

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
Tuesday September 26, 2023**

This meeting was opened at 7:00 PM. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

**Present were:**

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

**Absent:**

Councilperson Jerry Bottari

**Also Present:**

Allison Kardon, Supervisor's Confidential Assistant  
Carmel Reilly, Director of Economic Development & Tourism  
Rosanna Sfraga, Town Clerk  
Joseph Thomassen, Deputy Clerk  
Robert Magrino, Town Attorney  
Jeff Bencik, Finance Director  
Stephen Munno, Sr. Administrative Assistant (Highway)  
Jane Slavin, Director of OBZPAE  
Eamon Reilly, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Bob Urban, Human Resource Coordinator  
Matthew Lenihan, Computer Network Specialist  
Brendon Carton, IT Department  
Donald Butterworth, Police Chief  
Det. Sgt. James Sullivan

**☪ 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**

**RESOLUTION NO. 484**

**RESUME PUBLIC HEARING OF JULY 25, 2023 / 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.

**RESOLUTION NO. 484 - Continued**

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**Summary of Comments:**

Barbara Delo, Blauvelt, is opposed to cluster housing, public private partnerships and too many environmental programs.

Mike Mandel, Pearl River, is in favor of the recent changes and gave his opinion on several other items (PR TOD, charging stations, open space, off-street parking).

Eileen Larkin, Palisades, is concerned about ADUs (Accessory Dwelling Units) and hopes the Town does not allow them. She sees a need for affordability housing for young adults and wishes they would come talk to the Board.

Taylor Mendelbaum, Nyack, the Comp Plan lacks affordability housing for young adults. He believes the town needs TOD and sustainability.

Wayne Gavioli, Orangeburg, congratulated the Town Board for the work so far and he is against urbanization of this area. We have the diversity and tranquility.

**RESOLUTION NO. 485**

**CLOSE PUBLIC HEARING / 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 486**

**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.

**RESOLUTION NO. 486 - Continued**

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 487**

**OPEN PUBLIC HEARING / RTBM SEPTEMBER 26, 2023 AT 7:10 P.M. / 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication, Postings and Mailing, Negative Declaration and comments from various agencies, which are labeled Exhibit 09-26-A and made a part of these minutes.

Summary of Public Comments: None

**RESOLUTION NO. 488**

**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 continued to October 10, 2023 at 7:20 pm.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 489**

**ADOPT A NEGATIVE DECLARATION / 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

**RESOLUTION NO. 489 - Continued**

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 490****OPEN PUBLIC HEARING / 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication, Postings and Mailing, Negative Declaration and comments from various agencies, which are labeled Exhibit 09-26-B and made a part of these minutes.

**Summary of Public Comments:**

Christine Carrino, & Paul Manni, Sparkill, supports this proposed local law and thanked the Town Board.

Michael McLaughlin, Blauvelt, is in-favor of this proposed law and the Town needs be vigilant with enforcement.

Eileen Larkin, Palisades, is in-favor and spoke about greed and no respect.

Patty Katz, S. Nyack, asked if this proposed local law covers VRBO rentals.

**RESOLUTION NO. 491****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.

**RESOLUTION NO. 491 - Continued**

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 492**

**DECLARE LEAD AGENCY AND ADOPT A NEGATIVE DECLARATION / 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 493**

**ADOPT LOCAL LAW 11, 2023 / 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

**RESOLUTION NO. 493 - Continued**

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".

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**LOCAL LAW NO. 11 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**

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

**LOCAL LAW NO. 11 OF 2023 - Continued**

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 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.**

## LOCAL LAW NO. 11 OF 2023 - Continued

## OWNER

Any individual or individuals, **natural person ("person"), sole proprietorship, partnership, corporation, 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.



**LOCAL LAW NO. 11 OF 2023 - Continued**

(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.**

## LOCAL LAW NO. 11 OF 2023 - Continued

**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.

§ 15.7 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.

**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**

## LOCAL LAW NO. 11 OF 2023 - Continued

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.

#### RESOLUTION NO. 494

OPEN PUBLIC HEARING / 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.

**RESOLUTION NO. 494 - Continued**

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication, Postings and Mailing, Negative Declaration and comments from various agencies, which are labeled Exhibit 09-26-C and made a part of these minutes.

David Gilmour, Laberge Group, gave a Presentation: South Nyack Parking Study & Recommendations (Exhibit 09-26-D).

**Summary of Comments:**

Barry & Alissa Schurr, S. Nyack, do not have a driveway. Their road cannot be plowed; there is only one layer of blacktop. They need to park their vehicles on Berachah Avenue.

Roger Sieler, Jerry Ilowite & Peter Hartheimer, S. Nyack, explained different problems / issues that exist in their neighborhood (Exhibit 09-26-E).

Brandon Young, S. Nyack, explained Terrace Drive is a small windy road and his property does not have any room for parking. Terrace Drive needs traffic calming due to increase in traffic.

Kathy Tappenden, S. Nyack, believes the Brookside lot is a gem and is concern the Town will sell it. The Building there is built on two parcels. She suggested the lot line be moved and alternate street parking.

Justin Jaffe, S. Nyack, lives in a home without a driveway. He is concerned about the increase in traffic and would love to work with Laberge Group and the Traffic Advisory Board.

Patty Katz, S. Nyack, sees an increase in traffic and parking due to the park next to her. She would like to see "No Parking Anytime" signs on Gesner.

Jeff Hirsch, former Trustee, thinks a little more work needs to done. There needs to be some traffic calming on Clinton Avenue and is concerned about the truck traffic on Shadyside Avenue and S. Broadway. He would also like to see clearer maps.

Sue Odierna, S. Nyack, Salisbury Point only allows one spot for each apartment, which is not sufficient. She suggested street parking, including overnight, closer to Salisbury point.

Gerry Goggin, Orangeburg, said there is a precedent for Shadyside in Upper Nyack.

Peter McMeniman, S. Nyack, echoed Sue Odierna and informed the Town Board that a Judge ruled 50% of the parking be taken away.

**RESOLUTION NO. 495****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 continued to November 28, 2023 at 7:10 pm.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

The Town Board took a five (5) minute recess.

**RESOLUTION NO. 496  
OPEN PUBLIC COMMENT PORTION**

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

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**Summary of Public Comments:**

Shelia Schneider, Pearl River, complained about a lot next to her, owned by the School District. The lot has overgrowth of trees and large vines and it also has become an illegal dumping ground. She asked, if there is anyway the Town can help.

Eileen Larkin, Palisades, spoke about her experience with Optimum. She is concerned for the senior citizens when these devices go out. She suggested the Town form a Cable TV Committee.

Gerry Goggin, Orangeburg, spoke about a new filing with the Supreme Court regarding RCW. He requested no action take place until the issue of ownership is resolved.

Barbara Delo, Blauvelt, spoke more about the Comp Plan and hopes Van Houten Farm stays.

Faith Custer, Orangeburg, volunteers at the horse farm & Van Houten Farm Stand, is against RCW and concerned about the increase in traffic, horses and riders and the quality of life.

Joyce Taub, W. Nyack, is opposed to RCW. The Town should not change any zoning codes.

Paul Custer, Orangeburg, commented that the site plan needs to be available to the public, amplified music outside is going to violate our noise ordinance and the farm stand and RCW should be separate.

Elizabeth Van Houten, RCW, thanked the Town Board for trying to find a solution and said the farm stand is experiencing a lost.

**RESOLUTION NO. 497  
CLOSE PUBLIC COMMENT PORTION**

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

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 498  
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](http://www.orangetown.com)).

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 499**

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 500**

**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.

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

Motion: 5 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 501**

**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](http://www.orangetown.com)) and file in the Town Clerk's office for public viewing.

**RESOLUTION NO. 501 - Continued**

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 502**

**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 §§ 239-1 & m; and

**RESOLUTION NO. 502 - Continued**

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 503****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 504****APPROVE PERMIT AGREEMENT / BUSINESSES TO DISPENSE ALCOHOLIC BEVERAGES ON TOWN PROPERTY / PEARL RIVER DAY / 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari



**RESOLUTION NO. 505  
APPROVE / IT SURPLUS EQUIPMENT**

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 506  
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

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 507  
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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 508****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 509****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.

**RESOLUTION NO. 509 - Continued**

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

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 510****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; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 09-26-F, and made a part of these minutes. 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 511****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 512****CHANGE DATE OF POLICE COMMISSION MEETING / OCTOBER 10, 2023 TO OCTOBER 24, 2023 / RECOGNIZE PRIOR APPOINTMENTS OF POLICE OFFICERS**

**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

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 513****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 514****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 515****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 516****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 517****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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 518****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.

**RESOLUTION NO. 518 - Continued**

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**LEND ASSISTANCE**

**RESOLUTION NO. 519**

**COMBINE / APPROVE AGENDA ITEMS #40 TO 42**

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

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 520**

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 521**

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

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 522**

**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, 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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 523**

**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.

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

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 524**

**ADJOURNED / MEMORY**

**RESOLVED**, at 10:01 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*; and Anna Lynn Derosa, *resident of Pearl River*.

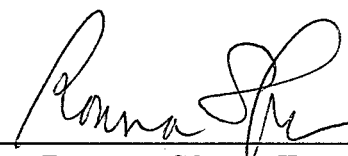
Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

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

Noes: None

Absent: Councilperson Jerry Bottari



**Rosanna Sfraga, Town Clerk**





WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	090823	\$ 1,242,397.19
	092623	\$ 1,061,919.57
		\$ 2,304,316.76

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

APPROVAL FOR PAYMENT

AUDITING BOARD

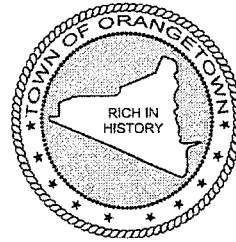
Councilman Gerald Bottari	Councilman Paul Valentine
Councilman Thomas Diviny	Councilman Brian Donohue
Supervisor Teresa M. Kenny	

---

**TOWN OF ORANGETOWN**  
**FINANCE OFFICE MEMORANDUM**

---

**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 9/21/2023  
**CC:** DEPARTMENT HEADS



The audit for the Town Board Meeting of 9/26/2023 consists of 2 warrants for a total of \$2,304,316.76.

The first warrant had 51 vouchers for \$1,242,397 and had the following items of interest.

1. Crown, Castle Fiber (p1) - \$6,748 for connectivity.
2. NYPA (p6) - \$23,192 for streetlight conversion.
3. NYS Dept. of Civil Service (p6) - \$926,594 for H/C benefits.

The second warrant had 130 vouchers for \$1,061,919 and had the following items of interest.

1. Bolkema Fuel Co. (p7) - \$7,702 for fuel.
  2. Capasso & Son (p8) - \$90,817 for recycling.
  3. Christmas Lighting of NY (p8) - \$7,450 for Pearl River Xmas lights.
  4. Cotter, Michael (p10) - \$10,450 for title searches.
  5. Dell Marketing (p11) - \$104,521 for Microsoft 365 conversion.
  6. ESI (p12) - \$7,421 for EAP services.
  7. Fred Devens Construction (p16) - \$207,860 for Tier IV PS.
  8. Gall's Inc. (p17) - \$6,063 for Police equipment.
  9. Global Montello (p18) - \$23,074 for fuel.
  10. Goosetown Enterprises (p18) - \$11,050 for Police leases.
  11. Kuehne Chemical Co. (p23) - \$15,675 for sewer chemicals.
  12. Mediastar (p26) - \$8,375 for IT support.
  13. NYSID (p29) - \$5,258 for scanning.
-

14. Pace Analytical Services (p32) - \$19,346 for sewer testing.
15. Peckham Road Corp. (p33) - \$344,037 for pavement preservation program.
16. State Comptroller (p41) - \$35,621 for Justice fines.
17. Tilcon (p44) - \$24,348 for Highway materials.
18. Virtuit Systems (p47) - \$7,055 for IT maintenance agreement.
19. Vortex USA (p47) - \$14,895 for splashpad retainage payout.
20. Zarin & Steinmetz (p49) - \$11,149 for outside counsel.

