



**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING MINUTES
September 13, 2022**

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

Present were:
Councilperson Thomas Diviny
Councilperson Paul Valentine
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny
Councilperson Brian Donohue

Also Present:
Denis Troy, Deputy Supervisor
Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
Stephen Munno, Sr. Administrative Assistant
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Brendon Carton, IT Department
Donald Butterworth, Police Chief
Michael Shannon, Police Captain

Pledge of Allegiance to the Flag

PRESENTATIONS:

2023 Budget Presentations for Special Districts:

7:05 P.M. - 7:10 P.M. / Blauvelt Volunteer Fire District (Mike Conklin / Peter Reynolds)
7:10 P.M. - 7:15 P.M. / Rockland Paramedics (Tim Egan / Mark Cygielman)
7:15 P.M. - 7:20 P.M. / South Orangetown Ambulance Corps (Pete Roimisher)
7:20 P.M. - 7:25 P.M. / Nyack Ambulance Corps (William McDowell)
7:25 P.M. - 7:30 P.M. / Orangeburg Library (Grant Zacharias / Michelle Galle-Looram)
7:30 P.M. - 7:35 P.M. / Tappan Library (Sara Nugent / Vicki Caramante)
7:35 P.M. - 7:40 P.M. / Palisades Library (Maria Gagliardi / Marjorie Galen)
7:40 P.M. - 7:45 P.M. / Blauvelt Library (Laura Grunberg / Sal Pagnani / Mike Andrea)

DISCUSSIONS:

- Orangetown Soccer Complex - OMSC - Non-Payment of Non-Resident Fees
- South Nyack DPW Parking Permits
- Workshop of Agenda Items

RESOLUTION NO. 405
CONTINUATION OF PUBLIC HEARING FROM RTBM OF AUGUST 23, 2022 / 7:10
P.M. / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING
ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK

RESOLVED, that the public hearing is hereby continued.

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

Motion: 5 - 0

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

Noes: None

Summary of Public Comments:

David Gilmour, The Laberge Group, gave a presentation of merging the two codes (Exhibit 09-A-22).

Roger Seiler, S. Nyack, disagrees with The Laberge Group's recommendation and would like a former S. Nyack Zoning Board member be on the committee.

RESOLUTION NO. 406
CLOSE PUBLIC HEARING / PROPOSED CHANGE TO THE TOWN CODE,
CHAPTER 43, ADDING ARTICLE XVII TO ADDRESS ZONING IN THE HAMLET OF
SOUTH NYACK

RESOLVED, that the public hearing is hereby closed.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 407
ADOPTION OF LOCAL LAW NO. 3 OF 2022 AMENDING CHAPTER 43 (ZONING)
OF THE ORANGETOWN CODE, AND REPEALING CHAPTER 330 (ZONING LAW)
OF THE FORMER VILLAGE OF SOUTH NYACK CODE, RELATING TO THE NEW
HAMLET OF SOUTH NYACK

WHEREAS, the Town Board of the Town of Orangetown ("Town" or "Orangetown") is the duly elected legislative body of the Town, and authorized to adopt Local Laws amending the Code of the Town of Orangetown ("Orangetown Code"), including amendments to the Orangetown Zoning Code embodied in Chapter 43 of the Orangetown Code ("Zoning Code").

WHEREAS, the Town Board has considered the adoption of amendments to the following provisions of the Zoning Code:

- (a). §2.1 (Establishment of Districts) to add a new §2.2.2 to be entitled "South Nyack (SN) Hamlet District;"
- (b). §2.2 (Zoning Map) to add new Zoning Districts (SN____) within the new South Nyack Hamlet District;
- (c). §3.13 (Tables of General Regulations) to add a new Use and Bulk Table to be entitled "Table of Hamlet of South Nyack General Use, Bulk & Parking Regulations;"
- (d). repeal §10.2 (Enforcement), §10.22 (Permits), and §10.223(g) (Applications for a permit within designated critical environmental area) and replace §10.223(g) in its entirety with new Critical Environmental Areas provisions; and

RESOLUTION NO. 407 - Continued

- (e). add a new Article XVIII, to be entitled "Hamlet of South Nyack Supplemental Regulations," to Chapter 43 (Zoning).

WHEREAS, the Town Board has also considered, as part of this proposed Local law, the repeal of the former Village of South Nyack's Zoning Law (Chapter 330 of the former Village Code), and the repeal of selected former Village of South Nyack Code sections that are applicable to buildings and properties.

