains on the map. The contents of the Comprehensive Plan must be consistent.</i>
Response 5:	The “Future Land Use Map” has been updated to remove all references to “Missing Middle Housing,” consistent with the revised Chapter 2.

WHEREAS, the Town Board intends to over-ride the following recommendations, dated October 24, 2022, for the reasons noted:

Comment 3:	<i>On Pages 10 and 11, Table 1-1, "2003 Comprehensive Plan Recommendations and Outcomes," lists several recommendations where it indicates that the outcome was unclear or the recommendation was never implemented. The status for each of these recommendations must be determined. For recommendations not implemented, the reason(s) should be specified on the table. The table must also indicate which of these recommendations are being reconsidered and incorporated into the 2022 Comprehensive Plan.</i>
Response 3:	The information on the outcomes of the 2003 Comprehensive Plan recommendations is not readily available.
Comment 4:	<i>Objective 2, of Goal 1 on Page 17 proposes an update and modernization of the Zoning Code. In its review and up-date to the zoning code, the Town may want to consider alternative zoning models such as form-based codes.</i>
Response 4:	Comment noted. This will be considered at such time that the Town Board pursues updating the zoning code.
Comment 5:	<i>On Page 18, Goal 3, Objective 4 is to create pedestrian-friendly, walkable streets in hamlet centers by "limiting traffic during certain times on low-traffic roadways." It is unclear how the plan hopes to achieve limiting traffic. This goal must be clearly addressed in Chapter 4 (Transportation, Mobility, and Parking).</i>
Response 5:	The specific measures to limit traffic in the hamlets will be addressed by the Town at the time of implementation.
Comment 15:	<i>The last paragraph on Page 73, continuing to the top of Page 74, discusses confusion about warehouses and distribution centers permitted within the Route 303 Overlay District This paragraph references Section 13.10.B.5 of the zoning code, which prohibits "retail warehouse uses, including mini-storage uses and distribution centers," in excess of 65,000 square feet in the Overlay District. We agree that statement is ambiguous for an otherwise crucial development standard for a significant corridor. We recommend that the uses that the town intends to distinguish under this standard be clarified in this section of the Comprehensive Plan.</i>
Response 15:	The Comprehensive Plan recommends that “the text of the Overlay District should be amended to clearly differentiate between different types of warehouses and distribution centers, specify which types are permitted, and establish performance standards to address residents' concerns.” The specific uses and their descriptions will be advanced when the Town Board proceeds with implementing the zoning.
Comment 16:	<i>We recommend that the Town also consider limiting the size of warehouses and similar facilities outside of the Route 303 Overlay District. While the Town</i>

	<i>has FAR requirements for warehouse facilities, which is effective for reducing building size on smaller parcels, FAR requirements alone are not enough to prevent excessively sized warehouses on larger parcels, which can potentially consume large swaths of open space. Possible provisions could include maximum building coverage, maximum development coverage, and/or maximum square footprint for new warehouses.</i>
Response 16:	This comment is more appropriate to implement when the zoning updates are advanced. As such, it has not been included in the Comprehensive Plan.
Comment 17:	<i>Page 77 includes three implementation strategies, including "Review Special Permit and Conditional Use Permit Standards and update as necessary to address current uses and concerns. In particular, clarify and update the standards for warehouse and distribution centers," "Develop a steep slopes and ridgeline protection ordinance," and "develop design guidelines for facades, signage, and streetscapes to preserve, protect, and enhance the unique characteristics of each hamlet." Unlike the other implementation strategies, these three strategies do not include bullet points or descriptions. Additional details must be provided for these strategies, such as why they are necessary, current deficiencies, examples of actions, regulations, policies, etc.</i>
Response 17:	These items are discussed in detail in Chapter 7. As such, additional detail was not added to Chapter 2.
Comment 19:	<i>Page 118 lists the implementation strategy of "expanding active transportation infrastructure network by connecting existing trails and converting abandoned rail lines into multiuse paths," but does not include further details. This section should list existing trails and abandoned rail lines that would be ideal for implementation, aside from those trails listed under the strategy of "connecting existing multiuse path network from Orangetown south to New Jersey. Alternatively, the two implementation strategies can be combined and expanded upon as appropriate.</i>
Response 19:	Further details on the existing trails are provided in Chapters 4 and 6. Information on abandoned rail lines would be obtained as this strategy is advanced. As such, it has not been included in the edits.
Comment 26:	<i>Chapter 7 in large part addresses the natural resources of the town. While there is clear connection between protection of natural resources and climate resiliency, we would suggest that the Plan would be better laid out and be more readable if natural resource protection and climate related actions be addressed separately in the Plan. A natural resources protection chapter can address the issues of protection of steep slopes, critical environmental areas, waterbodies and wetlands, floodplains and water quality protection and stormwater management.</i>
Response 26:	Chapter 7 on Sustainability and Climate Resiliency addresses natural resources, as they are interdependent. As such, this comment has not been included in the edits.
Comment 31:	<i>On Page 215-216, it is recommended that "the Town in collaboration with Rockland County, consider mapping stormwater conveyance, drainage areas, outfalls, and discharge points for all its municipalities. Developing a GIS-based stormwater network geodatabase would allow for improved stormwater analysis and data-driven management strategies. This geodatabase could be updated when new infrastructure is built and when inaccuracies in existing</i>

	<i>data require correction." We suggest the Plan clarify what collaboration is being sought with the County on such a mapping effort and if it is the intent of the Plan that the County conduct such mapping for all municipalities. It is our understanding that such a mapping effort is currently being coordinated by the Stormwater Consortium of Rockland County. We encourage Orangetown to continue to work with the Consortium and Cornell Cooperative Extension, Rockland County on this effort.</i>
Response 31:	This comment will be addressed as the Town advances the strategy. As such, it has not been included in the edits.
Comment 35:	<i>Chapter 8 includes a table of strategies that were identified throughout the other chapters of the Comprehensive Plan. The Town should designate different levels of prioritization for the Action Items listed on the table and consider developing a measurable timeframe (number of years or a deadline) for completing high priority actions.</i>
Response 35:	Chapter 8 establishes Short, Medium, and Long-Term time frames for implementation. Specific prioritization and implementation will be based on available funding, staffing, and similar constraints that are unknown at this time. As such, this has not been included in the edits.
Comment 37:	<i>While the Town opted out of allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites it is suggested that the potential future land uses allowed under the Marihuana Regulation and Taxation Act be addressed.</i>
Response 37:	Because the Town has chosen to opt out, these potential future land uses are not discussed in the Plan.
Comment 38:	<i>It is suggested that Plan identify contaminated sites in the community, such as those in the states Brownfield Cleanup Program, and identify priority sites for redevelopment in place of development of "green" fields.</i>
Response 38:	The NYSDEC maintains an Environmental Site Remediation Database that is updated daily. This database offers the most up to date resource for identifying sites that require cleanup. Currently, there are three sites in the BCP program: Rockland Psychiatric Center, the Rockland Psychiatric Center - Core Area, and Orangeburg (Orangetown) Shopping Center. The Comprehensive Plan already addresses the Rockland Psychiatric Center, and the Orangeburg Shopping Center is developed and substantially occupied. As such, a map has not been added.