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

Jeffrey W. Bencik, CFA

845-359-5100 x2204

]

]

]

**EXHIBIT**  
09-26-A

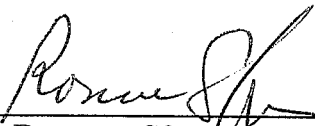
STATE OF NEW YORK        }  
COUNTY OF ROCKLAND    }  
TOWN OF ORANGETOWN    }        SS.

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

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

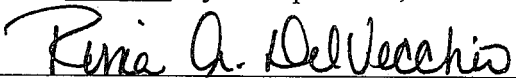
That, on the 18th day, September, 2023, she caused to be conspicuously posted  
and fastened up a notice, a true copy of which is annexed hereto and made a part of  
hereof, in the following places, at least one of which is a public place within the **TOWN  
Of ORANGETOWN**, New York.

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

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 18th day of September, 2023

  
\_\_\_\_\_

RIMA A. DELVECCHIO  
Notary Public, State of New York  
No. 01DE622835  
Qualified in Rockland County 26  
My Commission Expires June 1, 2026

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

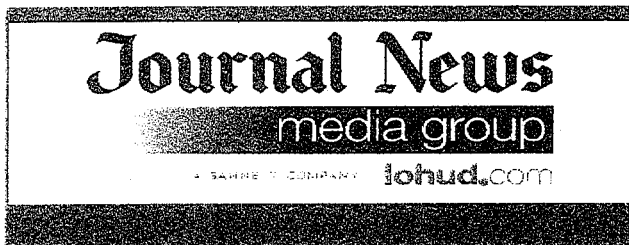
**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on August 22, 2023, a public hearing will be held by the Town Board on a petition to change the zoning district (from "CO" Commercial Office to "RG" Residence General, of the parcel known as 90 West Madison Ave, Pearl River, NY. This public hearing is scheduled for the 26th day of September 2023 at 7:10 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

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

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

Dated: August 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney



AFFIDAVIT OF PUBLICATION  
FROM

State of Wisconsin  
County of Brown, ss.:

On the 12 day of September in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

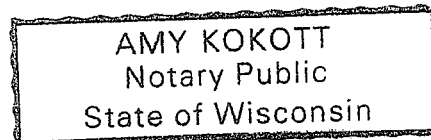
Linda Tutt being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone:  
Rockland

Run Dates:  
09/12/2023

Linda Tutt  
Signature

Sworn to before me, this 12 day of September, 2023  
Amy Kokott  
Notary Public, State of Wisconsin, County of Brown



09/30/2025  
My commission expires

Legend:

WESTCHESTER:

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

ROCKLAND:

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

Ad Number: 0005815724

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on August 22, 2023, a public hearing will be held by the Town Board on a petition *to change the zoning district (from "CO" Commercial Office to "RG" Residence General, of the parcel known as 90 West Madison Ave, Pearl River, NY.* This public hearing is scheduled for the 26th day of September, 2023 at 7:10 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

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

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

Dated: August 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

0005815724



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Orangetown Local Law Amendment			
Name of Action or Project:			
Amend Town Code Chapter 43, 90 W. Madison Avenue Pearl River, from Commercial Office to General Residence			
Project Location (describe, and attach a location map):			
90 W. Madison Avenue, Pearl River, NY Town of Orangetown			
Brief Description of Proposed Action:			
Amend Town Code Chapter 43, Town Zoning Map for the property located at 90 W. Madison Avenue, Pearl River, NY from Commercial Office to Residence General.			
Name of Applicant or Sponsor:		Telephone: 917 927 7190	
Dom and Alicia McGlashin		E-Mail: ybtess@yahoo.com	
Address:			
90 W. Madison Avenue			
City/PO:		State:	Zip Code:
Pearl River		NY	10965
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.19 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.19 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5.	Is the proposed action,			
a.	<u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	<u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	<u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7.	<u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8.	a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u> b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9.	<u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10.	<u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11.	<u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13.	a. <u>Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</u> b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plain?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 40px;">           a. Will storm water discharges flow to adjacent properties?            b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: Dom and Alicia McGlashin Date: 9/7/23		
Signature: <u>Dom McGlashin</u> <u>Alicia McGlashin</u> Title:		

**PRINT FORM**

TIME RECEIVED  
September 21, 2023 at 9:13:12 AM EDT

REMOTE CSID  
5343463548

DURATION  
57

PAGES  
2

STATUS  
Received

09-21-'23 09:07 FROM-

T-919 P0001/0002 F-562



**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
Acting Commissioner

**Richard M. Schiafo**  
Deputy Commissioner

September 21, 2023

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

Tax Data: 68.19-4-24

**Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M**

**Map Date: 07/27/2023**

**Date Review Received: 09/11/2023**

**Item: 90 WEST MADISON AVENUE (O-2473)**

A petition to change the zoning of a 0.19-acre corner parcel from CO (Commercial Office District) to RG (General Residence District) and render the existing single-family dwelling a conforming use.  
Southeast corner of West Madison Avenue and Elwin Avenue

**Reason for Referral:**

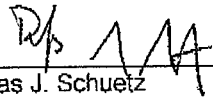
NYS Route 304, Muddy Creek

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

1 According to the land use data used by this department, the properties along the west side of NYS Route 304, between West Madison Avenue to the north and Grand Avenue to the south, are almost entirely residential uses, but are located within the CO zoning district. Residential uses are not a permitted within the CO zoning district; however, they are allowed within the RG district, as requested by the petitioner. It is recommended that the Town re-evaluate the other properties within the CO district and consider incorporating them into the RG zoning district so that the existing residential uses become legalized.

2 Question 13a. on the Short Environmental Assessment Form (SEAF) is answered incorrectly. The EAF Mapper Application, provided by the New York State Department of Environmental Conservation (<https://gisservices.dec.ny.gov/eafmapper/>), indicates that this question should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using New York State database information.

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
Rockland County Drainage Agency  
New York State Department of Transportation

**90 WEST MADISON AVENUE (O-2473)**

John J. Gilchrist Architect

Dom & Alicia McGlashin

Rockland County Planning Board Members

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

TIME RECEIVED  
September 19, 2023 at 11:14:48 AM EDT

REMOTE CSID  
5343463548

DURATION  
26

PAGES  
1

STATUS  
Received

09-19-23 11:10 FROM-

T-911 P0001/0001 F-555

Page 3 of 3

Town of Orangetown Town Board

Date: September 1, 2023

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

**RE: Referral / Proposed Zone Change for  
90 West Madison Ave, Pearl River, NY (68.19-4-24)**

The Rockland County Planning Dept agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

9/19/23  
Date

Jake Palant  
(Signature)

Jake Palant, Associate Planner  
(Print Name and Title)

Rockland County Planning Dept  
(Name of Agency)

Encl.

EXHIBIT  
89-26-B


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

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

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

That, on the 18th day, September, 2023, she caused to be conspicuously posted  
and fastened up a notice, a true copy of which is annexed hereto and made a part of  
hereof, in the following places, at least one of which is a public place within the **TOWN  
Of ORANGETOWN**, New York.

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

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 18th day of September, 2023

\_\_\_\_\_

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on August 22, 2023, a public hearing will be held by the Town Board on a *proposed Local Law amending the Town Code, regarding Short Term Rentals*. This public hearing is scheduled for the 26<sup>th</sup> day of September, 2023 at 7:15 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

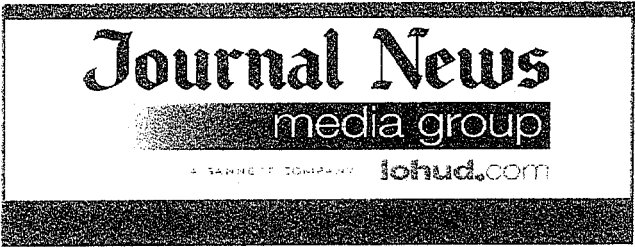
At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

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

Dated: August 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney





AFFIDAVIT OF PUBLICATION  
FROM

State of Wisconsin  
County of Brown, ss.:

On the 12 day of September in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tutt being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Run Dates:  
Rockland 09/12/2023

Linda Tutt  
Signature

Sworn to before me, this 12 day of September, 2023  
Amy Kokott  
Notary Public, State of Wisconsin, County of Brown

AMY KOKOTT  
Notary Public  
State of Wisconsin

6/30/2025  
My commission expires

Legend:

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

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

Ad Number: 0005815665

TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on August 22, 2023, a public hearing will be held by the Town Board on a proposed Local Law amending the Town Code, regarding a Landlord Registry and Short-Term Rentals. This public hearing is scheduled for the 26th day of September, 2023 at 7:15 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

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

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

Dated: August 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

5815665

**TOWN OF ORANGETOWN, ROCKLAND COUNTY**

**ZONING TEXT AMENDMENT**

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

**DATE:** September 26, 2023

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

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

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

**TITLE OF ACTION:**

Adoption of Local Law No. \_\_ of 2023 of the Town of Orangetown, , 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;

**SEQRA STATUS:**

Unlisted Action

**DESCRIPTION OF ACTION:**

The proposed action consists of providing for the definition and regulation of "Short Term Rentals" in the Town Zoning Code as set forth more fully therein.

**DETERMINATION:**

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

**REASONS SUPPORTING THIS DETERMINATION:**

The proposed action provides for the definition and regulation of short term rentals within the Town of Orangetown.

The proposed changes are being made to provide for guidance to residents on the types and lengths of rentals permitted for residential properties.

In addition, both 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 reviewed the proposed law, and neither has concluded that the proposed action will have any significant adverse impact.

**POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:**

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

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

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

**For Further Information, Contact:**

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

TIME RECEIVED  
September 21, 2023 at 9:12:03 AM EDT

REMOTE CSID  
5343463548

DURATION  
53

PAGES  
2

STATUS  
Received

09-21-'23 09:06 FROM-

T-918 P0001/0002 F-561



**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970  
Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

September 21, 2023

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:**

**Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M**

**Map Date:**

**Date Review Received: 09/06/2023**

**Item: TOWN OF ORANGETOWN - SHORT TERM RENTALS (O-2472)**

Local law to amend Section 43-15 of the Town Code to prohibit certain short-term rentals of all properties in residential districts. Definitions for "assembly", "dwelling unit", and "short-term residential rental" will be added to Section 43-15.3.

Throughout the Town

**Reason for Referral:**

County and State roads, parks, and facilities; County streams; Long Path Hiking Trail; adjacent municipalities

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Approve***

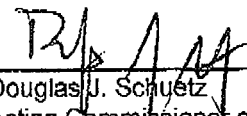
Since the proposed local law will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

1 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The board may have already addressed this point or may disregard it without any formal vote under the GML process:

1.1 Short-term residential rentals provide another option for visitors who do not wish, or cannot afford, to stay in a hotel within the County or the greater New York City area, and is a boost to the tourist economy. They also provide relief for homeowners who may wish to rent out all or parts of their home for additional income. This Local Law proposes to prevent any short-term rentals within Orangetown. The Town Board should consider the economic and social ramifications before determining whether to prohibit all short-term rentals of dwellings.