WHEREAS, all of the aforesaid proposed amendments and repeals, together, referred to herein as the "proposed Local Law," which proposed Local Law is appended hereto, made a part hereof and marked as "ATTACHMENT 1."

WHEREAS, after notice duly given, and there being no other Involved Agency, by Resolution duly adopted the 24th day of May, 2022, the Town Board assumed the role of Lead Agency, pursuant to the State Environmental Quality Review Act ("SEQRA"), for environmental review.

WHEREAS, after reviewing Part 1 entitled "Project and Setting" of the SEQRA Full Environmental Assessment Form ("EAF") dated 02/22/2022, the EAF Part 2 entitled "Identification of Potential Project Impacts" dated 04/07/2022, and the EAF Part 3 entitled "Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance" dated 04/07/2022, all of which Parts of the EAF were prepared and recommended, on behalf of the Town Board, by David Gilmour, AICP, Senior Planner of Laberge Group, the Certified Planner retained by the Town Board, the Town Board, acting in its capacity as the SEQRA Lead Agency, hereby adopts the said Part 2 and Part 3, and incorporates them by reference as if fully set forth herein; and the Town Board determines that there will be no potential significant adverse environmental impacts resulting from the Town Board's adoption of the proposed Local Law, thereby issuing a SEQRA Negative Declaration.

WHEREAS, following compliance with all public notice requirements as mandated by NYS statute(s) and the Orangetown Code, and distribution of the proposed Local Law to the Town Board as per NYS Municipal Home Rule Law §20(4), a Public Hearing was duly held by the Town Board regarding the proposed Local Law.

WHEREAS, the Orangetown Planning Board, by its memorandum to the Town Board, dated 06/23/2022, following due consideration at its public meeting held on 04/27/2022, offered no comments regarding the proposed Local Law, pursuant to Zoning Code §10.5.

WHEREAS, the Rockland County Department of Planning, pursuant to NYS General Municipal Law ("GML") §239-1, et seq., reviewed the proposed Local Law and provided a GML review report to the Town Board, dated 05/12/2022, which report recommended sixteen Modifications; regarding which the Town Board hereby overrides the Modifications numbered "6", "12", "15" and "16", for the reasons set forth in the Memorandum of David Gilmour, AICP, dated 08/15/2022, appended hereto, made a part hereof and marked as "ATTACHMENT 2."

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE TOWN BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the proposed Local Law in the form and substance as appended hereto (Exhibit 09-B-22), and as may be amended herein.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 408
OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

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

Motion: 5 - 0

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

Noes: None

Summary of Public Comments:

Susan Truss, South Nyack, spoke about and requested approval of the proposed senior tax break (Exhibit 09-C-22).

**RESOLUTION NO. 409
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 410
AUTHORIZE ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE ADOPTION OF A LOCAL LAW RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM "R40" TO "R15" AND THEN TO "PAC" FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER ON ON THE EAST SIDE OF HIGHLAND AVENUE, NORTH SIDE OF GATTO LANE ON APPLICATION OF TOLL BROTHERS, INC., AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 68.07 - 2 - 1.**

WHEREAS, the Town Board of the Town of Orangetown (the "Town Board") is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town's Zoning Law, and an "involved agency" under the State Environmental Quality Review Act ("SEQR") with respect to the adoption of zoning text amendments applicable to property located within the Town of Orangetown; and

WHEREAS, by Petition and accompanying application dated December 21, 2020, Toll Brothers, Inc. as contract purchaser of the property, owned by Gatto Lane, LLC, which property is located in the Hamlet of Pearl River, on the East side of Highland Avenue where it intersects with Gatto Lane, and shown on the Tax Map of the Town of Orangetown as SBL 68.07-2-1, formally petitioned the Town Board to change the zoning classification of the said property from "R40" to "R15" and then from "R15" to Planned Adult Community ("PAC") in accordance with the provisions of Chapter 43, Article IV, Section 4.6 of the Orangetown Town Code, by which the PAC zoning district was created and authorized as a "floating" district; and

WHEREAS, following its filing with, and receipt by, the Town, the Town Board caused to be circulated the said Petition and supporting documents amongst all other involved and/or interested agencies notice of its intention to assume Lead Agency status for the purpose of environmental review of the above referenced action; and

WHEREAS, more than thirty (30) calendar days have passed since the Town declared its intent to be Lead Agency for environmental review, and no other involved agency has expressed a desire or intent to act as Lead Agency, or otherwise has sought to contest the Town Board's