WHEREAS, the Town Board intends to override the following recommendations, dated September 22, 2023, for the reasons noted:

Comment 1:	<i>Under the Vision, Goals, and Objectives subsection of Chapter 1 (Introduction and Project Overview), the Town has removed a reference to the "three E's of sustainability," which include environment, economy, and equity. It is unclear why this statement would be removed and how the Town could benefit from not addressing the issue of sustainability. By definition, the goal of sustainability is to meet current needs of a population without compromising the needs of future generations. Sustainable development is a key cornerstone</i>
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	<i>to a comprehensive plan. It is strongly recommended that the aforementioned paragraph and other references to sustainability are restored to the document.</i>
Response 1:	In the opinion of the Town Board, the Comprehensive Plan as currently drafted adequately considers and balances the needs of the existing and future residents of the Town of Orangetown. As such, the deleted language will not be restored.
Comment 2:	<i>Orangetown has experienced a slight decline in population between 2010 and 2020. This is consistent with the state-wide trend of population loss from out migration. One of the key factors that has driven this out-of-state migration has been the lack of affordable housing options in the region, particularly for young adults and seniors. Throughout the Appendices of the plan, there are repeated statements that there is not enough housing to accommodate young adults and seniors looking to downsize. Transitional districts, infill development, and "missing middle" housing are viable solutions for addressing the need for affordable housing while avoiding overdevelopment, and must be addressed in Orangetown's Comprehensive Plan. The Plan must address its population trends and the Town must provide for additional housing options to ensure equitable housing for its population. Once again, the plan should include the text from the September 2022 draft or be amended to properly address the housing challenges we are faced with.</i>
Response 2:	In the opinion of the Town Board, the Comprehensive Plan as currently drafted adequately addresses the housing needs of Town residents within the framework of existing residential patterns. As such, the deleted language will not be restored.
Comment 3:	<i>Removing the option for transitional or middle-income housing from the Plan shows a lack of foresight and is in conflict with the demographic trends being observed. A Comprehensive Plan is meant to provide future guidance, which necessitates the anticipation of change. The approach in the September 2023 draft Plan is shortsighted and will only lead to more challenging land use and economic development issues as future needs go unmet. Failing to plan for greater diversity in housing (and mixed-use development), will result in a stagnant and poorly planned community that does not address the needs of Orangetown residents or the larger community.</i>
Response 3:	In the opinion of the Town Board, the Comprehensive Plan as currently drafted adequately accounts for demographic trends.
Comment 4:	<i>A significant amount of information has been removed in Chapter 5 of the Draft Comprehensive Plan regarding the 2018 Pearl River Transit Oriented (TOD) Opportunities Analysis. The entire first paragraph of this subsection, included in the 2022 Draft Comprehensive Plan, has been deleted from the revised draft. This paragraph outlined the purpose of the TOD Analysis, noting that the study established a downtown revitalization strategy for the hamlet of Pearl River. The revised draft removed the strategy of supporting higher density housing closer to the train station. The 2022 draft also included the statement that Pearl River was well positioned physically and economically for downtown infill development. The area surrounding the hamlet's train station could accommodate greater mixed and higher-intensity land uses. Furthermore, mixed-use and transit oriented development is encouraged in the "Rockland Tomorrow: Rockland County Comprehensive Plan" as a means of providing additional housing options and creating communities where reliance upon automobile travel is reduced. By focusing higher density in downtown areas, the lower density of suburban areas can also be retained. The County Comprehensive Plan also adds that these centers provide housing that can support the elderly and the young, two sections of the County which were</i>

	<i>expected to grow. As previously noted, these age cohorts now comprise a larger percentage of Orangetown's population. It is recommended that the Comprehensive Plan be revised to include additional references to the Pearl River TOD and other opportunities for transit-oriented, mixed-use, and transitional development.</i>
Response 4:	The Town Board never adopted the 2018 Pearl River Transit Oriented (TOD) Opportunities Analysis. As such, the deleted language will not be restored.
Comment 6:	<p><i>Chapter 7 (Sustainability and Climate Resiliency) in the September 2023 draft is less proactive than its predecessor. Several solutions for reducing carbon emissions and climate resiliency have been omitted, including adopting the Community Choice Aggregation (CCA's) 100 percent NY sourced renewable electricity option as the default supply for the Town, and exploring efficient alternatives to the aging existing electrical grid infrastructure. Additionally, the 2022 draft "required" the use of green building technologies for heating and cooling for new construction, whereas the updated 2023 draft merely "encourages" this. These changes also contradict the County's previous recommendations that were issued on October 24, 2022, where we suggested additional measures for reducing waste and promoting sustainable development.</i></p> <p><i>The New York State Climate Leadership and Community Protection Act (The Climate Act), which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal of decarbonation is the electrification of our buildings and transportation systems. This will include the expanded use of electric vehicles (EVs) and the installation of publicly available EV charging stations. With U.S. automakers predicting that approximately one-half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive addition for residents as well as visitors to the Town. This department urges the Town to include this important infrastructure component as part of its overall Comprehensive Plan update. Additionally, as communities grow and develop there will be an increased demand for energy. The Comprehensive Plan update must address the need to design and construct buildings to maximize energy efficiency, decarbonize the heating and cooling of buildings and transition to renewable sources of energy.</i></p>
Response 6:	In the opinion of the Town Board, the Comprehensive Plan as currently drafted adequately addresses carbon emissions and climate resiliency.
Comment 7:	<i>The comments in the Planning Departments October 24, 2022 review letter remain valid and pertinent as the Town considers the Comprehensive Plan update.</i>
Response 7:	Comments from the County Planning Department's October 24, 2022 letter have been considered. The Town Board reiterates its responses herein.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby overrides Rockland County Planning Department Comments 3, 4, 5, 15, 16, 17, 19, 26, 31, 35, 37, and 38 from their letter dated October 24, 2022, and Comments 1, 2, 3, 4, 6, and 7 from their letter dated September 22, 2023, for the reasons specified herein.