1.2 Under the definition of Short-Term Residential Rental in Section 15.3, the word "residential" is incorrectly spelled. This must be corrected.

**TOWN OF ORANGETOWN - SHORT TERM RENTALS (O-2472)**

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
New York State Department of Environmental Conservation  
New York State Department of Transportation  
New York State Thruway Authority  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Division of Environmental Resources  
Rockland County Drainage Agency  
  
Town of Clarkstown  
Villages of Chestnut Ridge, Grand View-on-Hudson,  
and Piermont

**Rockland County Planning Board Members**

*\*The proposed action is deemed to have no significant negative impact on nearby municipalities, County or State roads or facilities, County Parks or Drainage Systems or the surrounding Neighborhood Character and, therefore, the ACTION IS FOR LOCAL DETERMINATION.  
Approval does not necessarily mean we endorse this subject action as desirable from the viewpoint of your municipality.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

TIME RECEIVED  
September 18, 2023 at 3:54:50 PM EDT

REMOTE CSID  
5343463548

DURATION  
34

PAGES  
1

STATUS  
Received

09-18-23 15:50 FROM-

T-906 P0001/0001 F-551

Page 2 of 2

Town of Orangetown Town Board

Date: August 29, 2023

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

**RE: Referral / Proposed Amendment to the Town Code / Chapter 43, Article XVI, "Landlord Registry" / Short Term Rentals**

The Rockland County Dept of Planning agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

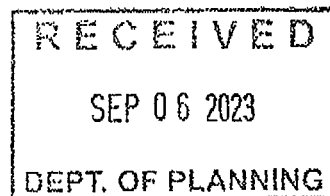
9/18/23  
Date

Jake Palant  
(Signature)

Jake Palant, Associate Planner  
(Print Name and Title)

Rockland County Dept of Planning  
(Name of Agency)

Encl.



DISTR: T/B, R. Magrino

]

]

]



EXHIBIT

09-26-C

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

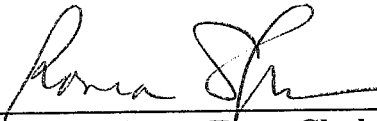
SS.

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

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

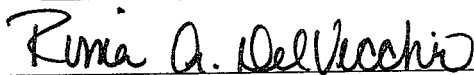
That, on the 18th day, September, 2023, she caused to be conspicuously posted  
and fastened up a notice, a true copy of which is annexed hereto and made a part of  
hereof, in the following places, at least one of which is a public place within the **TOWN  
of ORANGETOWN**, New York.

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

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 18th day of September, 2023

  
\_\_\_\_\_  
Rima A. DelVecchio

RIMA A. DELVECCHIO  
Notary Public, State of New York  
No. 01DE6222835  
Qualified in Rockland County  
My Commission Expires June 1, 2026

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

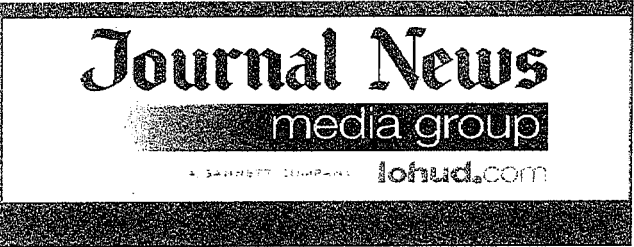
**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on August 22, 2023, a public hearing will be held by the Town Board on a *proposed Local Law amending the Town Code, regarding Parking Lots & Meters in the hamlet of South Nyack*. This public hearing is scheduled for the 26<sup>th</sup> day of September, 2023 at 7:20 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

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

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

Dated: August 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney



AFFIDAVIT OF PUBLICATION  
FROM

State of Wisconsin  
County of Brown, ss.:

On the 12 day of September, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tutt being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Run Dates:  
Rockland 09/12/2023

Linda Tutt  
Signature

Sworn to before me, this 12 day of September, 2023  
Amy Kokott  
Notary Public, State of Wisconsin, County of Brown  
6/30/2028  
My commission expires

AMY KOKOTT  
Notary Public  
State of Wisconsin

Legend:  
WESTCHESTER:  
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers  
ROCKLAND:  
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack  
Ad Number: 0005815691

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on August 22, 2023, a public hearing will be held by the Town Board on a proposed Local Law amending the Town Code, regarding Parking Lots & Meters in the hamlet of South Nyack. This public hearing is scheduled for the 26th day of September, 2023 at 7:20 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

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

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

Dated: August 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Maqrino, Town Attorney

0005815691

Full Environmental Assessment Form  
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: South Nyack Parking Study & Recommendations		
Project Location (describe, and attach a general location map): Hamlet of South Nyack, northeastern section of the Town Orangetown (see the one-page attached location map entitled 'Hamlet of South Nyack').		
Brief Description of Proposed Action (include purpose or need): This parking study analyzes the Hamlet of South Nyack's transportation environment. Specifically, it assesses potential to generate adequate automobile parking options in this 0.6 square mile area while also supporting complete streets, traffic safety, and highways management. The Hamlet is now part of incorporated Orangetown, so this Study makes recommendations to supply and manage parking on public streets and at one municipal lot in South Nyack. Importantly, it presents regulations for parking and managing streets in South Nyack which complement the existing Town regulatory framework. The proposed policies aim to generate coherent standards that will fit with the Town's vehicle and traffic and parking laws, at the time they generate an efficient and effective framework for operating these new Town streets and parking areas.		
Name of Applicant/Sponsor: Teresa M. Kenny, Town Supervisor	Telephone: (845) 359-5100 E-Mail: supervisor@orangetown.com	
Address: 26 Orangeburg Rd		
City/PO: Orangeburg	State: NY	Zip Code: 10962
Project Contact (if not same as sponsor; give name and title/role): Robert Magrino, Town Attorney	Telephone: (845) 359-5100 E-Mail: rmagrino@orangetown.com	
Address: same		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Town of Orangetown	Telephone: (845) 359-5100 E-Mail: rmagrino@orangetown.com	
Address: same		
City/PO:	State:	Zip Code:

B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Study adoption; local law adoption	April 25, 2023
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Rockland County Planning GML 239 referral	May 2023
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒Yes☐No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒Yes☐No

If Yes, identify the plan(s):

Hudson River Valley Greenway; Hudson River Valley National Heritage Area.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☒No

If Yes, identify the plan(s):

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, what is the zoning classification(s) including any applicable overlay district? <u>There is a depiction of the portion of the existing Town zoning map covering the Hamlet's zoning designations in this Study on page 30.</u> <u>Considering the 13 base zoning districts within this "SN" footprint, the top 3 districts by area include: SN_R-18; SN_RG-8H/R-12H; &amp; SN_R-12.</u>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, i. What is the proposed new zoning for the site? _____	
<b>C.4. Existing community services.</b>	
a. What school district is the project site located?	<u>Nyack Union Free School District</u>
b. What police or other public protection forces serve the project site?	<u>Orangetown Police Department; Rockland County Sheriff; New York State Police</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Nyack Fire Department; Nyack Community Ambulance.</u>
d. What parks serve the project site?	<u>Gesner Park; Raymond G. Esposito Trail/Old Erie Path; Franklin Street Park; Village of Nyack Memorial Park; Blauvelt State Park.</u>

D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If No, anticipated period of construction: _____ months ii. If Yes: • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>			
If Yes, show numbers of units proposed.			
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>
	<u>Multiple Family (four or more)</u>		
Initial Phase	_____	_____	_____
At completion	_____	_____	_____
of all phases	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <span style="float:right"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span>	
_____	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
_____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):	
_____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
_____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
_____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
_____	
_____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float:right"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	
_____	



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

\_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"><li>• Do existing sewer lines serve the project site?</li><li>• Will a line extension within an existing district be necessary to serve the project?</li></ul> If Yes: <ul style="list-style-type: none"><li>• Describe extensions or capacity expansions proposed to serve this project: _____</li></ul>	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
If Yes: <ul style="list-style-type: none"><li>• Applicant/sponsor for new district: _____</li><li>• Date application submitted or anticipated: _____</li><li>• What is the receiving water for the wastewater discharge? _____</li></ul>	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
If Yes: <ul style="list-style-type: none"><li>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)</li><li>ii. Describe types of new point sources. _____</li><li>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</li><li>• If to surface waters, identify receiving water bodies or wetlands: _____</li><li>• Will stormwater runoff flow to adjacent properties? <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div></li></ul>	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
If Yes, identify: <ul style="list-style-type: none"><li>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</li><li>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</li><li>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</li></ul>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	<div><input type="checkbox"/> Yes <input type="checkbox"/> No</div>
If Yes: <ul style="list-style-type: none"><li>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <div><input type="checkbox"/> Yes <input type="checkbox"/> No</div></li><li>ii. In addition to emissions as calculated in the application, the project will generate:<ul style="list-style-type: none"><li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li><li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li><li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li><li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li><li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li><li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li></ul></li></ul>	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Estimate methane generation in tons/year (metric): _____		
ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____		
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____		
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial demand for transportation facilities or services?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend		
<input type="checkbox"/> Randomly between hours of _____ to _____		
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____		
iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____		
iv. Does the proposed action include any shared use parking?		<input type="checkbox"/> Yes <input type="checkbox"/> No
v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____		
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?		<input type="checkbox"/> Yes <input type="checkbox"/> No
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?		<input type="checkbox"/> Yes <input type="checkbox"/> No
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?		<input type="checkbox"/> Yes <input type="checkbox"/> No
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Estimate annual electricity demand during operation of the proposed action: _____		
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____		
iii. Will the proposed action require a new, or an upgrade, to an existing substation?		<input type="checkbox"/> Yes <input type="checkbox"/> No
l. Hours of operation. Answer all items which apply.		
i. During Construction:		
• Monday - Friday: _____		
• Saturday: _____		
• Sunday: _____		
• Holidays: _____		
ii. During Operations:		
• Monday - Friday: _____		
• Saturday: _____		
• Sunday: _____		
• Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:		
i. Provide details including sources, time of day and duration:		
<hr/>		
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: <hr/>		
n. Will the proposed action have outdoor lighting?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes:		
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:		
<hr/>		
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: <hr/>		
o. Does the proposed action have the potential to produce odors for more than one hour per day?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:		
<hr/>		
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Product(s) to be stored <hr/>		
ii. Volume(s) <hr/> per unit time <hr/> (e.g., month, year)		
iii. Generally, describe the proposed storage facilities: <hr/>		
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Describe proposed treatment(s): <hr/>		
<hr/>		
ii. Will the proposed action use Integrated Pest Management Practices?		<input type="checkbox"/> Yes <input type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Describe any solid waste(s) to be generated during construction or operation of the facility:		
• Construction: <hr/> tons per <hr/> (unit of time)		
• Operation : <hr/> tons per <hr/> (unit of time)		
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:		
• Construction: <hr/>		
• Operation: <hr/>		
iii. Proposed disposal methods/facilities for solid waste generated on-site:		
• Construction: <hr/>		
• Operation: <hr/>		

s. Does the proposed action include construction or modification of a solid waste management facility?

☐ Yes☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities):

ii. Anticipated rate of disposal/processing:

• Tons/month, if transfer or other non-combustion/thermal treatment, or

• Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?

☐ Yes☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility:

generally describe processes or activities involving hazardous wastes or constituents:

iii. Specify amount to be handled or generated tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents:

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?

☐ Yes☐ No

If Yes: provide name and location of facility:

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban

☐ Industrial

☐ Commercial

☐ Residential (suburban)

☐ Rural (non-farm)

☐ Forest

☐ Agriculture

☐ Aquatic

☐ Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe:			

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c. Is the project site presently used by members of the community for public recreation?