RESOLUTION NO. 410 - Continued

authority to act in that capacity with respect to the referenced action, the Town Board has assumed the role of Lead Agency for environmental review; and

WHEREAS, the Town Board, acting in its capacity as Lead Agency for environmental review, having carefully considered all of the potential environmental impacts that might result from the proposed action, has concluded that there will be no significant environmental impacts or effects caused or occasioned by the change in the zoning classification of the subject parcel and its eventual improvement with over 55 Planned Adult Community Housing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental impacts contained in the Short Form and Long Form Environmental Assessment Forms, and in the Negative Declaration annexed hereto, and authorizes the Town Supervisor, or her designated agent, to execute the Environmental Assessment Form and to file the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or her designated agent, to take such 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: 5 - 0

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

Noes: None

RESOLUTION NO. 411

ADOPTING LOCAL LAW NO. 4 OF 2022, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM "R40" TO "R15" AND "R15 TO "PAC" FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER ON THE EAST SIDE OF HIGHLAND AVENUE, NORTH SIDE OF GATTO LANE ON APPLICATION OF TOLL BROTHERS, INC., AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 68.07 - 2 - 1.

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

WHEREAS, by Petition and accompanying application dated December 21, 2020, Toll Brothers, Inc. as contract purchaser of the property, owned by Gatto Lane, LLC, which property is located in the Hamlet of Pearl River, on the East side of Highland Avenue where it intersects with Gatto Lane, and shown on the Tax Map of the Town of Orangetown as SBL 68.07-2-1, formally petitioned the Town Board to change the zoning classification of the said property from "R40" to "R15" and then from "R15" to Planned Adult Community ("PAC") in accordance with the provisions of Chapter 43, Article IV, Section 4.6 of the Orangetown Town Code, by which the PAC zoning district was created and authorized as a "floating" district; and

WHEREAS, after notice duly given, and no other involved agency having a desire or intention to act as Lead Agency, or otherwise having contested the Town Board's authority to act in that capacity with respect to the referenced action, the Town Board assumed the role of Lead Agency for environmental review; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant environmental impacts or effects caused or occasioned by the change in the zoning classification of the subject parcel and its eventual improvement with adult or senior residential housing; and

RESOLUTION NO. 411 - Continued

WHEREAS, in addition to the Petition, the Town Board also has considered the following in furtherance of its obligation to evaluate whether the proposed site is both eligible and, in the Town Board's discretion, appropriate for PAC zone designation:

- (1) The application of the Petitioner / Petitioner, including a project description and Concept Site Plan dated 12/21/20, last revised 08/11/2022;
- (2) A Traffic Engineering Evaluation prepared by Michael Galante of Frederick P. Clark Associates dated December 21, 2020;
- (3) A Market Analysis, prepared by ESE Consultants, dated November 24, 2020;
- (4) Housing Plans detailing the types and number of units, including square footage, number of bedrooms and approximate rental costs.
- (5) The Full Environmental Assessment Form for the action, consisting of:
 - Part 1, prepared by the applicant's engineer Ken DeGennaro, PE, dated December 21, 2020, updated as of ;
 - Part 2, prepared by by Jane Slavin, Director of the Office of Building Zoning Planning Administration and Enforcement, and by the Town Board as Lead Agency dated August 23, 2022;
 - Part 3, prepared by Jane Slavin and by the Town Board as Lead Agency dated August 23, 2022;
- (6) The comments of the Rockland County Planning Department pursuant to GML § 239, dated May 16, 2022;
- (7) The comments of the Town of Orangetown Planning Board dated September 22, 2021;
- (8) and all other submissions and public comments and submissions on the matter, and,

WHEREAS, following notice duly and properly given, a public hearing was conducted on the Petition, at which the Petitioner provided testimony from consultants and experts regarding various aspects of the senior housing project proposed for the site under consideration, including consultants on traffic, demographics, market absorption and taxes, and

WHEREAS the Town Board has considered both the need for adult housing within the Town as contemplated by the adoption of the PAC zoning classification, and the impact on the Town's stock of land available for OP uses at this time and following the zone change; and

The Town Board hereby making the following Specific Findings Relating to the Instant Petition:

Pursuant to Chapter 43, Subsection 4.6.12, the Town Board makes the following specific Findings of Fact, pertaining to the instant Petition:

Marketability of the Proposed Units

Based on the market studies conducted by the Petitioner, it appears that while there have been several PAC zone changes in the Town, there remains a need for housing stock, meeting the specific needs and concerns of those in the 55 and older active adult age group both within the Town of Orangetown specifically, and within the County of Rockland general. Many of the previous PAC approved districts have been fully developed and occupied.