7. **ADOPT THE TOWN OF ORANGETOWN COMPREHENSIVE PLAN**

WHEREAS, the Town Board of the Town of Orangetown is updating its Comprehensive Plan for the first time since 2003 to establish a guiding framework for future sustainable development, economic growth, and natural resource preservation in the Town; and,

WHEREAS, Town Law section 272-a authorizes the Town Board to direct a special board to prepare a proposed comprehensive plan amendment for consideration by the Town Board; and,

WHEREAS, the Town Board tasked the Town of Orangetown Comprehensive Plan Committee with the preparation of the Comprehensive Plan for the consideration of adoption by the Town Board; and,

WHEREAS, the Town of Orangetown Comprehensive Plan was drafted by AKRF, Inc. and MUD Workshop based on its own investigations, discussions with the Comprehensive Plan Committee, Town Staff, Town land use board members, and members of the public; and,

WHEREAS, public participation has been included in the preparation of this Town of Orangetown Comprehensive Plan through an on-line survey; a series of public workshops on October 2021, December 2021, and April 2022; and regularly scheduled public meetings wherein members of the public were given the opportunity to speak and provide comments; and,

WHEREAS, in accordance with New York State Town Law Town Law §272-a(6), a duly noticed public hearing was held on August 2, 2022; and,

WHEREAS, comments submitted by interested agencies and members of the public have been considered by the Comprehensive Plan Committee and incorporated where the board deemed appropriate; and,

WHEREAS, in accordance with New York State Town Law §272 -a(4) on September 13, 2022, the Town of Orangetown Comprehensive Plan Committee recommended the Comprehensive Plan for adoption by the Town Board; and,

WHEREAS, the in accordance with New York State Town Law §272-a, the Town Board held its own duly noticed public hearings on October 25, 2022, December 13, 2022, January 24, 2023, March 7, 2023, June 27, 2023, July 25, 2023, and September 8, 2023; and,

WHEREAS, on September 13, 2022 the Town Board of the Town of Orangetown referred the Comprehensive Plan to the Rockland County Planning Department in accordance with NYS Town Law §272-a and GML 239-l and -m, which recommended modifications on October 24, 2022; and

WHEREAS, the Town Board considered the recommendations of the Rockland County Planning Department, implemented those they agreed with, and issued a resolution to override certain recommendations by a super majority vote on September 26, 2023; and,

WHEREAS, on March 7, 2021, the Town Board of the Town of Orangetown: (1) classified the proposed action as a Type I SEQRA action, and determined that the Town Board of the Town of Orangetown would be the lead agency because there are no other involved agencies that will make a discretionary decision to fund, approve or undertake the Action pursuant to 6 NYCRR 617.6(b)(1); and

WHEREAS, the Town Board has thoroughly and carefully considered: (1) the proposed Comprehensive Plan; (2) the EAF; (3) the written and verbal comments of the Town Board's professional consultants; (4) the written report of the Town of Orangetown Comprehensive Plan Committee; and (5) the verbal and written comments of members of the public regarding the Comprehensive Plan; and

WHEREAS, after taking the requisite "hard look" at the potential environmental impacts of the Action, the Town Board has today made its determination of significance and issued a negative declaration pursuant to 6 NYCRR 617.7(a), based upon its determination that the Action will not have any significant adverse environmental impacts, as more fully described in the "State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance" annexed to and incorporated by reference in a separate resolution adopted today by the Town Board; and

WHEREAS, the Town Board concludes that the proposed Town of Orangetown Comprehensive Plan promotes the health, safety, and general welfare of the people of the Town of Orangetown; and.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby adopts the "Town of Orangetown Comprehensive Plan" pursuant to NYS Town Law section 272-a(7);

AND IT IS FURTHER RESOLVED that a copy of the adopted Town of Orangetown Comprehensive Plan shall be filed with the Town Clerk of the Town of Orangetown, and the Rockland County Planning Department, pursuant to Town Law section 272-a(12).

8. **OPEN PUBLIC HEARING / RTBM SEPTEMBER 26, 2023 AT 7:10 P.M. / RE: PROPOSED ZONE CHANGE FOR 90 WEST MADISON AVENUE PEARL RIVER**

RESOLVED, that the Public Hearing regarding the proposed Zone Change for 90 West Madison Avenue, Pearl River, New York is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

9. **CLOSE OR CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR 90 WEST MADISON AVENUE, PEARL RIVER, NY**

RESOLVED, that the Public Hearing regarding the Proposed Zone Change for 90 West Madison Avenue, Pearl River, New York is hereby closed or continued to _____.

10. **ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. __ OF 2023, AMENDING THE TOWN ZONING LAW TO CHANGE THE ZONING DISTRICT, 90 WEST MADISON AVENUE, PEARL RIVER TAX LOT 68.19/4/24 FROM "CO" TO "RG"**

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning

classification of the parcel known as 90 West Madison Avenue in the hamlet of Pearl River, tax lot Section 68.19 Block 4 Lot 24 from “CO” to “RG”, and

WHEREAS, on or about, pursuant to Town Board Resolution 2023-428 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 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 change in the zoning classification of the subject parcel affected by the proposed Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, 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.

11. **ADOPT / LOCAL LAW AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN / CHANGE ZONING DISTRICT OF 90 W. MADISON AVENUE PEARL RIVER / CO TO RG**

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 90 West Madison Avenue in the hamlet of Pearl River, tax lot 68.19/4/24 being located in the “CO” (Commercial Office) zoning district, to change the zoning classification of the property to that of “RG” (General Residence), a zoning district that already directly abuts the property, and

WHEREAS, by Resolution No.428 of 2023, after notice duly given, and there being no other involved agency, by resolution duly adopted this 26th day of September, 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 already abuts the parcel, is consistent with the Town’s Comprehensive Plan in that the property has always been used as residential and is located in a primarily residential neighborhood, 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, by Memorandum, dated _____, 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 otherwise had no comment on the proposed action by the Town Board, 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, the County Department of Planning, as part of the General Municipal Law 239 (l) and (m) review, by letter review dated September 21, 2023, has recommended the petition for the zone change be approved,

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 90 West Madison Avenue Pearl River, New York, tax lot 68.19/4/24 from "CO" to "RG".

LOCAL LAW AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN / CHANGE ZONING DISTRICT OF 90 W. MADISON AVENUE PEARL RIVER / CO TO RG

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:

90 West Madison Avenue, Pearl River, New York (Tax Map Designation Section 68.19 Block 4 Lot 24) from the "CO" (Commercial Residence) zoning district to the "RG" (General Residence) zoning district

Section 3: This law shall take effect immediately upon filing with the Secretary of State.

12. OPEN PUBLIC HEARING / RTBM OF SEPTEMBER 26, 2023 AT 7:15 P.M. / RE: PROPOSES AMENDMENT TO TOWN CODE / CHAPTER 43 ARTICLE XV "LANDLORD REGISTRY" / SHORT TERM RENTALS

RESOLVED, that the public hearing to amend the Town Code, Chapter 43, Article XV "Landlord Registry" regarding short-term property rentals is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

13. **CLOSE PUBLIC HEARING RE ISSUES RELATED TO SHORT-TERM PROPERTY RENTALS**

RESOLVED, that the public hearing regarding issues related to short-term property rentals is hereby closed.