☐ Yes☐ No

i. If Yes: explain:

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?

☐ Yes☐ No

If Yes,

i. Identify Facilities:

e. Does the project site contain an existing dam?

☐ Yes☐ No

If Yes:

i. Dimensions of the dam and impoundment:

• Dam height:

feet

• Dam length:

feet

• Surface area:

acres

• Volume impounded:

gallons OR acre-feet

ii. Dam's existing hazard classification:

iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?

☐ Yes☐ No

If Yes:

i. Has the facility been formally closed?

☐ Yes☐ No

• If yes, cite sources/documentation:

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?

☐ Yes☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?

☐ Yes☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:

☐ Yes – Spills Incidents database

Provide DEC ID number(s):

☐ Yes – Environmental Site Remediation database

Provide DEC ID number(s):

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?

☐ Yes☐ No

If yes, provide DEC ID number(s):

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

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v. Is the project site subject to an institutional control limiting property uses?

Yes

No

• If yes, DEC site ID number:

Describe the type of institutional control (e.g., deed restriction or easement):

Describe any use limitations:

Describe any engineering controls:

Will the project affect the institutional or engineering controls in place?

Explain:

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site?feet

b. Are there bedrock outcroppings on the project site?

Yes

No

c. If yes, what proportion of the site is comprised of bedrock outcroppings?%

c. Predominant soil type(s) present on project site:

d. What is the average depth to the water table on the project site? Average:feet

e. Drainage status of project site soils:

Well Drained:

Moderately Well Drained:

Poorly Drained

% of site

% of site

% of site

f. Approximate proportion of proposed action site with slopes:

0-10%:

10-15%:

15% or greater:

% of site

% of site

% of site

g. Are there any unique geologic features on the project site?

Yes

No

If Yes, describe:

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?

Yes

No

ii. Do any wetlands or other waterbodies adjoin the project site?

Yes

No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?

Yes

No

For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:

Lakes or Ponds:

Wetlands:

Wetland No. (if regulated by DEC)

Name

Name

Name

(if regulated by DEC)

Classification

Classification

Approximate Size

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?

Yes

No

If yes, name of impaired water body/bodies and basis for listing as impaired:

i. Is the project site in a designated Floodway?

Yes

No

j. Is the project site in the 100-year Floodplain?

Yes

No

k. Is the project site in the 500-year Floodplain?

Yes

No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?

Yes

No

If Yes:

i. Name of aquifer:

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m. Identify the predominant wildlife species that occupy or use the project site:		
n. Does the project site contain a designated significant natural community?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation):		
ii. Source(s) of description or evaluation:		
iii. Extent of community/habitat:		
• Currently: acres		
• Following completion of project as proposed: acres		
• Gain or loss (indicate + or -): acres		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Species and listing (endangered or threatened):		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Species and listing:		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, give a brief description of how the proposed action may affect that use:		
<b>E.3. Designated Public Resources On or Near Project Site</b>		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, provide county plus district name/number:		
b. Are agricultural lands consisting of highly productive soils present?		<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If Yes: acreage(s) on project site:		
ii. Source(s) of soil rating(s):		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. CEA name:		
ii. Basis for designation:		
iii. Designating agency and date:		



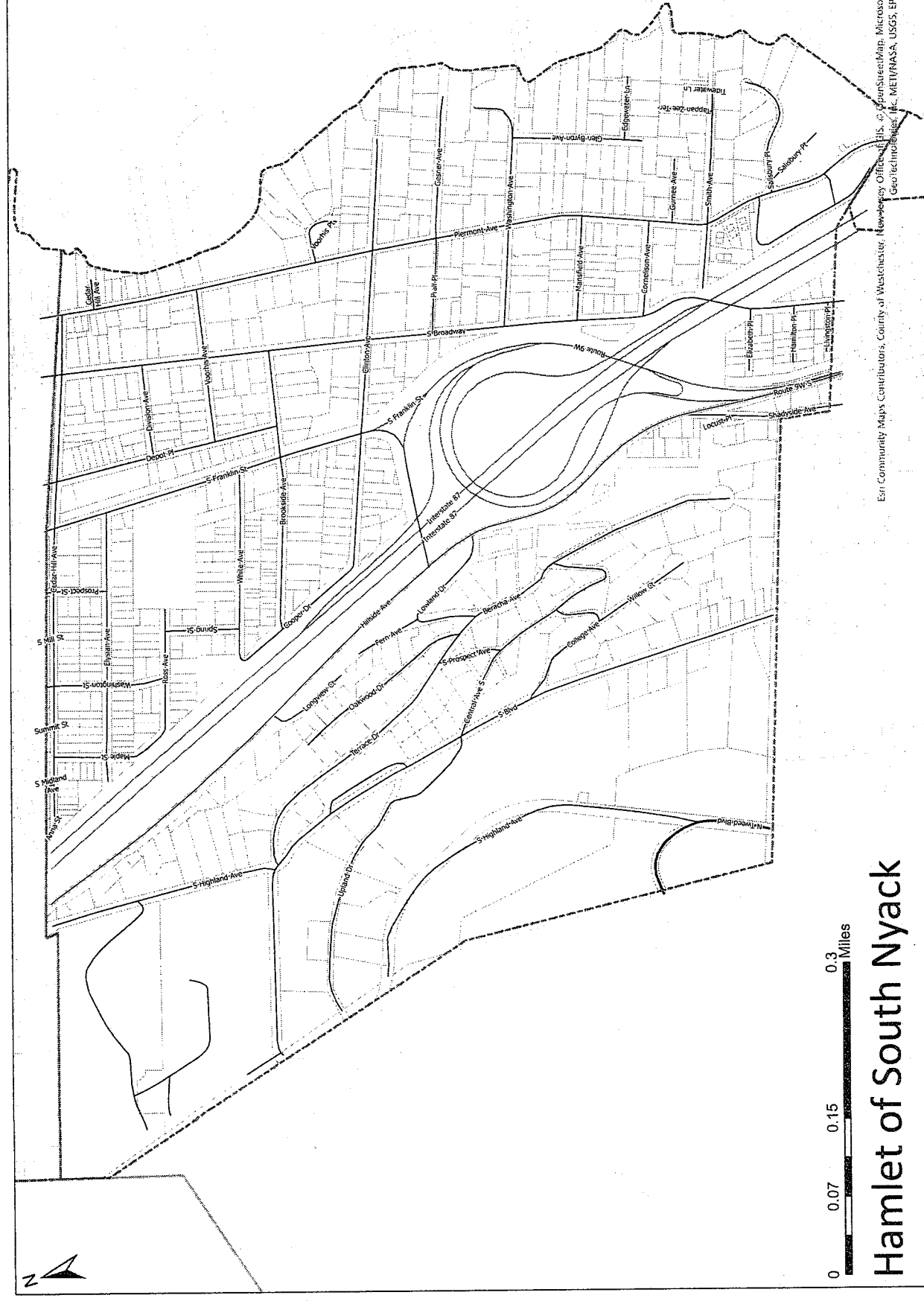
e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District		
ii. Name: _____		
iii. Brief description of attributes on which listing is based: _____		
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
Describe possible resource(s): _____		
Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Identify resource: _____		
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____		
iii. Distance between project and resource: _____ miles.		
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Identify the name of the river and its designation: _____		
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**  
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**  
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name	<u>Teresa M. Kenny</u>	Date	_____
Signature	_____	Title	<u>Town Supervisor</u>



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**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Richard M. Schiafo**  
*Deputy Commissioner*

September 19, 2023

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:**

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:**

**Date Review Received:** 09/05/2023

**Item: TOWN OF ORANGETOWN - PARKING LOTS & METERS IN SOUTH NYACK (O-2470)**

A proposed local law to amend Chapters 24 (Parking Lots & Meters) and 39 (Vehicles & Traffic) of the Orangetown Town Code and provide parking and traffic regulations concerning the Hamlet of South Nyack. Chapters 220 and 310, Articles I through IX, X, XII, and XV of the South Nyack Village Code will be repealed.

Hamlet of South Nyack

**Reason for Referral:**

County and State highways and parks; Long Path Hiking Trail; adjacent municipalities

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

1 Chapter 39, Article I, Subsection 39-6H.(1) references Chase Avenue, both sides, entire length. The map of the Hamlet of South Nyack provided with the GML Referral Form includes Chase Avenue labeled as "Central Avenue South." The proper road name must be confirmed, and all application material shall contain consistent information. If both road names are applicable, then both names shall be included in this subsection of the local law.

2 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The Board may have already addressed this point or may disregard it without any formal vote under the GML process:

2.1 This application was officially received by the Rockland County Planning Department on September 5, 2023. The application materials indicate that the public hearing is held on September 26, 2023 - only twenty-one days after the County received the application. As a reminder, State General Municipal Law, Section 239 (m) 4.(b) states that "Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations." Adequate time must be provided to the Rockland County Planning Department in order for us to do our review before the public hearing is scheduled and the matter heard before the board.

**Rocklandgov.com**

**Page 1 of 2**

**TOWN OF ORANGETOWN - PARKING LOTS & METERS IN SOUTH NYACK (O-2470)**

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
New York - New Jersey Trail Conference  
New York State Department of Transportation  
New York State Thruway Authority  
Palisades Interstate Park Commission  
Rockland County Department of Health  
Rockland County Division of Environmental Resources  
Rockland County Highway Department

Town of Clarkstown  
Villages of Nyack, &  
Grand View-on-Hudson

Rockland County Planning Board Members

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*

09-08-'23 14:58 FROM-

T-896 P0001/0001 F-540

Page 2 of 2

RECEIVED

SEP 08 2023

TOWN OF ORANGETOWN  
LAND USE BOARDS

RECEIVED

SEP 05 2023

DEPT. OF PLANNING

Town of Orangetown Town Board

Date: August 29, 2023

Response to request that the Town of Orangetown Town Board be designated to serve as Lead Agency for the:

RE: Referral // Proposed Amendment to the Town Code / Chapter 24 "Parking Lots & Meters / Chapter 39 "Vehicles & Traffic" in the Hamlet of South Nyack

The Rockland County Planning Department agrees to the designation of the Town Board of the Town of Orangetown as lead agency for the above-referenced project.

9/8/23  
Date

J Palant  
(Signature)

Jake Palant, Associate Planner  
(Print Name and Title)

Rockland County Planning Department  
(Name of Agency)

Encl.