There is demand for this specific project that will provide active adult housing for persons in the moderate to higher income or means range. Although adjoining neighbors have expressed concern regarding the development of this land, there have been residents who have expressed

RESOLUTION NO. 411 - Continued

interest in the project. The reasonable number of units at this location is consistent with the surrounding area of primarily single family homes, when compared to larger projects throughout the Town. The senior housing units proposed for the site appear to be very marketable.

Potential Saturation Within and About the Geographic Area of the Proposed Zoning Amendment.

Based on the findings set forth above, relating to the number of eligible prospective purchasers throughout the Town and surrounding areas, and the demonstrated need for active adult housing in the relevant market area, the Town Board concludes that the approval of the instant zoning amendment, permitting the construction of up to 36 senior housing units will not saturate the neighborhood in which the site is located.

Suitability of the Site for Senior Housing; Vehicular Access, Transportation, Walking and Traffic Concerns in General.

The proposed residential development will be age restricted and consist of no more than units housed in a community to be managed through a homeowner's association, which will be responsible for maintaining all of the common areas, including designated recreation areas and internal roadways and open space.

As shown on the conceptual site plan provided by Petitioner and presented at the public hearing, the proposed adult community will consist of 36 town home style, 2 story, 2 bedroom units, located on approximately 10 acres, of which the building coverage will be approximately 17%, with the remainder to be open space and recreation.

The project design will meet the off-street parking requirements applicable to the PAC zone, providing a single car garage for each unit, space for a second car for each unit in the driveway, and an additional 10 spaces for overflow.

The location of the site further meets the needs of the senior community in that it is located relatively close to the downtown Pearl River area, and the business corridor along Middletown Road.

The Town Board further finds, based on the traffic study conducted by the Petitioner, as well as the proposed improvement to Gatto Lane by widening same, that the road system in and about the site will accommodate any traffic volume that may be generated by the project proposed for these premises.

Compatibility of a Planned Adult Community Project With the Surrounding Environment.

The proposed senior housing community is an appropriate use for the premises sought to be rezoned. The site is located in a predominantly single family neighborhood, which the proposed units will also be single family, limited to 2 bedrooms. The Town Board finds, consistent with its Town-wide Comprehensive Plan, that the contemplated planned adult housing use is consistent with the uses otherwise existing and permitted in the area, and is otherwise compatible with the existing development in the area.

The Petitioner, in accordance with the requirements of the Chapter 43, Article IV, Section 4.6 has presented to the Town Board a Concept Site Plan, prepared by Brooker Engineering. The Concept Plan shows a community of 36 single family town homes. The Concept Plan further shows amenities as previously noted, with an overall design and architectural layout which preserves a significant amount of undisturbed open space, supplementing that open space with additional landscaping so as to mitigate any adverse visual impact from the surrounding view points. The plan will be subject to site plan approval by the Planning Board.

RESOLUTION NO. 411 - Continued**Maximum Unit Count**

By reason of the proposed layout, the Town Board further establishes 36 town home style units as the maximum number of units permitted on the site, which units shall consist of no more than two bedrooms.

The Town Board further finds that the Conceptual site plan and description reflects a suitable mix of open space and senior housing development as contemplated under Chapter 43, Article IV, Section 4.6 of the Town Code.

Other Findings and Conditions***Recreation Contribution***

The Petitioner, as part of its proposal, has further offered to make a contribution toward the recreation needs of the Town in the sum \$72,000.00 to be paid following the grant of final site development plan approval by the Town Planning Board for the PAC development and before the signing of the site plan by the Clerk to the Planning Board.

It is further understood, in regard to the recreation contribution offered by the Petitioner, as hereinbefore set forth, that the said recreation fee shall not be due and owing unless the Town Planning Board as part of its site plan approval shall waive the money-in-lieu of land requirement upon a finding that the recreation contribution agreed to be paid as a condition of this zone change, coupled with other on-site recreation lands and amenities provided, exceeds the amount that otherwise would have been due and owing under existing Town land use regulations.