14. **DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. ___ OF 2023, AMENDING TOWN CODE / CHAPTER 43, ARTICLE XV / LANDLORD REGISTRY ACT/ SHORT TERM RENTALS**

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 43, Article XV entitled "Landlord Registry Act" of the Town Code to provide for rules and regulations with respect to Short Term Rentals within the Town of Orangetown; and

WHEREAS, on or about August 22, 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 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 change in the zoning classification of the subject parcel,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or his 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.

15. **ADOPT LOCAL LAW AMENDING TOWN CODE / CHAPTER 43, ARTICLE XV / LANDLORD REGISTRY ACT/ SHORT TERM RENTALS**

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 amendments to the Town's Zoning Law; and

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, Article XV to provide for the definition and regulation of short term rentals within the Town of Orangetown, and

WHEREAS, by Resolution No. 431 of 2023, after notice duly given, and there being no other involved agency, by resolution duly adopted this 26th day of September, 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 change to the Town Zoning Code, Chapter XV is consistent with the Town Comprehensive Plan, in that it ensures residential properties are not used for commercial purposes not already authorized in such districts; and

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

WHEREAS, the Town Planning Board, by Memorandum, dated _____, 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 otherwise had no comment on the proposed action by the Town Board, and

WHEREAS, the Rockland County Department of Planning, as part of the General Municipal Law 239 (l) and (m) review, by letter review dated September 21, 2023, has recommended the petition for the zone change be approved,

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, Chapter 43, Article XV entitled "Landlord Registry Act", which, as amended, shall now be entitled "Landlord Registry Act and Short Term use of Property for Rental or Rental Like Purposes".

**LOCAL LAW NO. ____ OF 2023 OF THE
TOWN OF ORANGETOWN, TO AMEND ARTICLE XV (LANDLORD REGISTRY ACT), OF
CHAPTER 43 (ZONING), OF THE CODE OF
THE TOWN OF ORANGETOWN, RELATED TO SHORT TERM USE OF
PROPERTY FOR RENTAL OR OTHER RENTAL-LIKE PURPOSES**

[EDITORIAL NOTE: Language to be deleted from the existing Code provisions are indicated by a ~~strikethrough~~; and new language to be added is typed in **bold and underscored**. All other language shown is to remain unchanged and is provided for context.]

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

Section 1 – Legislative Findings, Objectives and Purpose.

The Town of Orangetown ("Town" or "Orangetown") recognizes that there are rising concerns, and documented instances, that certain residential properties located in residential Zoning Districts within the unincorporated sections of the Town are being inappropriately used as short-term, income potential generating, commercial-like rental related use and/or other non-residential business purposes, to the detriment of the health, safety and welfare of neighboring property owners and the public at large, and also, at times, in violation of the existing regulations of Chapter 43 (Zoning) of the Orangetown Code ("Zoning Code"). Some of these rental related uses have included large parties, and similar gatherings, that have posed public safety concerns, contributed to excessive vehicle traffic and parking problems, as well as created an excessive amount of noise, disturbance and other disorder not compatible with the purposes of a residentially zoned neighborhood.

The Town also finds that short-term rental use of residential property, as defined herein, promotes or encourages the deterioration of residential housing stock of the Town, and this Local Law will prevent, or otherwise discourage, the use of residential property for financial benefit by those who do not use their property for only residential purposes as the residential Zoning Districts in the Town were intended to provide for at all times. The Town further finds that the imposition of substantial monetary, and other penalties, against those who do not use residential property, for the residential purpose that the Zoning Code was designed to promote and protect, is necessary to remove any financial, or other benefit, by those who do not use residential property exclusively for residential purposes. The Town furthermore finds that this Local Law will serve to halt the use of residential property for non-residential purposes, as has taken place already in the Town, and the proliferation of such conduct, which must be stopped to protect the health, safety and welfare of all those Town residents who are adversely impacted by such non-residential use of residential property.

In order to provide the Town with necessary additional information, with an aim toward ensuring compliance with the legal and permissible uses of residential properties within the Town, and to protect the health, safety and welfare of property owners in residential Zoning Districts, the Town is adopting this Local Law to prohibit the short-term rental, or similar use, of a residence for a period of time that is fewer than 30 consecutive days in duration in any residential Zoning District.

Section 2 – §43-15, of Article XV (Landlord Registry Act), of Chapter 43 (Zoning), , of the Code of the Town of Orangetown (“Orangetown Code”), shall be amended and, as amended, shall read as follows:

§ 15.1 Title.

The title of this Local Law shall be “Article XV: Landlord Registry Act, and Short Term Use of Property for Rental or Rental Like Purposes.”

§ 15.2 Purpose and scope.

A. The purpose of this Article is to establish a registry of all purported rental properties, as defined herein, in order to allow its police, building and code enforcement officials, to identify and contact, as necessary, persons responsible for the ownership, care, maintenance, occupancy, and management, leasing, renting or letting out, or other control, of such properties, and to prohibit certain short-term rentals of all properties in residential Zoning Districts, to protect and preserve the Town’s goal of establishing residential Zoning Districts to protect the residential nature and tranquil neighborhood character in each and every such residential Zoning District, and to better ensure the effective and efficient enforcement of Local, State And Federal safety regulations in furtherance of the health, safety and welfare of all of the residents of the Town.

B. The provisions of this article shall apply to all rental real property located in the Town of Orangetown that is zoned for residential purposes.

§ 15.3 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them:

ASSEMBLY

Any indoor or outdoor, or combination of both, gathering or get together, or invitation or notification regarding the same, of four or more people for a common purpose,

which includes, but is not limited to, a party, scheduled or non-scheduled event, celebration, festivity, concert, performance, or similar group activity.

BUILDING

Any structure within the Town, wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

DWELLING UNIT

One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged in a Town Zoning District for the exclusive residential use by one family.

OWNER

Any individual or individuals, natural person ("person"), sole proprietorship, partnership, corporation, LLC, LP, limited liability company, limited liability partnership, limited partnership, organization, association, or any other type of business entity, or combination thereof, and regardless of whether for-profit or not-for-profit, in whose name the title to real property within the Town is vested.

SHORT-TERM RESIDENTIAL RENTAL

A dwelling unit, as defined herein, including, but not limited to, a house, condominium, townhome, townhouse, cooperative unit, apartment, or any other residential building or land, that is rented or leased, or otherwise allowed to be occupied, in whole or in part, to any person or persons, or business entity such as a partnership, corporation, limited liability company, limited liability partnership, limited partnership, organization, association ("business entity"), for a period of time that is less than thirty consecutive days. "Rental", for these purposes, means an understanding, agreement or contract, written or oral, granting, allowing or permitting the use, occupancy or possession, of a residentially zoned building, land or property, in whole or part, by a person or business entity in exchange for monetary payment, remuneration, compensation, barter arrangement, or other consideration ("compensation"). The term "short-term rental" does not include hotel or motel rooms, or month-to-month tenancies in dwelling units authorized in a Town Zoning District for that purpose, but includes rentals, licenses, leases, letting or hiring out, or other such uses, as defined herein, for purposes of assembly.

