



## **TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday October 10, 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:**

- ★ **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**
- ★ **Pearl River Farmers Market: Fall Harvest Festival 10/21 & 10/28, 10 am – 2 pm, Central Avenue Field**
- ★ **The following Public Hearing is scheduled for November 14, 2023:**
  - ◆ **Local Law on application of Hudson Valley iCampus, 401 Middletown Road, Pearl River, to permit hotels and stand alone fitness centers in LI District.**

### **PRESENTATIONS:**

- ★ **Little Free Libraries Presentation for Girl Scout Silver Award- Maeve McGee and Keertana Sujith, Girl Scout Troop #40431.**

### **DISCUSSION:**

- ◆ **WORKSHOP OF AGENDA ITEMS**

**PUBLIC COMMENT:**

**1. OPEN PUBLIC COMMENT PORTION**

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

**SUMMARY OF PUBLIC COMMENTS:**

**2. CLOSE PUBLIC COMMENT PORTION**

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

**AGENDA ITEMS:**

**TOWN BOARD**

**3. OPEN PUBLIC HEARING / OCTOBER 10, 2022 AT 7:00 P.M. / ONE-YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / FOR 2024**

**RESOLVED**, that the public hearing on the proposed contract between the Town of Orangetown and the Blauvelt Volunteer Fire Company, Inc., for fire protection services in and throughout the Blauvelt Fire Protection District within the Town of Orangetown, for the calendar year 2024, is hereby opened.

**PRESENTATION of Affidavit of Public Hearing posting and publication.**

**SUMMARY OF COMMENTS:**

**4. CLOSE OR CONTINUE / PUBLIC HEARING / ONE-YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / FOR 2024**

**RESOLVED**, that the public portion is hereby closed or continued to \_\_\_\_.

**5. OPEN PUBLIC HEARING / RTBM OF OCTOBER 10, 2022 AT 7:10 P.M. / ONE-YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY, AND THE TAPPAN FREE LIBRARY / CALENDAR 2024**

**RESOLVED**, that the public hearing on the proposed Contracts between the Town of Orangetown the the Orangetown Library Districts is hereby opened.

**PRESENTATION of Affidavit of Public Hearing posting and publication.**

**SUMMARY OF COMMENTS:**

6. **CLOSE OR CONTINUE / PUBLIC HEARING / ONE-YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY, AND THE TAPPAN FREE LIBRARY / CALENDAR 2024**

**RESOLVED**, that the 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 for the calendar year 2024 is hereby closed or continued to \_\_\_\_\_.

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

**RESOLVED**, that the public hearing on the 2024 Preliminary Budget is hereby opened.

**PRESENTATION of Affidavit of Public Hearing posting and publication.**

**SUMMARY OF COMMENTS:**

8. **CLOSE AND/OR CONTINUE PUBLIC HEARING / 2024 PRELIMINARY BUDGET**

**RESOLVED**, that the public hearing regarding the 2024 Preliminary Budget is hereby closed and/or continued to \_\_\_\_\_.

9. **RESUME PUBLIC HEARING OF SEPTEMBER 26, 2023 AT 7:20 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 resumed.

**SUMMARY OF COMMENTS:**

10. **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 \_\_\_\_\_.

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**, more than thirty days has elapsed since the proposed local law was delivered to the Town Planning Board and the Town Board not having received a response thereto, 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. TOWN COMPREHENSIVE PLAN / OVERRIDE RECOMMENDATIONS OF THE  
ROCKLAND COUNTY PLANNING DEPARTMENT / 2023**

**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:

<b>Comment 1:</b>	<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>
<b>Response 1:</b>	The full EAF was referred to the Rockland County Planning Department on December 5, 2022.

<b>Comment 2:</b>	<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>
<b>Response 2:</b>	The goals and objectives are consistent between chapters. The objectives in Chapter 2 are listed in the context of the public engagement process.
<b>Comment 6:</b>	<i>In Goal 3, Objective 11 on Page 19, Rockland County Public Transportation should be listed as a local transit provider.</i>
<b>Response 6:</b>	Rockland County Department of Public Transportation has been added to the list of local transit providers on page 19.
<b>Comment 7:</b>	<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>
<b>Response 7:</b>	Use of the NYStretch Energy Code has been added as Objective 11 under Goal 4 on page 20.
<b>Comment 8</b>	<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>
<b>Response 8:</b>	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.
<b>Comment 9:</b>	<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>
<b>Response 9:</b>	Comment noted. The Comprehensive Plan recommends clarifying the Route 303 Overlay District provisions. This additional clarification could minimize the necessity for future overrides.
<b>Comment 10:</b>	<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</i>

	<i>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>
<b>Response 10:</b>	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.
<b>Comment 11:</b>	<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>
<b>Response 11:</b>	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.
<b>Comment 12:</b>	<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>
<b>Response 12:</b>	Appendix A is referenced because it contains supplementary information in addition to the graphs.
<b>Comment 13:</b>	<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>
<b>Response 13:</b>	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.
<b>Comment 14:</b>	<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>
<b>Response 14:</b>	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.