Site Development Plan and Other Required Municipal Approvals

The adoption of this resolution granting the requested zoning amendment from OP to PAC based upon the conceptual site plan and related materials is not intended to, nor shall it be interpreted to, circumvent or usurp the authority of the Planning Board or of any other land use board having authority over site specific details. Pursuant to §4.612 (D), the Town Board reserves the right to review any proposed site development plan before preliminary approval by the Planning Board to determine whether, in the judgment of the Town Board, the proposed plan does not substantially deviate from the final concept plan that was reviewed and approved herein.

Age Limitations Under the PAC Designation

As required by § 4.65, occupancy of the units to be developed on the site as a result of this zoning amendment, at the time of initial conveyance, and thereafter, shall be restricted to persons fifty-five (55) years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 21 years of age shall not be permanent residents under any circumstances, other than as set forth in § 4.65(A).

The Petitioner, prior to the issuance of any building permits, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Owners and occupants, restricting the sale, re-sale, rental and occupancy of the units within the PAC development as set forth in this resolution.

Rockland County Planning Department Conditions

The Town Board has received, and has considered, the General Municipal Law § 239 L & M review submitted by the Rockland County Department of Planning dated May 16, 2022, which recommended "disapproval" of the project, as well as other comments and conditions as set forth therein.

RESOLUTION NO. 411 - Continued

For the reasons set forth below, and as set forth in the letter from the applicant's engineer, Kenneth DeGennaro, P.E., Brooker Engineer dated June 1, 2022, the Town Board hereby OVERRIDES the Rockland County GML "disapproval", by a super majority vote of the Board, as set forth below:

County Comment 1, indicates in sum and substance, that the site is bounded by R-22, R-15 and R-40 zones in Orangetown, as well as R-35 outside of the Town, and indicates zoning should be changed no further from R-40 than to R-22 to "better conform to all of the surrounding districts, OR allow the R-15 zoning with a guarantee of a maximum of 15 building lots.

The Town Board has taken this comment in to consideration and finds that, there are a significant number of surrounding properties that are zoned R-15, and the PAC includes measures for transitioning between different uses through the use of buffer zones, as indicated on the conceptual site plan. Although there will be more units under a PAC, all of the PAC units are two bedrooms, and the location of the units will be physically further from neighboring properties than if the property were developed under R-15, and less intensive land disturbance will result under the PAC concept plan.

County Comment 2, indicates the fact that the existing R-40 zoning that is in place, and the condition of the land as being undeveloped, make this site not an intended candidate for PAC. This comment ignores the fact that a very large area immediately to the east of the site is zoned R-15, which under the Town Code, is a zone that is eligible for PAC zoning. Although not abutting a major highway, the site is located a short drive from Route 304, and a bit further, to Middletown Road in Pearl River, and the NYS Thruway entrance in Chestnut Ridge, as are all of the other residential properties in that neighborhood. Had this been zoned R-15 previously, in accordance with the other properties abutting it as mentioned above, there would be no issue related to whether the site was an "intended candidate" for PAC zoning.

County Comment 3, relates to density and indicates the Town Board must consider the cumulative and regional impacts of permitting such development and that the PAC zoning is out of character with the surrounding neighborhood. Again, this ignores the fact that a significant portion of the surrounding neighborhood is already zoned R-15, which this site will now be changed to be the same as the existing neighborhood, and that R-15 permits PAC zoning. The Town Board finds that the increase in density is offset by the clustered development, thus limiting its impact on surrounding properties. In addition, the nature of PAC housing results in less impact on schools and traffic in terms of busing and trips related thereto. The 36 two bedroom units, which is less density than what would be permitted by the PAC bulk requirements for a project of this size, will have a minimal impact on density and development as far as county and regional concerns may be impacted.

County Comment 4, indicates the site is identified in the Town Comprehensive Plan dated May, 2003 as a potential "open space" and that the Town and owner should wait until an updated Comprehensive Plan, currently under consideration, is completed. Notwithstanding the foregoing, the Town is not the owner of the land, and has significant open and recreational space throughout the Town. In addition, while identified as "Proposed Transitory Open Space", such does not preclude consideration of the zone change to R-15 and PAC. The planner who is assisting the Town in updating its Comprehensive Plan, recommends in its submission dated April 25, 2022 that this site (and others) be zoned to conform with the immediately adjacent zoning district to increase consistency in the regulations. Changing the zoning on this site to R-15, which is the same as the adjacent R-15 properties referenced above, is consistent with this recommendation. The PAC regulations permit PAC zoning in R-15 based upon the density regulations of that district.