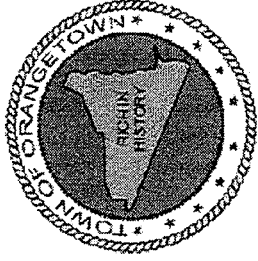
2/23 - Email T/B, R Mageno

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# Town of Orangetown



## Town Board

# South Nyack Parking Study & Recommendations

September 26, 2023



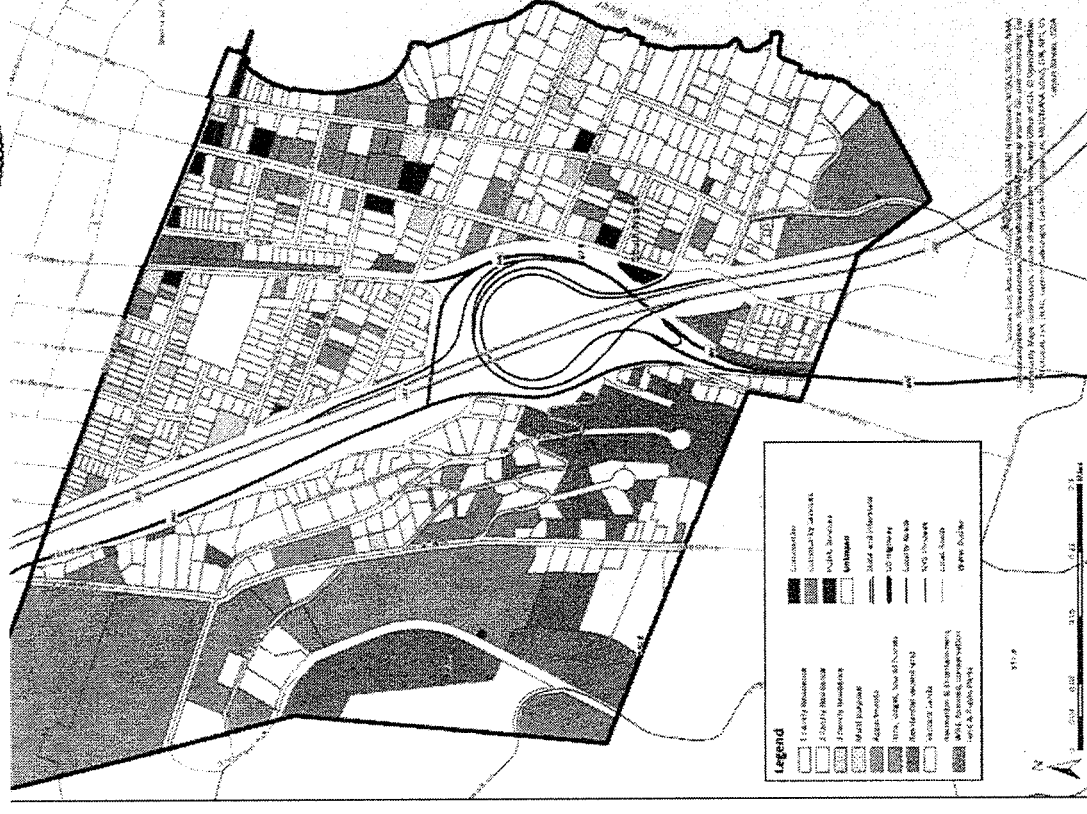
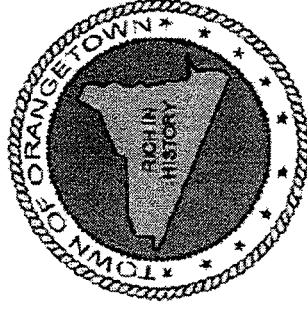
EXHIBIT

09-26-D

# Overview

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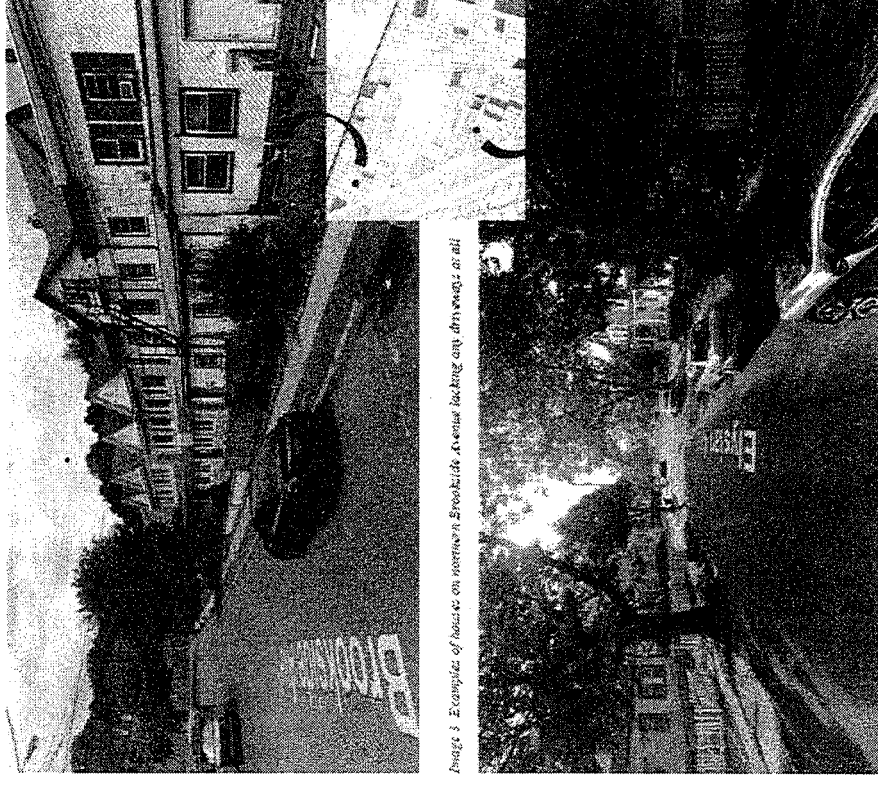
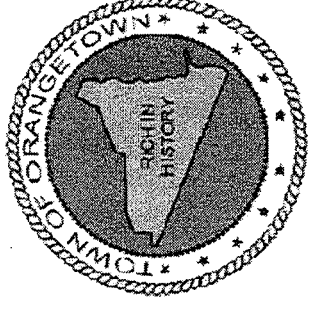
- Village Dissolved April 2022
- Analyzed South Nyack Hamlet Parking Environment
  - Parking regulations
  - Street attributes
  - Brookside Parking Lot, & Features of Demand & Supply
- Goal - present parking regulations for Hamlet that fit with existing Town laws



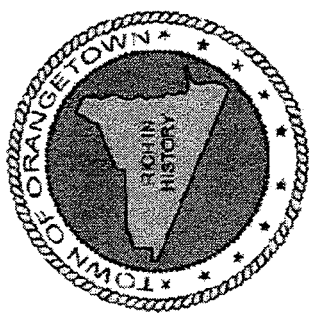


# Contextual Analysis/Needs Assessment

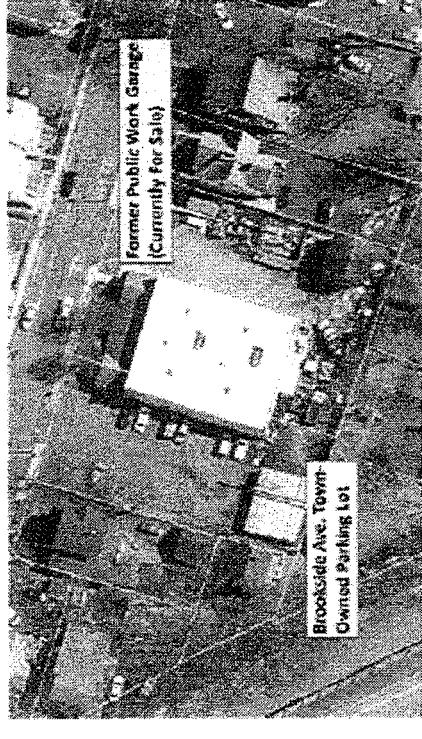
- Town does not provide overnight parking in winter (formally - nor did Village)
- Many small-scale 1-, 2- and multi-family unit lots with limited or no driveways
- Events, spillovers from Nyack cause some peak and overnight demand



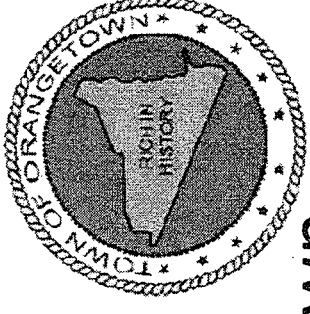
# Context Analysis/ Needs Assessment



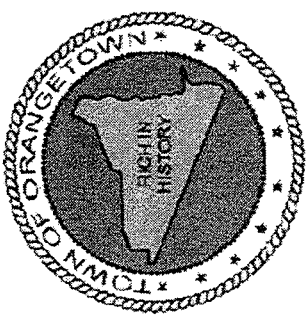
- Many narrow streets
  - Around Brookside and White Avenues
  - West side: steep, curved, lacking sidewalks
- Vehicle Ownership
  - 39%: 1-vehicle households
  - 51%: 2-vehicle households
- Brookside Ave. Parking Lot is underused



# **Stakeholder/Informant Analysis**



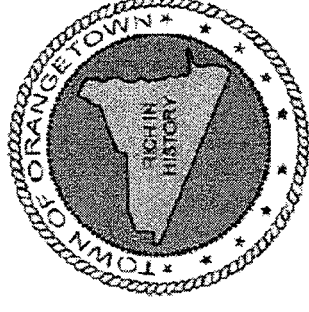
- Fit proposed parking prescriptions into Town laws for Vehicles & Traffic; & Public Parking Lots
- Sustain emergency vehicles access & efficient street maintenance/ operations capabilities
- Consider changes in circulation influenced by new Tappanee Bridge
- Address whole Hamlet
- Optimize Brookside Lot
- Concern for neighborhood character



## **Main Recommendations**

- Manage overnight in winter
- Drive use of Brookside Lot
- Promote complete streets and traffic calming
- Consider practicable onsite arrangements when properties go through redevelopment
- Provide enforcement

## **Main Recommendations (Continued)**

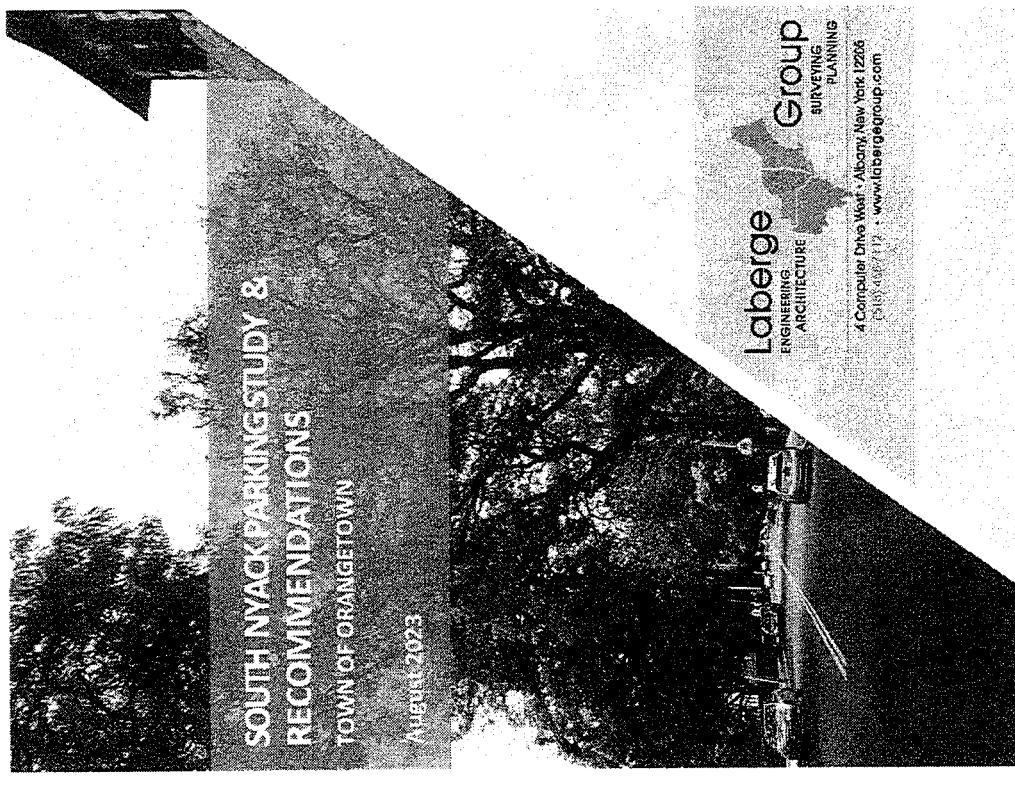
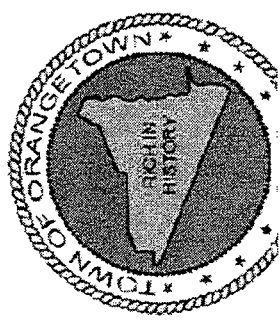


- Provide limited exceptions for non-snow emergency overnight parking (Chapter 39)
  - Address areas with high demand, using wider, low-volume streets for relief, for example on: Clinton; Cooper; Division; Washington Ave
  - Plan-Organize for 150+/- overnight public parking spaces in Hamlet
    - Balance but strongly limit on-street parking opportunities
    - Distribute around Hamlet, but focus on tightest part of grid
  - Could consider making Brookside a one-way street to achieve better space configurations for parking

## Next Steps...

---

- Parking Study posted on Town website for 2 Months
- Hold Public Hearing and evaluate input received
- Advance SEQRA
- Review and address comments of Rockland Co. Planning &/or Town TAB
- Town Board considers Study and adoption of proposed regulations



Roger W. Seiler  
5 Berachah Ave.  
South Nyack, NY 10960  
September 26, 2023

Subject: South Nyack parking concerns

Dear Supervisor Kenny and Members of the Orangetown Town Board,

I write with regards to several questions about the South Nyack Parking Study and Recommendations, the legislation it proposes and the financial impact of the Town undertaking to provide subsidised parking for a chosen few.