RENTAL PROPERTY

Includes all buildings, as defined herein, and/or land containing one or more spaces rented, leased, licensed, let, hired, or permitted to be occupied or used, whether for compensation or ~~otherwise not~~, by persons or entities other than the record owner thereof, for a period of time that is thirty consecutive days or longer and that is not a short-term residential use of real property for rental, or rental-like purposes, as defined herein. This definition includes any building containing commercial rental space, residential rental space, or a combination of commercial and residential rental space, but does not include owner-occupied residential buildings or hotels and motels for purposes of this Article.

TENANT

Any person or business entity who has leased, rented or licensed the use or occupancy of any dwelling unit from the owner, or from any other person or business entity with a right to allow or permit the same, regardless of the type of tenancy under which they use or occupy the rental unit.

§ 15.4 Registration of ownership rental property.

A. Registration. Every owner of rental property, as defined herein, shall be required to register such property, within a period of thirty days from the effective date of this Article, with the Town Clerk on such forms as shall be prescribed by the Town Clerk. A new registration form shall be filed whenever there is a change of ownership (and, in the case of a business entity, as well as whenever there is a change in the controlling interest in the business entity) of a rental property, and it shall be the responsibility of the new owner to file such form within thirty days of taking title to the property.

(1) Following the initial registration, a biennial filing shall be made in and between January 1 and February 1, certifying that there has been no change in the status or ownership of the rental property or reflecting the nature of any change.

B. Registry fee. Every owner of rental property required to register with the Town Clerk shall pay a biennial registration fee as follows:

- (1) For a building having one to four units: \$20 per rental space or unit;
- (2) For a building having five to 20 units: \$20 for units one through four, and \$10 per unit for units five through 20;
- (3) For a building having more than 20 units: the above stated fees for units one through 20, and \$5 for each unit over 20.
- (4) Such fee shall be paid to the Town of Orangetown, and shall represent the cost of maintaining the registry and conducting periodic inspections and other activities, as may be required in furtherance of the purposes of this article.

§ 15.5 Registry form and filing.

A. The registry form shall require the following information:

(1) The property address and section, block and lot number as appears on the Tax Map of the Town of Orangetown, and the number of residential dwelling units and/or commercial units, as the case may be, permitted to be occupied on each property.

(2) The owner's name(s), mailing address(s), street address(s), and all functioning telephone numbers, including, but not limited to, a functioning cell phone number and a functioning email address (and a functioning facsimile/fax number, if and as available). Post Office Box numbers may be included, but the physical location address, at which the owner may be contacted, shall be required and submitted to the Town at all times. All such information shall be together referred to herein as "contact information."

(3) Where the property is owned by a corporation, the contact information of the person designated by the corporation as responsible for the management, maintenance, care or supervision of the property, and to receive service of process in addition to the Secretary of State, and of each shareholder thereof.

(4) Where the property is owned by a limited liability company ("LLC"), limited liability partnership ("LLP"), limited partnership ("LP") or partnership, the contact information of each manager or managing member or partner, and of each member or partner.

(a) Where an LLC, LLP, LP or partnership is owned or operated, in whole or in part, by a different LLC, LLP, LP or partnership, then the contact information of all the

manager or managing members or partners, as the case may be, of the LLC, LLP, LP or partnership that owns the registering LLC, LLP, LP or partnership.

(5) Where day-to-day responsibility for the management, supervision, care or maintenance of the property rests with a person other than the officer, shareholder, manager or managing member or partner set forth on the registration, the contact information of the person so responsible shall be submitted to the Town.

B. The form shall be signed by all of the owners before a notary public, and shall bear the following statement directly above such signatures: "I certify that all information contained in this statement, including the number of lawful rental spaces or units represented, is true and correct to the best of my knowledge and belief. I understand that the willful making of a false statement of material fact herein will subject me to the provisions of law relevant to the making of false instruments and shall constitute a violation of this Article.

C. It shall be the obligation of each owner to timely notify the Town Clerk whenever the information provided on the biennial registry form has become outdated or for any reason is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information every two years.

§15.6 Short-Term Residential Rentals, and Other Rental-Like Purposes.

A. Short-Term Residential Rentals, and Other Rental-Like Purposes, prohibited. No owner, lessee, licensee, tenant or occupant, or other person or business entity, having any right to, or interest in, or claiming any right or interest in, any real property within the jurisdiction of the unincorporated area of the Town of Orangetown and located in an R-80, R-40, R-22, R-15, RG, MFR or PAC Zoning District, shall license, rent, lease, hire-out, let, or otherwise allow or permit, for compensation or not,, the use or occupancy of such property, or any part thereof, whether such use or occupancy is daily, hourly, overnight or weekly, for a period of time that is less than thirty consecutive days.

B. Short-Term Rental of Outdoor Pools and Spaces. No owner, lessee, licensee, tenant, or occupant, or other person or business entity, having any claimed and/or actual right to, or interest in, any real property within the jurisdiction of the unincorporated area of the Town of Orangetown and located in an R-80, R-40, R-22, R-15, RG, MFR or PAC Zoning District, shall license, rent, lease, hire-out, let, or otherwise allow or permit, for compensation, the use or occupancy of any outdoor spaces, including, but not limited to, swimming pools, spas, playgrounds and yards, for purposes of assembly.

C. Exception. Occupancy or use, pursuant to a post real estate closing (conveyance) possession agreement, by the seller of any dwelling unit, shall not be a violation of short-term rentals, provided that title has passed to the purchaser and the deed for the dwelling unit to the new owner has been filed in the Rockland County Clerk's Office on the same day, or within five days, of closing of title to the property.

§ 15.67 Penalties for offenses; Enforcement.

A. No rental property, **or short-term rental or rental-like purposes**, as defined herein, shall be used or occupied except in strict compliance with the provisions herein, and the failure to comply shall constitute a violation of a certificate of occupancy or other legal status permitting the use and occupancy of the building.

B. Any person or business entity who shall violate any provision of this Article including but not limited to, each and every person and/or business entity, that is identified as being present at any residential property located in the Town that is covered by this Article, at the time of any violation, and/or participating in any such assembly prohibited by this Article, shall be punishable as provided in § 41A-1 of the Orangetown Code in a monetary amount that is three (3) times the monetary amount provided therein, in addition to any civil penalties or remedies as may apply.