County Comment 5, indicates the plan would require certain bulk variances and approving such a plan would set an undesirable precedent. The latest revised concept plan issued subsequent to this comment, has reduced the number of proposed units to 36, two bedroom units only. There are no bulk variances required under this conceptual plan thus the comment is no longer applicable.

RESOLUTION NO. 411 - Continued

County Comment 6, indicates the Town must evaluate certain items as set forth in the Town Code and that some such items are not part of the submission. The conceptual plan includes open space and recreation facilities, schematic water, sanitary sewer and drainage facilities, as well as the layout of the road and emergency access area. The petition does include a market analysis dated 11/24/2020. The additional requirements section of the Code does not require a specific lighting or landscape plan. The Town Board finds the concept plan under consideration provides information sufficient for it to make a determination on the zone change, and the Planning Board will address certain site specific requirements. The concept plan must return to the Town Board before the Planning Board grants any preliminary site plan approval, to ensure the site plan substantially conforms to the concept plan that is being approved as part of the zone change.

County Comment 7, indicates that the concept plan does not include specific references to proposed recreation areas. The revised concept plan has addressed this comment and exhibit passive recreation areas, and a pickleball court, which exceed the PAC requirements of 250 sf per unit. In addition, the applicant has agreed to make a payment to the Town for contribution to the Town's recreation fund.

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No.4, 2022, (Exhibit 09-D-22) amending the Town's zoning map and zoning law to change the zoning classification from R40 to R15, and R15 to PAC of that certain property located in the Hamlet of Pearl River, on the East side of Highland Avenue where it intersects with Gatto Lane, and shown on the Tax Map of the Town of Orangetown as SBL 68.07-2-1 and more fully described and set forth on Schedule "A" annexed to and made a part of this Resolution.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and on a roll call was Adopted:

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 412

APPROVE FIFTH AMENDMENT TO PCS SITE AGREEMENT WITH AT&T/NEW CINGULAR WIRELESS PCS, LLC FOR NEW / REPLACEMENT ANTENNAE AND EQUIPMENT AT TOWN HALL WIRELESS CELL TOWER, 26 W ORANGEBURG RD, ORANGEBURG

RESOLVED, that the Town Board hereby: (i) approves the "Fifth Amendment to Lease Agreement" (of 08/27/1993) between the Town of Orangetown and New Cingular Wireless PCS, LLC (now known as AT&T), so as to install additional antennas, associated cables and other communications instruments, and to permit the wireless communications carrier to add, modify and/or replace equipment in order to be in compliance with any current or future Federal, State or Local mandated application, including, but not limited to, emergency 911 communication services, at the Town Hall wireless communications/cell tower sited at 26 W. Orangeburg Road, Orangeburg, which Fifth Amendment to Lease Agreement provides for an additional \$300.00 rent per month to be added to the current monthly rent, subject to further rental amount adjustments as provided in the 08/27/1993 Lease Agreement; and (ii) authorizes the Supervisor to execute the Fifth Amendment to Lease Agreement.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 413

DONATE TO THE PEARL RIVER CHAMBER OF COMMERCE / PEARL RIVER WELCOME SIGN / CORNER OF 55 W CENTRAL AVENUE AND ROUTE 304, PEARL RIVER

RESOLVED, the Town Board hereby donates to the cost of a Pearl River Welcome Sign, to be located at the corner of 55 W Central Avenue and Route 304, Pearl River in the amount of \$5,770.00 to be paid out of the Pearl River Parking District Fund, in honor of Pearl River's 150th Anniversary.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 414

AUTHORIZE REQUEST FOR PROPOSALS (RFP) FOR A PARKING STUDY HAMLET OF SOUTH NYACK

WHEREAS, as a result of the dissolution of the Village of South Nyack, the Town Board finds it is necessary to address issues related to parking regulations to be implemented in the hamlet of South Nyack, so as to be consistent with current Town regulations, recognizing the hamlet may have conditions warranting further review before implementation of any such regulations by the Town,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to issue, to the general public a Request for Proposals for the purpose of receiving proposals from qualified Engineering, Architectural and/or Planning firms having the necessary experience for the preparation of a Parking Study for the hamlet of South Nyack; with Proposals to be received as set forth more fully in the Request for Proposals.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 415

AUTHORIZE / MUTUAL CANCELLATION OF THE CONTRACT OF SALE WITH DURSO TRUCKING SERVICES, INC. / 65 BROOKSIDE AVENUE, SOUTH NYACK