<b>Comment 18:</b>	<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>
<b>Response 18:</b>	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.
<b>Comment 20:</b>	<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>
<b>Response 20:</b>	Rockland County Department of Public Transportation has been added to the list of collaborators on page 122.
<b>Comment 21:</b>	<i>Census tracts in Orangetown that are Disadvantaged Communities, as part of the State's Climate Act Initiative, should be identified in either the demographics subsection on Page 128 and/or in Chapter 7. These Disadvantaged Communities can be found on the New York State's website: <a href="https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria/Disadvantaged-Communities-Map">https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria/Disadvantaged-Communities-Map</a></i>
<b>Response 21:</b>	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.
<b>Comment 22:</b>	<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>
<b>Response 22:</b>	The Rockland County Division of Environmental Resources and Youth Bureau have been added as partners on page 178.
<b>Comment 23:</b>	<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</i>



	<i>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: <a href="https://www.dec.ny.gov/public/44290.html">https://www.dec.ny.gov/public/44290.html</a>.</i>
<b>Response 23:</b>	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.
<b>Comment 24:</b>	<i>In addition to viewshed 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>
<b>Response 24:</b>	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.
<b>Comment 25:</b>	<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 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>
<b>Response 25:</b>	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.
<b>Comment 27:</b>	<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>
<b>Response 27:</b>	A strategy has been added on page 222 to recommend that the Town develop a National Resources Inventory.
<b>Comment 28:</b>	<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</i>

	<i>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>
<b>Response 28:</b>	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.
<b>Comment 29:</b>	<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>
<b>Response 29:</b>	Chapter 7, Sustainability and Climate Resilience, has been amended to include reduction of transportation related GHGs, on page 212.
<b>Comment 30:</b>	<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>
<b>Response 30:</b>	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.
<b>Comment 32:</b>	<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>
<b>Response 32:</b>	Chapter 7 has been amended to recommend that zoning regulations be updated to set limits on impervious surfaces on page 219.
<b>Comment 33:</b>	<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>
<b>Response 33:</b>	Collaboration with the Rockland County Division of Environmental Resources has been added to page 220.
<b>Comment 34:</b>	<i>Green building strategies outlined on Page 222 reference performance code certifications such as Energy Star and/or LEED for new construction. It is</i>

	<i>suggested that The Town also consider encouraging the use of the Living Building Challenge <a href="https://living-future.org/lbc/">https://living-future.org/lbc/</a></i>
<b>Response 34:</b>	The performance code certification list was changed to include the Living Building Challenge on page 222.
<b>Comment 36:</b>	<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>
<b>Response 36:</b>	In response to public comments, this recommendation was removed. Page 66 and 230 were updated for consistency.
<b>Comment 39:</b>	<i>Listed below are typographical, punctuation, format, and update errors that we observed while reviewing the document.</i>
<b>Response 39:</b>	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:

<b>Comment 5:</b>	<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 removed from the text Chapter 2, still remains on the map. The contents of the Comprehensive Plan must be consistent.</i>
<b>Response 5:</b>	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:

<b>Comment 3:</b>	<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>
<b>Response 3:</b>	The information on the outcomes of the 2003 Comprehensive Plan recommendations is not readily available.

<b>Comment 4:</b>	<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>
<b>Response 4:</b>	Comment noted. This will be considered at such time that the Town Board pursues updating the zoning code.
<b>Comment 5:</b>	<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>
<b>Response 5:</b>	The specific measures to limit traffic in the hamlets will be addressed by the Town at the time of implementation.
<b>Comment 15:</b>	<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>
<b>Response 15:</b>	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.
<b>Comment 16:</b>	<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 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>
<b>Response 16:</b>	This comment is more appropriate to implement when the zoning updates are advanced. As such, it has not been included in the Comprehensive Plan.
<b>Comment 17:</b>	<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</i>