I begin with a financial question. (I hope that someone on the board will answer this question during the meeting in order that the public, and particularly the public of South Nyack, fully understand the significance of what is being done.)

#### ON THE FINANCIAL IMPACT OF THE TOWN PROVIDING A PARKING LOT FOR PEOPLE ON BROOKSIDE AVENUE

As the date of dissolution approached, the Village of South Nyack entered into a contract to sell the DPW property, including the parking lot for what was reported to be the sum of 1.5 million dollars. It is my understanding that the real estate agent handling the sale advised the Village the property would be worth substantially less, perhaps as much as \$500,000 less, unless the parking area was included with the building. Immediately prior to the dissolution the town and the village entered into a municipal agreement whereby the proceeds of the sale would accrue to the South Nyack Legacy District even if the sale were not completed at the time of dissolution. As you are doubtless aware, the sale was not complete by the time of dissolution. Subsequently, the Town withdrew from the contract. Further after withdrawing from the contract, the Town designated the parking lot as an official Orangetown parking facility.

My question is this: Given the Town has essentially, if not in fact, become the owner of the Parking Area, will the Town be paying or crediting the value of the Parking Area to the South Nyack Legacy District?

#### ON THE STUDY GENERALLY

There seems to have been very little input from the public who actually deal with parking problems on a daily basis. Instead, recent, but very short term Trustees, both of whom live in the same neighborhood, and myself were "interviewed" about parking in South Nyack. Would it not have been more prudent to form a citizen's committee made up of residents who live in the various neighborhoods and interview them in depth and get a public consensus of what needs to be done? It also might have been a good idea to speak with former elected officials of the village who were in office when the parking regulations were enacted.

#### PROBLEMS WITH THE PROPOSED LEGISLATION

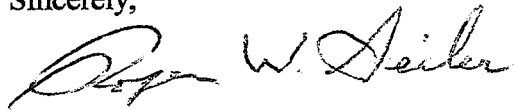
The study claimed 14 people were using the Brookside Avenue Parking Area. It also seems to suggest that taken as a whole, a similar number of people were in need of parking on the mountainside. In addition it proposes legislation which would make parking on a number of roads on

the mountain illegal. Many of the residents on the mountain roads such as South Boulevard, Terrace Drive, Shadyside and Prospect Avenue, who apparently are classed among those who have parking, are actually parking on the shoulders of the roads. (See attached pictures showing the roads and parking conditions on the mountainside.) This has always been illegal but was never enforced. Will this now be enforced?

I close with the suggestion that it appears to me that before any sort of legislation is enacted there needs to be a much more thorough study done.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger W. Seiler".

Roger W. Seiler

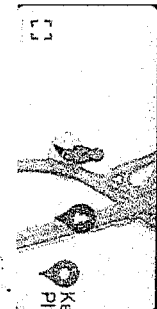


← 3 Shadyside Ave

Honk, New York

Google Street View

30° 21' 22" N 80° 00' 00" W



Shadyside Ave

Google



To: Orangetown Town Board  
From: Jerry Ilowite  
3C Shadyside Avenue  
South Nyack, NY 10960  
Re: Public Hearing on Proposed Local Law: *Parking Lots & Meters in the hamlet of South Nyack*  
Date: September 25, 2023

Please accept the following comments on the Proposed Local Law: *Parking Lots & Meters in the hamlet of South Nyack*.

While the Parking Study, on Page 43, discusses parking issues on Shadyside Avenue, it fails to adequately address the situation with the proposed parking regulations.

Shadyside Avenue traverses a very steep part of the South Nyack hillside. Along its northern portion homes on the west side are situated far up the hill from the street and homes on the east side are located downhill from the street. Many of these properties have no driveways. Three properties have no off-street parking and two more have at most one off-street space. These properties have no practical physical ability to provide for any additional off-street parking. Page 21 of the study notes the need for 5 on-street spaces. This seems low, given the needs of these homeowners.

I have lived at 3C Shadyside Avenue for over 30 years. Throughout my tenure here overnight parking and parking during snowfalls have been prohibited by code. However, the Village and Town have recognized the practical difficulty for me and my neighbors and have exercised discretion in not enforcing these prohibitions. This reality is long overdue to be recognized formally in the code.

In my experience, allowing us to park on the west side of the street has not caused any significant problems for the neighborhood, former Village, or the Town. For literally decades we have parked overnight without incident. During snowstorms, the DPW plows the street and the parked cars get plowed in, and traffic is able to pass by. After the storm residents dutifully shovel out their cars and the unplowed side of this small section of the street. To the best of my knowledge, neither the Village DPW, police, nor any other emergency services have ever complained of any problems with this situation.

Analogous to a zoning variance, the code should provide accommodations when specific properties, by their unique physical characteristics, make it unreasonable to apply restrictions that would be appropriate in most other normal situations. This is the situation at this small portion of Shadyside Avenue. Providing relief here would be minimal and provide appropriate balance between the goals of the Town and actual needs of these residents.

The proposed Subsection 39-3 (5) should be revised to exclude the west side of northern portion of Shadyside from the overnight and snowfall parking prohibitions. The exclusion should extend from the end of the no parking zone designated in Subsection 39-5 M (26) (*discussed below*) to in front of 7 Shadyside Ave. For example:

(e) Shadyside Avenue, on the west side, between XXX\* feet and YYY\* feet from the intersection with Route 9W.

\*Distances to be determined by measurement.

The proposed Subsection 39-5 M (27) prohibits parking along the east side of Shadyside for its entire length. It should be noted that when the Village enacted this, its jurisdiction ran only to its southern border with Orangetown. The provision limiting parking to one side was because of how narrow Shadyside is at its northern end. Shadyside gets quite a bit wider as you go south. The study does not discuss any compelling reason why the parking prohibition on the east side should be extended all the way to Old Mountain Road. The Town Board should determine how far the east side no parking area should extend and revise Subsection 39-5 M (27) accordingly.

The proposed Subsection 39-5 M (26) prohibits parking on both sides of Shadyside Ave for 200 feet from its northern terminus at Rt 9W. The designation "both sides" should be changed to read "west side" because the east side is addressed in Subsection 39-5 M (27) (*See above.*). Also, the designation of 200 feet was made before the northern intersection was reconstructed by the NY State DOT, which relocated the intersection and made Shadyside actually a bit longer. There is currently a "No Parking Here To Corner" sign located at the driveway for 2 Shadyside Avenue, which used to be at about the 200 foot mark. This is now approximately 275 feet from the corner. This distance should be measured more accurately and the proposed Subsection 39-5 M (26) should be revised accordingly.

The photo on Page 43 shows my property at 3C Shadyside Avenue on the right. You can clearly see how the stairs to my home begin right at the street. This is the only access to my home. If a car parks on the street in front of the stairs I have no way to get into my house. There is no sidewalk, so I cannot walk around a car blocking the stairs. My neighbor at 3D Shadyside Avenue has the same situation. Subsection 39-5 B (1) prohibits parking in front of a driveway, but it does not prohibit parking in front of my stairs. If fire, ambulance, or police were required they would have a very difficult time getting up to my house. While my situation may be unusual, it should be considered that there may be other similar locations where such emergency access could be hindered. Subsection 39-5 B should be revised to add language to address this situation. For example, language might be added such as:

(7) In front of a public or private stairway or other access-way such that it that hinders pedestrian access to buildings located on the adjacent property.

To: Orangetown Town Board  
From: Peter Hartheimer  
6 Shadyside Avenue  
South Nyack, NY 10960  
Re: The parking committee meeting on September 26<sup>th</sup>, 2023, *Parking Lots & Meters in the hamlet of South Nyack*.  
Date: September 25, 2023

I am writing to oppose adopting Amending Chapters 24 & 39 of The Town Code Entitled "Parking Lots & Meters" & "Vehicles & Traffic" Of the Town Code

I own the home located at 6 Shadyside Ave, which is on the north-eastern portion of the street near the intersection with Highland Ave (9W). Specifically, I am a homeowner without access to off-street parking. I have parked off-street, in front of my home, for 30 years. Removing my ability to do so would create an untenable hardship both physically and financially. I have mobility issues and restricting parking will make my house inaccessible for me. I am also concerned that removing access to any parking within a reasonable distance will also cause significant damage to my home's value.

After reviewing the recommendations in the Central Bridge Community Planning Project, "South Nyack Study & Recommendations," I now have grave concerns that the needs of the resident like me, on Shadyside Ave have been ignored. Other than some mention of issues on Shadyside Ave regarding traffic volume (pgs 14, 15), and demand overnight street parking (pg. 21). The detailed analysis (pg 43) of the problems we face with parking, relegates our plight to "minimal parking relief" with 5 spaces allocated. It then gives recommendation on traffic calming and shared use driveways, but no suggestion of how this would be accomplished or the cost.

...“this street is a strong candidate for traffic calming since the street is not designed to accommodate through-trips. If bump-outs or chicanes were added, it might also be possible to add limited parking. Alternatively, the length of this segment could also be assigned no-parking. **As a means of providing some minimal parking relief to owners,** it recommended to explore the possibility creating shared driveways, as a potential means of practically aiding residents in achieving some onsite parking. Yet, it would not be encouraged to allow building expansions unless there is mitigation supplied, such as to aid in achieving more adequate levels of onsite parking.

The proposed adopted amendments, DRAFT LOCAL LAW NO. OF 2023 AMENDING CHAPTERS 24 & 39 OF THE TOWN CODE ENTITLED "PARKING LOTS & METERS" & "VEIDCLES & TRAFFIC" OF THE TOWN CODE, only incorporates recommendations for (1) a no parking area that is a distance 200 feet from the intersection with Route 9W and (2) a parking prohibition entire length of the east side of the street. The new law lacks any adequate resolution to parking on Shadyside Ave. **Therefore, I oppose any new regulations until Shadyside Avenue residents have adequate time to review and respond to this report and its recommendations.**

Regards,

Peter Hartheimer

Dear Supervisor Kenny,

We are residents of Shadyside Avenue in the Village of South Nyack. Several homes on this end of Shadyside have no or extremely limited off-street parking. We are reliant on the ability to park our cars on the street. There are no other practical options for us.