WHEREAS, pursuant to New York General Municipal ("GML") Law Article 17-A and a dissolution plan adopted by the Village of South Nyack ("the Village") dated July 30, 2021, the Village of South Nyack officially dissolved as of March 31, 2022; and,

WHEREAS, the Village also entered into a contract dated January 11, 2022 to sell the property at 65 Brookside Avenue S., South Nyack, New York 10960 (S/B/L 66.53-3-6.1 and 66.53-3-6.2), known as the South Nyack Department of Public Works property ("South Nyack DPW Property"), to Durso Trucking Services Inc. for the sum of \$1,651,000.00; and,

WHEREAS, the Town entered into an Assignment and Assumption Agreement with the former Village of South Nyack to accept a quit claim deed of title for such property and assuming the rights and obligations of the Village under the terms of the contract of sale, and

WHEREAS, the Town Board has reviewed the contract and terms of sale and has determined that it is not in the best interests of the Town, including the residents of the former

RESOLUTION NO. 415 - Continued

Village, to proceed with the sale of the aforesaid property under the contract terms as they currently exist, and

WHEREAS, the purchaser has agreed to a mutual cancellation of the contract of sale, with no further rights or obligations of the parties with respect thereto, including a return to the purchaser of its down payment pursuant to the contract of sale,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the contract of sale with Durso Trucking Services, Inc. as purchaser, for the sale of 65 Brookside Avenue, South Nyack, New York, to be cancelled, with consent of the purchaser, with the parties having no further rights or obligations with respect thereto and,

BE IT FURTHER RESOLVED, that the Town Supervisor and Town Attorney are authorized to take such action and execute any and all documents necessary to implement the purposes of this resolution, and

BE IT FURTHER RESOLVED, the terms and conditions of the Assignment and Assumption Agreement shall otherwise remain in full force and effect.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 416

ESTABLISH FEE FOR PARKING SPACES AT BROOKSIDE AVENUE PARKING LOT / SOUTH NYACK

WHEREAS, upon dissolution of the Village of South Nyack, the Town of Orangetown has become the owner of the former Village property located on Brookside Avenue, which has been used as a public parking area for noncommercial vehicles owned or used by residents of the Village of South Nyack, and

WHEREAS, the former Village issued permits pursuant to Chapter 220 of the Village of South Nyack Code, which permits ran from October 1, 2021 to September 30, 2022, and

WHEREAS, pursuant to New York General Municipal Law §789, Chapter 220 of the Village of South Nyack Code remains in effect at this time, as if adopted by the Town Board, and

WHEREAS, Section 220-2 of the South Nyack Code provides that the fee to be paid for parking shall be established by resolution of the Board,

NOW THEREFORE BE IT RESOLVED, that the Town Board establishes the fee for parking spaces at Brookside Avenue parking lot as \$300.00 per year, to be administered by the Town Clerk, and that persons who currently hold a permit shall be granted an opportunity to renew said permit for a period of one year, and to the extent any permits remain available, shall be offered on a first come, first serve basis.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 417
ACCEPT DRAFT COMPREHENSIVE PLAN / SET PUBLIC HEARING ON OCTOBER
25, 2022 AT 7:05 PM. TO CONSIDER ADOPTING THE ORANGETOWN
COMPREHENSIVE PLAN**

WHEREAS, the Town of Orangetown Comprehensive Plan Committee (CPC) has worked with AKRF, Inc. and MUD Workshop in the development of a draft Comprehensive Plan for the Town of Orangetown; and

WHEREAS, the CPC has held a series of public workshops and a public hearing pursuant to New York State Town Law § 272-a(6); and

WHEREAS, the CPC believes that the draft Comprehensive Plan reflects the range of views presented by members of the public and offers implementable recommendations for the future of the Town of Orangetown; and

WHEREAS, the CPC hereby forwards the draft Comprehensive Plan to the Town Board and recommends that the Town Board circulate the plan to the Rockland County Department of Planning and the Town of Orangetown Planning Board; and

WHEREAS, the CPC recommends that the Town Board consider and adopt the draft Comprehensive Plan,

NOW THEREFORE BE IT RESOLVED, the Town Board accepts the draft Comprehensive Plan and refers the draft Comprehensive Plan to the Rockland County Planning Department and the Town of Orangetown Planning Board, and

BE IT FURTHER RESOLVED that, there being no other Involved Agency under the State Environmental Quality Review Act ("SEQRA"), the Town Board hereby Declares itself to be the Lead Agency under SEQRA for environmental review, and

BE IT FURTHER RESOLVED, the Town Board will hold a Public Hearing at 7:05 pm at the Town Board meeting of October 25, 2022 to consider adopting the Orangetown Comprehensive Plan, and

BE IT FURTHER RESOLVED, that pursuant to Town Law 272-A.6(c), the copies of the draft Comprehensive Plan will be available for public review at the office of the Town Clerk and on the Town's website.