C. Civil remedies. In the event an owner fails, neglects or refuses, whether intentional or unintentional, to correct, cure and remedy, as well as abate, a violation under this Article within 24 hours of any Notice of a Violation by the Town, either posted on the subject property or otherwise provided to the owner thereof, the Town may commence, or cause to be filed, a criminal summons, as well as additionally file, or cause to be filed, a civil action requesting injunctive and/or other relief, and seek monetary damages to compensate the Town for the costs it has, and will incur, because of the violation and any efforts to stop the violation from continuing, including reasonable attorney's fees expended, or otherwise incurred, by the Town.

D. Other remedies. The remedies provided for in this Section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation of the Orangetown Code or other public nuisance, as well as including, but not limited to, by any Town resident under New York State Town Law Section 268. In the event any Town resident brings such an action under NYS Town Law §268, or otherwise, said Town resident shall be entitled to recover reasonable attorney's fees, costs and disbursements, as well as any damages any said Town resident has sustained by the person or business entity that caused, or contributed to, any violation herein of this Article, or other Orangetown Code provision, or State law, rule or regulation; however, such Town resident's entitlement to recover reasonable attorney's fees, costs and disbursements, and damages, etc., shall not be recoverable from, or awarded in favor of the Town resident, against the Town of Orangetown.

E. This Article may be enforced by the Orangetown (i) Office of Building, Zoning and Planning Administration and Enforcement, (ii) Bureau of Fire Prevention (iii) Police Department, and/or (iv) any other law enforcement agency having lawful jurisdiction to do so.

§15.8 Presumptive Evidence of a Violation.

A. The presence, or existence, of any of the following is presumptive evidence that a building is being used in violation of this Article:

(1) Person(s) occupying, using or present at the residence or property state that he/she/they have leased, rented, licensed or hired, or otherwise are allowed or have consent or permission to be present at the residence or property, from the owner, representative of the owner, or other person or business entity associated with the property, and/or paid, or offered to pay, any compensation, or otherwise provided any benefit, to the owner or representative of the owner, directly or indirectly, or any other person or business entity to be a guest, invitee or licensee, or otherwise allowed to use, occupy or be present at said residence or property for a time period of less than thirty consecutive days.

(2) The residence has been published in printed or online/internet sources as being available for short-term rental.

B. If any of the following documents, related to a property owner, sets forth any address, other than that of a residential property located in the Town, it is presumptive evidence that an owner of a property does not reside at said property in the Town:

(1) Voter registration.

(2) Motor vehicle registration.

(3) Driver's License.

(4) Any other document signed, or otherwise acknowledged, by the owner.

C. The issuance, and/or wearing and/or possession, of any wristbands, tickets, receipts, or other such documents, related to, and/or evidencing, any assembly prohibited by this Article.

D. The deposit of garbage and/or debris on any public road, or other properties nearby any property where a violation of this Article occurs, as well as parking of vehicles on public roads associated with any assembly prohibited by this Article, shall be evidence of a violation of this Article.

E. The generation of any noise coming from any property that is in violation of this Article at, or above, the noise levels proscribed by the Orangetown Code shall be evidence of a violation of this Article.

The foregoing may be rebutted by evidence admissible in any Court in New York State that is presented to the Town of Orangetown.

§15-9 Severability.

If any provision, clause, sentence, paragraph, section or part of this Article XV shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§15-10. When Effective.

This article shall take effect upon publishing and posting, and upon filing a copy with the New York State Secretary of State, as may be required by law.

16. **OPEN PUBLIC HEARING / RTBM OF SEPTEMBER 26, 2023 AT 7:20 P.M. / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 24 "PARKING LOTS & METERS" AND CHAPTER 39 "VEHICLES & TRAFFIC" / HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing for proposed amendment to Town Code, Chapter 24 "Parking Lots and Meters" and Chapter 39 "Vehicles & Traffic" in the hamlet of South Nyack is hereby opened.

PRESENTATION of Affidavit of Posting and Publication

Summary of Comments:

17. **CLOSE/CONTINUE PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 24 "PARKING LOTS & METERS" CHAPTER 39 "VEHICLES & TRAFFIC" / HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing for proposed amendment to Town Code, Chapter 24 "Parking Lots and Meters" and Chapter 39 "Vehicles & Traffic" in the hamlet of South Nyack is hereby closed or continued to_____.

18. **2024 TOWN SUPERVISOR'S TENTATIVE BUDGET DISTRIBUTED / RECEIVED / FILED**

RESOLVED, that the 2024 Supervisor's Tentative Budget is hereby distributed to the Town Board for review; filed with the Town Clerk and the Finance Department is authorized to make it available on the Town's website (www.orangetown.com).

19. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 10, 2023 AT 7:00 P.M. / INTENT TO BE LEAD AGENCY / SEQRA 2024 / ONE-YEAR CONTRACT / BLAUVELT FIRE PROTECTION DISTRICT**

RESOLVED, that pursuant to Town Law 184, the Town Board will hold a Public Hearing at 7:00 P.M. at the Town Board meeting of October 10, 2023 to consider a contract with the Blauvelt Volunteer Fire Company, Inc., for Fire Protection Services in and throughout the Blauvelt Fire Protection District, within the Town, for year 2024 and authorizes the Town Clerk to publish the meeting notice.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action in an "unlisted" action under SEQRA.

20. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 10, 2023 AT 7:10 P.M. / INTENT TO BE LEAD AGENCY / SEQRA / 2024 ONE-YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT AGREEMENTS (BLAUVELT, ORANGEBURG, TAPPAN AND PALISADES LIBRARIES)**

RESOLVED, that the Town Board hereby sets October 10, 2023 at 7:10 p.m. for a public hearing on the proposed Contracts between the Town of Orangetown and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district as contained in the Orangetown Library District (and including the residents of Sparkill) as delineated in subdivision (c) of Section 1 of Chapter 494 of the Laws of 2012 within the Town) for calendar year 2024; and authorizes the Town Clerk to publish the meeting notice.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action is an "unlisted" action under SEQRA.

21. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 10, 2023 AT 7:15 P.M. / 2024 PRELIMINARY BUDGET**

RESOLVED, that the Town Board hereby sets October 10, 2023 at 7:15 p.m. for a public hearing on the 2024 Preliminary Budget, and authorizes the Town Clerk to publish the meeting notice, and authorizes the Finance Department to publish it on the Town website (www.orangetown.com) and file in the Town Clerk's office for public viewing.