	<i>strategies, such as why they are necessary, current deficiencies, examples of actions, regulations, policies, etc.</i>
<b>Response 17:</b>	These items are discussed in detail in Chapter 7. As such, additional detail was not added to Chapter 2.
<b>Comment 19:</b>	<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>
<b>Response 19:</b>	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.
<b>Comment 26:</b>	<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>
<b>Response 26:</b>	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.
<b>Comment 31:</b>	<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 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>
<b>Response 31:</b>	This comment will be addressed as the Town advances the strategy. As such, it has not been included in the edits.
<b>Comment 35:</b>	<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>

<b>Response 35:</b>	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.
<b>Comment 37:</b>	<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>
<b>Response 37:</b>	Because the Town has chosen to opt out, these potential future land uses are not discussed in the Plan.
<b>Comment 38:</b>	<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>
<b>Response 38:</b>	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:

<b>Comment 1:</b>	<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 to a comprehensive plan. It is strongly recommended that the aforementioned paragraph and other references to sustainability are restored to the document.</i>
<b>Response 1:</b>	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.
<b>Comment 2:</b>	<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</i>

	<i>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>
<b>Response 2:</b>	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.
<b>Comment 3:</b>	<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>
<b>Response 3:</b>	In the opinion of the Town Board, the Comprehensive Plan as currently drafted adequately accounts for demographic trends.
<b>Comment 4:</b>	<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 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>
<b>Response 4:</b>	The Town Board never adopted the 2018 Pearl River Transit Oriented (TOD) Opportunities Analysis. As such, the deleted language will not be restored.
<b>Comment 6:</b>	<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</i>

	<p>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.</p> <p>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.</p>
<b>Response 6:</b>	In the opinion of the Town Board, the Comprehensive Plan as currently drafted adequately addresses carbon emissions and climate resiliency.
<b>Comment 7:</b>	<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>
<b>Response 7:</b>	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 for the reasons specified herein; and,

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Orangetown hereby overrides Rockland County Planning Department Comments 1, 2, 3, 4, 6, and 7 from their letter dated September 22, 2023, for the reasons specified herein.

**13. TOWN COMPREHENSIVE PLAN / ADOPT THE TOWN OF ORANGETOWN COMPREHENSIVE PLAN / 2023**

**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 §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).

**14. STANDARD WORK DAY (SWD) FOR APPOINTED OFFICIAL, BRITTANY C. CORDERO, TO REPORT SWD PER MONTH TO NEW YORK STATE & LOCAL RETIREMENT SYSTEM (NYSLRS)**

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

<u>Elected or Appointed Official’s Title</u>	<u>Name</u>	<u>NYSLRS Registration Number</u>	<u>Standard Work Day/SWD (hours per day)</u>	<u>Term Begins/Ends</u>	<u>Participates in Town’s Time Keeping System</u>	<u>SWD Days per Month (based on ROA)</u>	<u>ROA Submitted</u>
Deputy Town Attorney	Brittany C. Cordero	[REDACTED – NUMBER ON FILE]	7	01/01/22 - 12/31/2023	NO	17.98	YES (2023)

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

**15. APPROVE ADDENDUM / LABERGE GROUP / ADDITIONAL SERVICES / LOCAL LAW TO ADDRESS PARKING IN SOUTH NYACK**

**BE IT RESOLVED** that the Town Board hereby authorizes the an addendum to Agreement with the Laberge Group dated October 22, 2022, for purposes of providing additional services with respect to the Town’s review of a local law to address parking standards in the hamlet of South Nyack, in an amount not to exceed \$6,500.00, and that the Supervisor

or her designee is authorized to execute any documents necessary to effectuate the purposes of this resolution, upon review and approval of the Town Attorney's Office.

## **TOWN ATTORNEY**

16. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. 85 SOUTH BROADWAY REALTY LLC V. TOWN OF ORANGETOWN, AND NYACK UNION FREE SCHOOL DISTRICT (TAX LOT #66.46-1-35)**

**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 85 South Broadway Realty LLC v. Town of Orangetown, and Nyack Union Free School District (NYS Supreme Court, Rockland County, Index Numbers 036912/2021, 033186/2022 & 033043/2023), for property commonly known as 85 South Broadway, Nyack (Tax Map Designation 66.46-1-35), for the tax assessment years 2021 through 2022, for a total refund by the Town of \$2,114.00, a total refund by the School District of \$7,817.00, and a total refund by the County of \$808.00. 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.

17. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. MINOZZI-TRAVIS MONUMENTS INC. V. TOWN OF ORANGETOWN, AND NYACK UNION FREE SCHOOL DISTRICT (TAX LOT #66.37-1-1)**

**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 Minozzi-Travis Monuments Inc. v. Town of Orangetown, and Nyack Union Free School District (NYS Supreme Court, Rockland County, Index Numbers 034106/2019, 033329/2020 & 034401/2021), for property commonly known as 231 Main Street, Nyack (Tax Map Designation 66.37-1-1), for the tax assessment years 2019 through 2021, for a total refund by the Town of \$1,966.00, a total refund by the School District of \$10,642.00, and a total refund by the County of \$1,137.00. 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.

18. **APPROVE SETTLEMENT-CLAIM PHADIA AND VLADIMIR JEAN / TOWN OF ORANGETOWN / COUNTY OF ROCKLAND / INDEX NO. 033456/20/6**

**RESOLVED**, upon the recommendation of the Office of the Town Attorney, approve and authorize the settlement and termination of the above-referenced action now pending in Supreme Court, Rockland County, with no admission of liability as against the Town or any of its employees, for the sum of \$9,500.00 as the Town's share of the total settlement, and

authorize the Supervisor or her designee to sign any and all legal instruments necessary to effectuate said settlement and discontinuance of the entire action.

19. **AUTHORIZE SUPERVISOR TO SIGN PILOT AGREEMENT WITH ROCKLAND GARDENS HOUSING PARTNERS LIMITED PARTNERSHIP, ROCKLAND COUNTY IDA, VILLAGE OF NYACK, AND NYACK UNION FREE SCHOOL DISTRICT, REGARDING PROPERTY COMMONLY KNOWN AS 84 NORTH FRANKLIN ST., NYACK (66.29-1-23)**

**WHEREAS**, real property known as Rockland Gardens Apartments located at 84 North Franklin Street, Nyack, and identified as Section 66.29, Block 1 and Lot 23 on the Tax Map of the Town of Orangetown (the “RGA Property”), is the subject of a transaction involving the County of Rockland Industrial Development Agency (“RCIDA”); and

**WHEREAS**, the RGA Property is situated within the Town of Orangetown and the Nyack Union Free School District (“Nyack UFSD”); and

**WHEREAS**, the RGA Property is the site of an affordable rental property comprised of eight (8) garden-style buildings that house seventy (70) apartments, of which all but two (2) units are rented to tenants on an income-restricted basis under a federal Section 8 Housing Assistance Program (“HAP”); and

**WHEREAS**, under this Section 8 HAP program, leased units are restricted to tenants earning at or below 60% of area median income; and

**WHEREAS**, RCIDA is prepared to acquire the RGA Property and, in turn, lease these premises to Rockland Gardens Housing Partners Limited Partnership (“RGH”); and

**WHEREAS**, RGH, upon taking a leasehold interest in the RGA Property, will continue to operate the apartments on an affordable, income-restricted basis, and will further undertake significant renovations of the apartments and premises; and

**WHEREAS**, the RCIDA transaction is intended to preserve an existing affordable housing resource within the Village of Nyack, which supports these efforts; and

**WHEREAS**, once RCIDA takes title to the RGA Property, it will be rendered exempt from real property taxes, including taxes levied by the Town of Orangetown, the Nyack UFSD and the Village of Nyack; and

**WHEREAS**, an agreement is proposed by and between RCIDA, RGH, the Town of Orangetown, the Village of Nyack and the Nyack UFSD, providing for the annual payment of monies in lieu of taxes (the “PILOT Agreement”) in furtherance of this transaction; and

**WHEREAS**, under the terms of the PILOT Agreement, which will commence in the 2024 Town assessment year and continue through the 2045 Town assessment year, annual payments will be made to the Town of Orangetown in lieu of taxes; and

**WHEREAS**, these payments shall be computed annually by applying the then prevailing Town tax rate to (a) the current assessment of the RGA Property of \$1,510,000 for a period

of two (2) years, and (b) thereafter, to an increased amount of \$2,320,000 for the duration of the PILOT Agreement's term; and

**WHEREAS**, the PILOT Agreement will thereby allow for future PILOT payments to equal or exceed the amount of Town taxes currently levied against the RGA Property, and will further allow these future payments to adjust with annual changes in the tax rates employed in future Town tax levies; and

**WHEREAS**, the Town Board has obtained the advice and assistance of its Tax Assessor, Brian Kenney, concerning this PILOT Agreement; and

**WHEREAS**, the Town Board has concluded that entry into the PILOT Agreement is in the best interests of the Town of Orangetown;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board approves of the Town of Orangetown entering into the PILOT Agreement; and

**IT IS FURTHER RESOLVED** that the Supervisor is hereby authorized to execute this PILOT Agreement in the form provided by RCIDA, and acceptable to the Tax Assessor and the Town Attorney, on the Town Board's behalf.