For the literally decades we have lived here the Village government has recognized this hardship and exercised discretion in not enforcing parking restrictions against us. We have been allowed to park overnight on the west side of the street. For all these years both the South Nyack and Orangetown DPW have plowed the majority of the roadway, simply plowing us in. We then dutifully shovel out our cars and clear the west side of the street ourselves. There is no impeding of traffic or emergency vehicles.

It should be noted that two of the affected properties, numbers 6 and 8, are on the east side of Shadyside, but we all park only on the west side of Shadyside in front of the odd-numbered houses. There is no legal parking on the east side of the street and it should remain that way.

Now with the pending dissolution of the Village, we write to request that Orangetown maintain the status quo.

After discussing our situation with the Orangetown Traffic Advisory Board we were advised that Orangetown would prefer to formalize the situation with an exemption in the Orangetown Code, as has been previously granted for a few other similarly situated areas of Orangetown.

The relevant section of the Orangetown Code is §39-3(A) Prohibition of all-night parking. We would propose adding the following:

“(5) The West side of Shadyside Avenue in the Hamlet of South Nyack from the intersection of Locust Place southerly to the southernmost Village of South Nyack municipal boundary as it existed prior to April 1, 2022, adjacent to property addresses 3C, 3D, 5, and 7.”

We respectfully request that the Orangetown Town Board adopt our proposed code modification.

Thank you for your attention to this matter.

Sincerely,

Jerry Ilowite & Mary Ellen McDermott, 3C Shadyside Avenue

Richard & Joan Jansen, 3D Shadyside Avenue

Peter Hartheimer, 6 Shadyside Avenue

Disclaimer

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### **NOTICE TO BIDDERS**

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangeburg Road, Orangeburg, New York, 10962 until 10:30 a.m. on September 7, 2023 and will be publicly opened and read aloud at 11:00 a.m. for the VILLA DRIVE CULVERT PIPE REPLACEMENT, TOWN OF ORANGETOWN, NEW YORK in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The work consists of furnishing all labor, materials, supplies, equipment necessary to include but not limited to replacing an existing culvert pipe network with 183 LF of new 36" diameter HDPE piping, two new catch basin inlets, and headwall structures.

The Town Clerk and the Superintendent of Highways will submit a report to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

The Town Board of the Town of Orangetown reserves the right to waive any informality in the bidding and to reject any and all bids.

The Town Board of the Town of Orangetown reserves the right to select the most advantageous offer to the Town through "best value" procurement. "Best value" selection will be based on the evaluation and comparison of factors in addition to cost or price.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.



The successful bidder will be required to post a Performance Bond in the amount of one hundred percent (100%) of the Contract Price.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Contractor warrants and represents that all employees and independent contractors affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage mandated by the New York State Department of Labor.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangetown, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

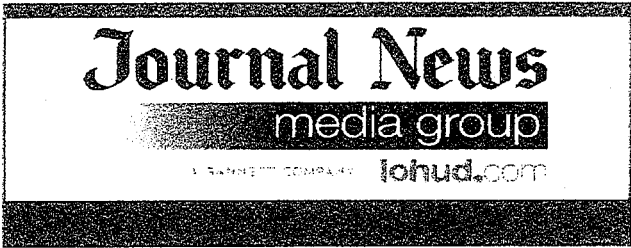
**ROSANNA SFRAGA**

TOWN CLERK

**JAMES DEAN,**

HIGHWAY SUPERINTENDENT

AUGUST 23, 2023



AFFIDAVIT OF PUBLICATION  
FROM

State of Wisconsin  
County of Brown, ss.:

On the 23 day of August in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

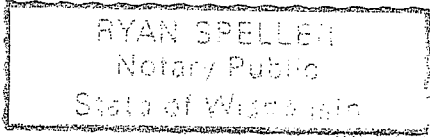
Linda Tuttle being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Run Dates:  
Rockland 08/23/2023

Linda Tuttle  
Signature

Sworn to before me, this 23 day of August, 2023  
[Signature]  
Notary Public, State of Wisconsin, County of Brown

10-25-26  
My commission expires  
Legend:



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

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

Ad Number: 0005804497

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The Town Board of the Town of Orangetown reserves the right to waive any informality in the bidding and to reject any and all bids.

The Town Board of the Town of Orangetown reserves the right to select the most advantageous offer to the Town through "best value" procurement. "Best value" selection will be based on the evaluation and comparison of factors in addition to cost or price.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

The successful bidder will be required to post a Performance Bond in the amount of one hundred percent (100%) of the Contract Price.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Contractor warrants and represents that all employees and independent contractors affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage mandated by the New York State Department of Labor.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangetown, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

**ROSANNA SFRAGA**  
TOWN CLERK

**JAMES DEAN,**  
HIGHWAY SUPERINTENDENT

AUGUST 23, 2023

0005804497

# ROCKLAND COUNTY TIMES

Offices: 119 Main Street (2nd Floor) • Nanuet, NY 10954-2882 • Tel (845) 627-1414 • Fax (845) 627-1411

Legal Notice:

(Ref. No.: 26989)

## AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF ROCKLAND )

**TERESA WARNER** of the Town of Orangetown, County of Rockland, State of New York, being duly sworn says that she is the Principal Clerk of the **ROCKLAND COUNTY TIMES**, a newspaper published in the Town of Clarkstown, County of Rockland, State of New York, and that the legal notice of which the annexed is a copy was published in the issue of: *August 24, 2023.*

*Teresa Warner*  
TERESA WARNER

Sworn to before me this

*24* day of *August* 2023

*[Signature]*

NOTARY PUBLIC, STATE OF NEW YORK

WALTER H SANCHEZ  
Notary Public, State of New York  
Registration No. 01SA4857488  
Qualified in Queens County  
Filed in Rockland County  
Commission Expires April 21, 2026

### NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangeburg Road, Orangeburg, New York, 10962 until 10:30 a.m. on September 7, 2023 and will be publicly opened and read aloud at 11:00 a.m. for the VILLA DRIVE CULVERT PIPE REPLACEMENT, TOWN OF ORANGETOWN, NEW YORK in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The work consists of furnishing all labor, materials, supplies, equipment necessary to include but not limited to replacing an existing culvert pipe network with 183' LF of new 36" diameter HDPE piping, two new catch basin inlets, and headwall structures.

The Town Clerk and the Superintendent of Highways will submit a report to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

The Town Board of the Town of Orangetown reserves the right to waive any informality in the bidding and to reject any and all bids.

The Town Board of the Town of Orangetown reserves the right to select the most advantageous offer to the Town through "best value" procurement. "Best value" selection will be based on the evaluation and comparison of factors in addition to cost or price.

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

The successful bidder will be required to post a Performance Bond in the amount of one hundred percent (100%) of the Contract Price.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Contractor warrants and represents that all employees and independent contractors affiliated with or employed by such contractors or any subcontractors shall be compensated at the prevailing wage mandated by the New York State Department of Labor.

It is understood that there must be a written contract executed by the Supervisor of the Town of Orangetown, pursuant to Town Board Resolution. This is subject to appropriations approved by the Town Board.

ROSANNA Straga  
TOWN CLERK

JAMES DEAN,  
HIGHWAY SUPERINTENDENT

AUGUST 23, 2023

1x8-2426989

BID ITEM		Villa Drive Culvert Pipe Replacement					SHEET 1 OF 2	
BID OPENING TIME		11:00AM			DATE <del>9/11/23</del> 9/11/23			
CONTRACTOR NAME & ADDRESS		ENVIRONMENTAL Construction Stony Point NY	Colonnelli HACKENSACK, NJ	Morano Brothers Croton on Hudson NY	BOYCE Excavating Slate Hill NY	PAVING Concrete Creations Mt. Vernon, NY		
DATE RECEIVED		9/8/23	9/11/23	9/11/23	9/11/23	9/11/23		
TIME RECEIVED		10:57A	10:18A	10:10A	10:06A	9:58 AM		
NON COLLUSION STATEMENT		✓	✓	✓	✓	✓		
BID BOND or CERTIFIED CHECK		✓	✓	✓	✓	✓		
ITEM No. 201.06 Clearing and Grubbing Unit LS Est Qty 1								
UNIT PRICE		\$20772.00	\$20,000.00	\$17000.00	\$19261.00	\$12000.00		
PRICE		\$20772.00	\$20,000.00	\$17000.00	\$19261.00	\$12000.00		
ITEM No. 202.120001 Removing Existing Superstructures Unit LS Est Qty 1								
UNIT PRICE		\$50000.00	\$10000.00	\$48070.00	\$73,727.50	\$25000.00		
PRICE		\$50000.00	\$10000.00	\$48070.00	\$73,727.50	\$25000.00		
ITEM No. 203.03 Embankment in Place Unit CY Est Qty 220								
UNIT PRICE		\$40.00	\$60.00	\$76.00	\$160.70	\$90.00		
PRICE		\$8800.00	\$13200.00	\$16720.00	\$13354.00	\$19800.00		
ITEM No. 203.07 Select Granular Fill Unit CY Est Qty 75								
UNIT PRICE		\$40.00	\$60.00	\$50.00	\$113.70	\$45.00		
PRICE		\$3000.00	\$4500.00	\$3750.00	\$8527.50	\$7125.00		
ITEM No. 206.0201 Trench and Culvert Excavation Unit CY Est Qty 340								
UNIT PRICE		\$58.82	\$10.00	\$26.00	\$59.80	\$125.00		
PRICE		\$20000.00	\$3400.00	\$8840.00	\$20332.00	\$42500.00		
ITEM No. 209.13 Silt Fence - Temporary Init LF Est Qty 500								
UNIT PRICE		\$7.80	\$1.00	\$4.00	\$9.80	\$4.00		
PRICE		\$3900.00	\$500.00	\$2000.00	\$4900.00	\$2000.00		
ITEM No. 209.1702 Drainage Structure Inlet Protection, Gravel Bag - Temporary Unit CY Est Qty 3								
UNIT PRICE		\$200.00	\$1.00	\$450.00	\$205.25	\$400.00		
PRICE		\$600.00	\$3.00	\$1350.00	\$815.75	\$1200.00		
ITEM No. 304.12 Subbase Course Type 2 Unit CY Est Qty 100								
UNIT PRICE		\$100.00	\$10.00	\$170.00	\$148.00	\$105.00		
PRICE		\$10000.00	\$1000.00	\$17000.00	\$14800.00	\$10500.00		
ITEM No. 402.128303 12.5 F3 Top Course HMA, 80 Series Compaction Unit Ton Est Qty 20								
UNIT PRICE		\$550.00	\$250.00	\$275.00	\$536.90	\$250.00		
PRICE		11000.00	5000.00	5500.00	10738.00	5000.00		
ITEM No. 402.198903 19 F9 Binder, Course HMA, 80 Series Compaction Unit Ton Est Qty 65								
UNIT PRICE		230.76	200.00	270.00	314.95	250.00		
PRICE		15000.00	13000.00	17550.00	20471.75	16250.00		
ITEM No. 407.0103 Straight Tack Coat Unit Gal Est Qty 10								
UNIT PRICE		300.00	10.00	28.00	14.34	20.00		
PRICE		3000.00	100.00	280.00	143.40	200.00		
ITEM No. 603.7309 Reinforced Concrete Pipe End Sections 36in Diameter unit Each Est Qty 2								
UNIT PRICE		7500.00	12000.00	15000.00	6716.40	8900.00		
PRICE		15000.00	24000.00	30000.00	13432.80	17800.00		