22. **ACCEPT PETITION/REQUEST FOR ZONING TEXT AMENDMENT AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW/ AMEND CHAPTER 43 / SPECIAL PERMIT / FARM WINERY/CIDERY**

WHEREAS, the owner of premises located at 68 Sickletown Road, Orangeburg, New York, (Tax Lot 69.19/1/6) being located in an R-40 zoning district has petitioned the Town Board to change the text of the Zoning Code by Amending Chapter 43, Articles III, IV, and XI, to permit Farm Winery/Cidery and Agritourism as a "Special Permit Use" in the R-80 and R-40 zoning districts on lots of 5 acres or more; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a zoning text amendment, because such use would be compatible with existing permitted uses in the R -80 and R -40 zoning districts on larger tax lots since they would only be permitted on parcels of 5 acres or more, and "agricultural activities" is already defined as a permitted use in those districts, and the proposal would be an extension of such activities; 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:
 1. Orangetown Planning Board;
 2. Rockland County Department of Planning;
 3. Rockland County Department of Health;
 4. Town of Clarkstown
 5. Town of Ramapo
 6. Village of Piermont
 7. Village of Nyack
 8. Village of Chestnut Ridge
 9. New York State Department of Transportation

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 and the agencies listed above for the purpose of review pursuant to General Municipal Law §§ 239- l & 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 Code, 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.

23. SET PUBLIC HEARING ON PROPOSED ZONE TEXT AMENDMENT / SPECIAL PERMIT USE / FARM WINERY/CIDERY / NOVEMBER 28, 2023

RESOLVED that the Town Board will hold a public hearing on November 28, 2023 at 7:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, "Zoning", § 11.2, Definitions; § 3.11 "Table of General Use Regulations" and §4.3 "Special Permit Uses" to permit Agri-Tourism, Agri- tourism Entertainment, Farm Cidery/Winery on lots of 5 acres or more as a Special Permit Use in R-80 and R-40 Zoning Districts.

24. APPROVE PERMIT AGREEMENT / BUSINESSES TO DISPENSE ALCOHOLIC BEVERAGES ON TOWN PROPERTY / PEARL RIVER DAY / SATURDAY, OCTOBER 14, 2023

WHEREAS, the Pearl River Chamber of Commerce has formally requested on behalf of the member businesses it represents, permission, pursuant to Town Code Section 10-4(B)(1) to dispense alcoholic beverages on Town Property as part of their Pearl River Day Festival to be held on Saturday, October 14, 2023, and

BE IT RESOLVED, that subject to the requirements of the New York State Liquor Authority regulations (SLA), including a securing a proper license therefrom, and the requirements of the Town of Orangetown Police Department, and to the execution of an agreement with the Town to provide indemnification and proof of insurance to the Town, and execution of an Agreement/Permit with respect to same, the Town Board hereby grants permission to the businesses authorized under the Pearl River Chamber of Commerce's permit to dispense alcoholic beverages upon Town property during the hours of 1 pm to 5 pm at the Pearl River Day Festival to be held on Saturday, October 14, 2023.

TOWN BOARD / IT

25. APPROVE / SURPLUS EQUIPEMENT

RESOLVED, upon the recommendation of the IT Department that the Town Board hereby approves for surplus, the attached list of Panasonic CF-19, CF-30, CF-29, and CF30 Toughbooks.

TOWN ATTORNEY

26. APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATION

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2023 Sewer Work is approved to:

- United Sewer & Drain Service Corp., PO Box 123, Slate Hill, NY 10973

27. CONSENT TO INCORPORATION OF THE ST. DOMINIC'S FAMILY SERVICES SEWAGE WORKS CORP. / ACCEPT, RECEIVE AND FILE SEWAGE WORKS PERFORMANCE BOND

NOW BE IT RESOLVED, on application of Ira M. Emanuel, Esq., attorney for St. Dominic's Family Services, which obtained subdivision approval for the campus it shares with the Dominican Sisters of Blauvelt at 300 Western Highway, Blauvelt, as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 1.1, the Town Board consents to the formation and incorporation of the St. Dominic's Family Services Sewage Works Corp., pursuant to Article 1, Section 3 and Article 10 of the New York State Transportation Corporations Law, for the purposes set forth in the proposed Certificate of Incorporation, made a part of this Resolution.

NOW BE IT ALSO RESOLVED, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a cash bond relating to the St. Dominic's Family Services Sewage Works Corp. in the amount of \$5,000.00, naming the Town of Orangetown as beneficiary, to insure the maintenance of the existing sanitary disposal facilities for the time period of five years, and said bond to be returned only after the applicant has adequately maintained the facilities for the time period of five years, according to the terms of said Bond, and formal resolution of the Town Board; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Town accepts the check relating to the cash bond for the St. Dominic's Family Services Sewage Works Corp. in the amount of \$ 5,000, to be held in escrow according to the terms of the cash bond executed by St. Dominic's Family Services.

28. APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. GLORIOUS SUN BLUE HILL PLAZA LLC f/k/a GLORIOUS SUN ROBERT MARTIN LLC V. TOWN OF ORANGETOWN (TAX LOT #73.05-1-54)

RESOLVED that, upon the recommendation of the Tax Assessor, approve and authorize Robert V. Magrino, Town Attorney, and any of his Deputy Town Attorneys, to sign settlement documents regarding the tax certiorari proceeding Glorious Sun Blue Hill Plaza LLC f/k/a Glorious Sun Robert Martin LLC v. Town of Orangetown (NYS Supreme Court, Rockland County, Index Numbers 034073/2019, 032522/2020, 034195/2021, 032856/2022 and 033319/2023), for property commonly known as 1-2 Blue Hill Plaza, Pearl River (Tax Map Designation 73.05-1-54), for the tax assessment years 2019 through 2022, for a total refund by the Town of \$525,069.00, a total refund by the Pearl River Union Free School District of \$1,823,692.00 (the School District has approved of this settlement), and a total refund by the County of \$173,395.00. Interest on the Town's liability, as a result of a

property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

29. **GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / ROBERT MARC FISHER, 7 BERACHAH AVENUE, SOUTH NYACK, NEW YORK, S/B/L 66.61-1-19.2**

WHEREAS, Robert Marc Fisher is the property owner of property located at 7 Berachah Avenue, South Nyack, New York, S/B/L 66.61-1-19.2; and

WHEREAS, the Town has a sanitary sewer easement on said premises; and

WHEREAS, Mr. Fisher desires to cross the sanitary sewer easement with a ground level wooden walkway without foundations and a six-inch diameter roof leader drain pipe laid shallow underground; and

WHEREAS, Mr. Fisher has applied to the Town for permission to have the ground level wooden walkway and six-inch diameter roof leader drain pipe encroach on the Town's sanitary sewer easement; and

WHEREAS, the matter has been reviewed by the Town Sewer Department and Town Attorney's Office, and the Town Sewer Department and Town Attorney's Office recommend that the Town allow the encroachments 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 7 Berachah Avenue, South Nyack, New York, S/B/L 66.61-1-19.2, a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides that the ground level wooden walkway and six-inch diameter roof leader drain pipe may encroach on the Town's sanitary sewer easement on said property, but the owner of said property 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 further that the Town shall not be obligated to repair or replace the walkway or drain pipe in the event either or both are damaged as a result of the Sewer Department accessing or working in the easement area.