## **HIGHWAY**

### **20. DESIGNATE / INSTALL MEMORIAL SIGN / DEPOT PLACE / SOUTH NYACK / "CHIEF BRIAN J. KNECHT PLACE"**

**WHEREAS**, Brian J. Knecht joined the Orangetown Fire Co. # 1 on July 2, 1985, as a Junior Firefighter, and served for the next 35 years in many capacities., and;

**WHEREAS**, In November of 1988, Brian J. Knecht was elected for the first time as a line officer and went on to hold all ranks including serving as Captain, Battalion Chief, Deputy Chief and Chief of the Department., and;

**WHEREAS**, Brian J. Knecht was elected for a second time to the Chief of the Department in April of 2019 where he served courageously until his passing on April 17, 2020, at the age of 50 after his battle with cancer., and;

**WHEREAS**, Brian J. Knecht displayed great courage while undergoing cancer treatment and battling to regain his health, Brian would continue to respond to calls when he was able and led the Officer's meetings to ensure, the department moved forward together.

**THEREFORE, BE IT RESOLVED**, in recognition of Brian J. Knecht's dedication to the Orangetown community and service to the Nyack Fire Department and the Orangetown Fire Company #1, the Town Board hereby designates Depot Place in South Nyack as "Chief Brian J. Knecht Place". The aforementioned designation will expire October 10<sup>th</sup>, 2028.

### **21. APPROVE / FUND 2023 TOWN LEAF REMOVAL OVERTIME BUDGET**

**RESOLVED**, the Town Board hereby authorizes to fund the Highway Department Brush and Weed Overtime Accounts in the amount of \$230,000. Brush and Weed Account,

D.5140.012.05 (1.5x), shall be funded in the amount of \$130,000; and Brush and Weed Account, D.5140.020.05 (2x), shall be funded in the amount of \$100,000. These funds shall cover overtime costs associated with the Town's 2023 Leaf Removal Program.

## **PARKS AND RECREATION**

**22. ACCEPT DONATION / LITTLE LIBRARY / MAEVE MCGEE & KEERTANA SUJITH / GIRL SCOUT TROOP #40431 / GIRL SCOUT SILVER AWARD**

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation and Building Maintenance, accept with gratitude, the donation of a little library for Cherry Brook Park from Maeve McGee and Keertana Sujith from Girl Scout Troop #40431 for their Girl Scout Silver Award.

**23. APPROVE / AWARD CONTRACT / PAT CORSETTI, INC. / ELIZABETH PLACE PARK PLAYGROUND PROJECT IN SOUTH NYACK**

**RESOLVED**, that upon the recommendation of Superintendent of Parks and Recreation award the bid for the Elizabeth Place Playground Project in South Nyack to Pat Corsetti, Inc. of Mamaroneck, New York, the only qualified bidder, in an amount not to exceed \$200,000.00 to be taken out of fund balance and charged to A.7110.200.

**24. ACCEPT DONATION / MEMORIAL BENCHES / JACOBS**

**RESOLVED**, upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept with gratitude the donation of two memorial benches to be placed in Veterans Memorial Park, engravings will read:

Bench #1:  
For Olivia  
Much Love from Meema

Bench #2:  
For Charlotte  
Much Love from Meema

## **POLICE**

**25. ACCEPT GRANT AWARD / NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE / POLICE TRAFFIC SERVICES PROGRAM**

**WHEREAS**, the Orangetown Police Chief has advised that the New York State Governor's Traffic Safety Committee has awarded a grant to the Town of Orangetown Police Department for the purpose of participating in the "Police Traffic Services Program," which has a goal of increasing seat belt usage and reducing dangerous driving behaviors in an effort to reduce serious injury and death from traffic crashes; and,

**WHEREAS**, the State shall provide \$17,922.00 to the Town of Orangetown for said purposes; and,

**NOW, THEREFORE, BE IT RESOLVED**, that based on the recommendation of the Orangetown Police Chief, the Town Board hereby accepts the grant award of \$17,922.00 for the Town of Orangetown Police Department to participate in the "Police Traffic Services Program."

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the grant in accordance with the New York State Governor's Traffic Safety Committee requirements, subject to review and approval of the Town Attorney's Office.