BID ITEM		Villa Drive Culvert Pipe Replacement				SHEET 2 OF 2	
BID OPENING TIME		11:00AM				DATE <del>23</del> 9/11/23	
CONTRACTOR NAME & ADDRESS		<div> <div>Environmental Construction</div> <div>Stony Brook NY</div> <div>Colonial</div> <div>Haverhill</div> <div>Moraw Bros</div> <div>Crotona/Hudson NY</div> <div>Boyer Excavating</div> <div>State Hill NY</div> <div>Paladino Construction</div> <div>NY</div> </div>					
DATE RECEIVED							
TIME RECEIVED							
NON COLLUSION STATEMENT							
BID BOND or CERTIFIED CHECK							
ITEM No. 603.94023601 Furnish and Install Smooth Wall HDPE Pipe for Direct Burial Unit LF Est Qty 183							
UNIT PRICE	491.80	810.00	1400.00	439.35	195.00		
PRICE	90000.00	148234.00	256200.00	80461.05	35,685.00		
ITEM No. 604.070801 Altering Drainage Structures, Leaching Basins and Manholes Unit Each Est Qty 1							
UNIT PRICE	\$5000.00	\$25500.00	\$1000.00	\$2258.00	\$1500.00		
PRICE	\$5000.00	\$25500.00	\$1000.00	\$2258.00	\$1500.00		
ITEM No. 604.070802 Altering Drainage Structures, Leaching Basins and Manholes Unit Each Est Qty 1							
UNIT PRICE	\$5000.00	\$25,500.00	\$1000.00	\$2862.30	\$1500.00		
PRICE	\$5000.00	\$25,500.00	\$1000.00	\$2862.30	\$1500.00		
ITEM No. 604.300673 Rectangular Drainage Structure Type F for Cast Iron F3 Frame Unit LF Est Qty 28							
UNIT PRICE	\$321.42	\$1.00	\$1900.00	\$855.70	\$1050.00		
PRICE	\$9000.00	\$28.00	\$53200.00	\$23959.60	\$29400.00		
ITEM No. 607.41010010 Temporary Plastic Barrier Fence Unit LF Est Qty 50							
UNIT PRICE	\$40.00	\$1.00	\$6.00	\$11.25	\$5.00		
PRICE	\$2000.00	\$5.00	\$300.00	\$562.50	\$250.00		
ITEM No. 619.01 Basic Work Zone Traffic Control Unit LS Est Qty 1							
UNIT PRICE	\$8000.00	\$10,000.00	\$5000.00	\$7746.25	\$70,000.00		
PRICE	\$8000.00	\$10000.00	\$5000.00	\$7746.25	\$70,000.00		
ITEM No. 625.01 Survey Operations Unit LS Est Qty 1							
UNIT PRICE	\$9000.00	\$1000.00	\$18000.00	\$7500.00	\$23000.00		
PRICE	\$9000.00	\$1000.00	\$18000.00	\$7500.00	\$23000.00		
ITEM No. 627.5014001 Cutting Pavement Unit LF Est Qty 60							
UNIT PRICE	\$33.33	\$2.00	\$4.00	\$9.70	\$15.00		
PRICE	\$2000.00	\$120.00	\$240.00	\$582.00	\$900.00		
ITEM No. 655.0706 Cast Frame F3, unmountable Curb Box CU3 & Reticuline Grate G3 Unit Each Qty 2							
UNIT PRICE	\$3000.00	\$1100.00	\$3000.00	\$4584.80	\$2900.00		
PRICE	\$6000.00	\$2200.00	\$6000.00	\$9169.60	\$5800.00		
SUBTOTAL							
	\$	\$366,791.00	\$509,000.00	\$335,345.00	\$327,410.00		
ITEM No. 699.0040001 Mobilization ( Not to exceed 4% of Subtotal shown above)							
UNIT PRICE	\$12378.00	\$12000.00	\$16000.00	\$6800.00	\$12,000.00		
PRICE	\$12378.00	\$12000.00	\$16000.00	\$6800.00	\$12,000.00		
TOTAL							
	\$309,450.00	\$218,791.00	\$525,000.00	\$342,145.00	\$339,410.00		

BID ITEM		Villa Drive Culvert Pipe Replacement				SHEET 1 OF 2	
BID OPENING TIME		11:00AM		DATE <del>9/11/23</del> 9/11/23			
CONTRACTOR NAME & ADDRESS		Jorrey Excavating Middletown NY		VAD Construction White Plains NY		Ben Ciccone Poughkeepsie NY	
DATE RECEIVED		9/11/23		9/11/23		9/11/23	
TIME RECEIVED		9:55 AM		9:44 AM		9:00 AM	
NON COLLUSION STATEMENT		✓		✓		✓	
BID BOND or CERTIFIED CHECK		✓		✓		✓	
ITEM No. 201.06 Clearing and Grubbing Unit LS Est Qty 1							
UNIT PRICE		\$ 70000.00		\$ 10000.00		\$ 40,000.00	
PRICE		\$ 70000.00		\$ 10000.00		\$ 40,000.00	
ITEM No. 202.120001 Removing Existing Superstructures Unit LS Est Qty 1							
UNIT PRICE		\$ 30,000.00		\$ 30500.00		\$ 1.00	
PRICE		\$ 30,000.00		\$ 30500.00		\$ 1.00	
ITEM No. 203.03 Embankment in Place Unit CY Est Qty 220							
UNIT PRICE		\$ 100.00		\$ 125.00		\$ 1.00	
PRICE		\$ 27000.00		\$ 27,500.00		\$ 220.00	
ITEM No. 203.07 Select Granular Fill Unit CY Est Qty 75							
UNIT PRICE		\$ 350.00		\$ 120.00		\$ 75.00	
PRICE		\$ 26,250.00		\$ 9000.00		\$ 15,625.00	
ITEM No. 206.0201 Trench and Culvert Excavation Unit CY Est Qty 340							
UNIT PRICE		\$ 500.00		\$ 135.00		\$ 1.00	
PRICE		\$ 170000.00		\$ 45900.00		\$ 340.00	
ITEM No. 209.13 Silt Fence - Temporary Init LF Est Qty 500							
UNIT PRICE		\$ 6.00		\$ 22.75		\$ 8.00	
PRICE		\$ 3000.00		\$ 11375.00		\$ 4,000.00	
ITEM No. 209.1702 Drainage Structure Inlet Protection, Gravel Bag - Temporary Unit CY Est Qty 3							
UNIT PRICE		\$ 100.00		\$ 500.00		\$ 100.00	
PRICE		\$ 300.00		\$ 1500.00		\$ 300.00	
ITEM No. 304.12 Subbase Course Type 2 Unit CY Est Qty 100							
UNIT PRICE		\$ 200.00		\$ 120.00		\$ 63.00	
PRICE		\$ 20000.00		\$ 12000.00		\$ 63000.00	
ITEM No. 402.128303 12.5 F3 Top Course HMA, 80 Series Compaction Unit Ton Est Qty 20							
UNIT PRICE		\$ 300.00		\$ 180.00		\$ 459.00	
PRICE		\$ 6000.00		\$ 3600.00		\$ 9180.00	
ITEM No. 402.198903 19 F9 Binder, Course HMA, 80 Series Compaction Unit Ton Est Qty 65							
UNIT PRICE		\$ 275.00		\$ 160.00		\$ 225.00	
PRICE		\$ 17875.00		\$ 10400.00		\$ 14625.00	
ITEM No. 407.0103 Straight Tack Coat Unit Gal Est Qty 10							
UNIT PRICE		\$ 10.00		\$ 75.00		\$ 15.00	
PRICE		\$ 100.00		\$ 750.00		\$ 150.00	
ITEM No. 603.7309 Reinforced Concrete Pipe End Sections 36in Diameter unit Each Est Qty 2							
UNIT PRICE		\$ 10000.00		\$ 10070.00		\$ 13,000.00	
PRICE		\$ 20,000.00		\$ 20140.00		\$ 26,000.00	

BID ITEM		Villa Drive Culvert Pipe Replacement				SHEET 2 OF 2	
BID OPENING TIME		11:00AM		DATE		<del>SEP 23</del> 5/11/23	
CONTRACTOR NAME & ADDRESS		<div> <div>Long Excavating Middletown NY</div> <div>VAD Construction White Plains NY</div> <div>Bow Circle RoughKnee NY</div> <div>Long Castle Hill Yonkers NY</div> </div>					
DATE RECEIVED							
TIME RECEIVED							
NON COLLUSION STATEMENT							
BID BOND or CERTIFIED CHECK							
ITEM No. 603.94023601 Furnish and Install Smooth Wall HDPE Pipe for Direct Burial Unit LF Est Qty 183							
UNIT PRICE		400.00	150.00	571.00	\$ 110.00		
PRICE		73,200.00	27450.00	104,483.00	\$ 20,130.00		
ITEM No. 604.070801 Altering Drainage Structures, Leaching Basins and Manholes Unit Each Est Qty 1							
UNIT PRICE		\$7000.00	\$ 7500.00	\$6000.00	\$ 500.00		
PRICE		\$1000.00	\$ 7500.00	\$6000.00	\$ 500.00		
ITEM No. 604.070802 Altering Drainage Structures, Leaching Basins and Manholes Unit Each Est Qty 1							
UNIT PRICE		\$1000.00	\$ 7500.00	\$ 4,000.00	\$ 500.00		
PRICE		\$1000.00	\$ 7500.00	\$ 4,000.00	\$ 500.00		
ITEM No. 604.300673 Rectangular Drainage Structure Type F for Cast Iron F3 Frame Unit LF Est Qty 28							
UNIT PRICE		\$7600.00	\$ 382.50	\$ 900.00	\$ 1100.00		
PRICE		\$44800.00	\$10650.00	\$25,200.00	\$30,800.00		
ITEM No. 607.41010010 Temporary Plastic Barrier Fence Unit LF Est Qty 50							
UNIT PRICE		\$ 20.00	\$ 22.50	\$ 10.00	\$ 6.00		
PRICE		\$1000.00	\$ 1125.00	\$ 500.00	\$ 300.00		
ITEM No. 619.01 Basic Work Zone Traffic Control Unit LS Est Qty 1							
UNIT PRICE		\$25,000.00	\$18000.00	\$ 75,000.00	\$20,000.00		
PRICE		\$25,000.00	\$18000.00	\$75,000.00	\$20,000.00		
ITEM No. 625.01 Survey Operations Unit LS Est Qty 1							
UNIT PRICE		\$12,000.00	\$10000.00	\$25,000.00	\$ 5000.00		
PRICE		\$12,000.00	\$10000.00	\$25,000.00	\$ 5000.00		
ITEM No. 627.5014001 Cutting Pavement Unit LF Est Qty 60							
UNIT PRICE		\$ 4	\$ 42.50	\$14.00	\$ 5.00		
PRICE		\$240.00	\$2550.00	\$840.00	\$300.00		
ITEM No. 655.0706 Cast Frame F3, unmountable Curb Box CU3 & Reticuline Grate G3 Unit Each Qty 2							
UNIT PRICE		\$2500.00	\$ 8250.00	\$2500.00	\$2500.00		
PRICE		\$5000.00	\$16500.00	\$5000.00	\$5000.00		
SUBTOTAL		\$548,725.00	\$283,986.00	\$352,774.00	\$327,505.00		
ITEM No. 699.0040001 Mobilization ( Not to exceed 4% of Subtotal shown above)							
UNIT PRICE		\$20,000.00	\$ 8500.00	\$13,000.00	\$10,495.00		
PRICE		\$20,000.00	\$ 8500.00	\$13,000.00	\$10,495.00		
TOTAL		\$568,725.00	\$292,486.00	\$365,774.00	\$338,000.00		