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.

HIGHWAY

30. **APPROVE/ AWARD CONTRACT/ VAD CONSTRUCTION CORP./ VILLA DRIVE CULVERT PIPE REPLACEMENT**

WHEREAS, the Commissioner of the Department of Environmental Management and Engineering and the Superintendent of Highways duly advertised for sealed bids for Villa

Drive Culvert Pipe Replacement, which were received and publicly opened on September 11, 2023. Now, Therefore, Be It

RESOLVED, upon the recommendation from the Commissioner of the Department of Environmental Management and Engineering and the Superintendent of Highways, that the Town Board hereby awards this bid to VAD Construction Corp, White Plains, NY, the low bidder, in the amount of \$ 292,486.00 to be charged to H.5110.200.08.

31. **APPOINT LISA PORCO / CLERK-STENOGRAPHER / PROVISIONAL / GRADE 4, STEP 2 / EFFECTIVE SEPTEMBER 27, 2023**

RESOLVED, that upon the recommendation of the Superintendent of Highways, appoint Lisa Porco to the position of Clerk-Stenographer, Provisional, Grade 4, Step 2 at a salary of \$48,313, effective September 27, 2023.

POLICE

32. **CHANGE DATE OF POLICE COMMISSION MEETING / OCTOBER 10, 2023 TO OCTOBER 24, 2023 / RECOGNIZE PRIOR APPOINTMENTS OF POLICE OFFICERS IN 2023**

RESOLVED, upon the recommendation of the Police Chief, the October 10, 2023 Police Commission meeting is hereby moved to October 24, 2023 starting at 6:30 pm to recognize prior appointments of police officers in 2023

33. **DECLARE SURPLUS VEHICLES / POLICE DEPARTMENT**

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

- 2017 Ford Explorer - VIN 1FM5K8AR0HGA94634 - 98,000 miles - end of serviceable life/mechanical issues.
- 2007 Ford Crown Victoria - VIN 2FAHP71W57X125734 - 85,000 miles - end of serviceable life/transmission malfunction/body rust.
- 2011 Ford Crown Victoria - VIN 2FABP7BV6BX138187 - 104,000 miles - end of serviceable life/body rust.

34. **GRANT PERMISSION / POLICE DEPARTMENT DONALD BUTTERWORTH / STATE OF ISRAEL'S MINISTRY OF DIASPORA AFFAIRS AND COUNTERING ANTISEMITISM, EXAMINING CURRENT AND FUTURE THREATS POSED BY ANTISEMITISM AND GLOBAL TERRORISM SEMINAR/ ISRAEL**

RESOLVED, that permission is hereby granted to Donald Butterworth to attend the State of Israel's "Examining current threats posed by antisemitism and global terrorism seminar" in Israel at no cost to the town.

35. GRANT PERMISSION / POLICE DEPARTMENT ANTHONY PALAZOLO/ 2023 NATIONAL DEFLECTION AND PRE-ARREST DIVERSION SUMMIT/ DENVER, COLORADO

RESOLVED, that permission is hereby granted to Anthony Palazolo, to attend the Police Treatment and Community Collaborative "2023 National Deflection and Pre -arrest Diversion Summit", Denver, Colorado from October 2-6, 2023, at no cost to the town.

36. APPROVE / PURCHASE OF FOUR 2023 FORD POLICE INTERCEPTOR SUVs

RESOLVED, based on the recommendation of the Chief of Police, utilizing fund balance budget line B.3120.200.16, to purchase four (4) 2023 Ford Police Interceptor SUVs at a grand total cost of \$186,003.20 from Nielsen Ford of Morristown, Inc., in accordance with NYS OGS Vehicle Marketplace Solicitation 23166 and Mini-Bid Award #12320.

TRAFFIC ADVISORY BOARD

37. APPROVE / INSTALLATION OF STREET LIGHT / INTERSECTION OF RED OAK DRIVE AND OAK TREE ROAD / PALISADES

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of a street light at the intersection of Red Oak Drive and Oak Tree Road in Palisades (Utility Pole# 61022/36997) is hereby approved to be paid from the following budget line item B.5182.452.17.

DEME

38. APPOINT JACK CLIFFORD / LABORER / PROBATIONARY / GRADE 9, STEP 1 / EFFECTIVE OCTOBER 2, 2023

RESOLVED, that upon the recommendation of the Commissioner of DEME, appoint Jack Clifford to the position of Laborer, Probationary, Grade 9, Step 1 at a salary of \$54,626, effective October 2, 2023.

LEND ASSISTANCE

39. COMBINE / APPROVE AGENDA ITEMS #40 TO 42

RESOLVED, the Town Board hereby combines and approves agenda items #40 to 42.

40. APPROVE/ LEND ASSISTANCE/ TAPPANTOWN HISTORICAL SOCIETY COLONIAL DAY / SEPTEMBER 30, 2023

RESOLVED, upon completion of all necessary paperwork and upon the recommendation of the Superintendent of Highways and Chief of Police the Town Board hereby authorizes these two departments to lend assistance which includes the use of recycling kiosks from the Highway Department and the posting of No Parking signs from OPD for the Tappantown Historical Society Colonial Day to be held on Saturday, September 30, 2023 from 8am-6pm.

41. APPROVE / LEND ASSISTANCE / NOBLE NINTH, INC. / TRAUBENFEST / OCTOBER 1, 2023

RESOLVED, that 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 by the Noble Ninth, Inc for their Traubenfest to be held on October 1, 2023 with the organization providing a certificate of insurance listing the Town of Orangetown as an additionally insured.

42. APPROVE / LEND ASSISTANCE / 2023 TAPPAN REFORMED CHURCH FALL FLING / SATURDAY, OCTOBER 21, 2023

RESOLVED, the Superintendent of Highway and the Chief of Police have forwarded for approval by the Town Board the use of barricades, trash bins, a message board and personnel to distribute leaf bags and recycle bins from the Highway Department and Auxiliary Police detail from OPD for the Tappan Reformed Church Fall Fling, Saturday, October 21, 2023.

AUDIT

43. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants (attached) for a total of **\$2,304,316.76**.

EXECUTIVE SESSION

44. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

45. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Steven Boursiquot**, *Resident of Pearl River*
- ❖ **Kayla Fitzpatrick**, *Resident of Pearl River and Granddaughter of Orangetown Employee Eileen Fitzpatrick*
- ❖ **Theresa Foiles**, *Resident of Tappan*
- ❖ **John "Bud" Purvis**, *Resident of Pearl River*
- ❖ **Josephine Sanguinetti**, *Resident of Pearl River*
- ❖ **Bernard Shortt**, *Resident of Blauvelt*