## **FINANCE**

### **26. APPROVE / AGREEMENT / DEBTBOOK / LEASE & SUBSCRIPTION SOFTWARE / 1 YEAR**

**WHEREAS**, DebtBook has a contract with Omnia Partners for Debt and Lease Management Software and Consulting Services and the Town may, pursuant to Chapter 1A of the Town Code and New York General Municipal Law §103(16), enter into a contract with DebtBook as part of the Omnia Partners Contract #14-03; and,

**NOW, THEREFORE BE IT RESOLVED**, upon the recommendation of the Finance Director, the Town Board hereby authorizes the Town to entering int a 1-year contract with DebtBook for Lease accounting software, not to exceed \$13,500, to be paid from the General Fund, Fund balance; and,

**BE IT FURTHER RESOLVED**, that the Director Finance is authorized to execute the contract and any documents necessary to effectuate the purpose of this resolution, upon review and approval of the Town Attorney's Office.

## **LEND ASSISTANCE**

### **27. COMBINE / APPROVE AGENDA ITEMS #28 TO 33**

**RESOLVED**, the Town Board hereby combines and approves agenda items #28 to 33.

### **28. APPROVE / LEND ASSISATNCE / PEARL RIVER CHAMBER OF COMMERCE / PEARL RIVER DAY / OCTOBER 14, 2023**

**RESOLVED**, upon the completion of the necessary paperwork the Superintendent of Parks, Recreation and Building Maintenance has forwarded to the Town Board for approval the use of the showmobile, for a fee of \$500.00 and the rental of 12 porto-jons (10 regular and 2 handicapped) for use by the Pearl River Chamber of Commerce for Pearl River day on October 14, 2023 with the organization providing a certificate of insurance naming the Town of Orangetown as an additional insured.

29. **APPROVE / LEND ASSISTANCE / PIERMONT CHAMBER OF COMMERCE / OKTOBERFEST / SATURDAY, OCTOBER 21, 2023**

**RESOLVED**, that upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded to the Town Board for approval the use of the showmobile by the Piermont Chamber of Commerce for their Oktoberfest event to be held on Saturday, October 21, 2023 for the amount of \$500.00 and a certificate of insurance naming the Town of Orangetown as being an additional insured.

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

**RESOLVED**, upon the completion of the necessary paperwork the Superintendent of Parks, recreation & Building Maintenance has forwarded for approval by the Town Board the rental of four porto -jons (3 regular and 1 handicapped) for use at the Tappan Reformed Church Fall Fling on Saturday, October 21, 2023. With the organization providing a certificate of insurance naming the Town of Orangetown as an additional insured.

31. **APPROVE / LEND ASSISTANCE / 2023 MONTEFIORE NYACK FOUNDATION RIDES & STRIDES / SUNDAY, OCTOBER 22, 2023**

**RESOLVED**, upon the recommendation of the Superintendent of Highways and the Chief of Police the Town Board hereby authorizes these departments to lend assistance which includes road use from the Highway Department and police presence from OPD for the Montefiore Nyack Foundation Rides and Strides Event on Sunday, October 22, 2023.

32. **APPROVE / LEND ASSISTANCE / NYACK CHAMBER OF COMMERCE / HALLOWEEN PARADE / OCTOBER 28, 2023**

**RESOLVED**, upon the completion of the necessary paperwork the Superintendent of Parks, Recreation and Building Maintenance has forwarded to the Town Board for approval the use of the showmobile, for a fee of \$500.00 for the Nyack Halloween Parade on October 28, 2023. With the organization providing a certificate of insurance naming the Town of Orangetown as an additional insured.

33. **APPROVE / LEND ASSISTANCE / 2023 TAPPAN FIRE DEPARTMENT 5K RUN / SUNDAY, NOVEMBER 12, 2023**

**RESOLVED** , upon the recommendation from the Superintendent of Highways & Chief of Police & the Superintendent of Parks, Recreation and Building Maintenance that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades, cones and a message board from the Highway Department & the presence of Auxiliary Police from the Police Department & five porto-jons (4 regular, 1 handicapped) for the Tappan Fire Department 5K Run on Sunday, November 12, 2023 from 9am-12pm.



## **AUDIT**

### **34. 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 **\$1,316,569.55**.

## **EXECUTIVE SESSION**

### **35. 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**

### **36. RE-ENTER RTBM / ADJOURNED / MEMORY**

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

❖ **Paul Phinney III**, *Retired Orangetown Town Justice*