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

Motion: 5 - 0

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

Noes: None

**RESOLUTION NO. 418
APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT
DOCUMENTS / TAX CERTIORARI PROCEEDING ARAN BANSHEE LLC V.
ORANGETOWN, ET AL. (68.20-2-74)**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Aran Banshee LLC v. The Assessor, etc. et al., tax map designation 68.20-2-74 (50 Franklin Ave, Pearl River), for the tax assessment year 2021 for a total refund by the County of \$569, a total refund by the Town of \$1,698, and a total refund by the School District of \$5,867. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Rockland County Finance Department.

RESOLUTION NO. 418 - Continued

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 419

APPROVAL OF 2022 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 2022 Sewer Work is approved to:

Pro Cut Landscaping, 11 Pineview Road, West Nyack, NY 10994

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 420

APPROVE FIRST AMENDMENT TO THE 02/16/2022 SCHOOL RESOURCE OFFICER (SRO) AGREEMENT (TB RESOLUTION #2022-86) WITH NYACK SCHOOL DISTRICT FOR NYACK MIDDLE SCHOOL

WHEREAS, the Nyack Union Free School District (NSD) had requested that the Town Police Department assign a School Resource Officer (SRO) to the Nyack Middle School, which is located in South Nyack; and

WHEREAS, NSD has agreed that, as a condition of such assignment, to reimburse to the Town a portion of the cost to the Town for the services of such assignment, which has been formalized and effectuated by way of Town Board Resolution #2022-86, and an executed Agreement for the School Resource Officer Program entered into by the parties on 02/16/2022 ("02/16/2022 Agreement"); and

WHEREAS, the Town and NSD are desirous of amending the 02/16/2022 Agreement, which will be embodied in a First Amendment to the 02/16/2022 Agreement for the School Resource Officer Program ("First Amendment to the 02/16/2022 Agreement"), which First Amendment to the 02/16/2022 Agreement the parties are authorized to enter into, pursuant to NYS General Municipal Law §119-o.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town to enter into, with NSD, the First Amendment to the 02/16/2022 Agreement, which has been prepared, reviewed and approved by the Town Attorney's Office, whereby the Town continues (as so amended) to agree to assign an SRO to the NSD for the 2022/23 and 2023/24 school years, under the terms and conditions as set forth in the First Amendment to the 02/16/2022 Agreement and in the 02/16/2022 Agreement, and the NSD shall reimburse the Town in accordance with the terms of the First Amendment to the 02/16/2022 Agreement for each year that an SRO is assigned to the NSD; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor (or her designee) to execute the First Amendment to the 02/16/2022 Agreement, on behalf of the Town, under the terms and conditions as set forth therein; and

RESOLUTION NO. 420 - Continued

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Chief of Police to execute the First Amendment to the 02/16/2022 Agreement, on behalf of the Town Police Department, and to administer same on behalf of the Town and the Town Police Department.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 421

ACCEPT / PERSONAL PROTECTIVE EQUIPMENT DONATION / AMAZON WAREHOUSE FACILITY, BLAUVELT

RESOLVED, that the Town Board accepts, with gratitude, a donation of Personal Protective Equipment from the Amazon Warehouse facility in Blauvelt to the Town of Orangetown, items and quantities to be determined by the Office of Emergency Management, for the purpose of contributing to the PPE stockpile for the Town of Orangetown and first response agencies therein, in accordance with the Town of Orangetown Health Emergency Plan.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 422

APPROVE/ PURCHASE OF FOUR VEHICLES / OBZPAE & FIRE

WHEREAS, OBZPAE/FIRE has one inspector vehicle that is currently not usable and three additional vehicles that are near replacement; and

WHEREAS, Jane Slavin, Director, OBZPAE met with Frank Peneno, Automotive Maintenance Supervisor, to evaluate the status and maintenance costs of OBZPAE/FIRE vehicles number 401, model year 2005; vehicle number 406, model year 2003; vehicle number 410, model year 2007; and vehicle number 411, model year 2005 and determine a course of action for repair or replacement; and

NOW THEREFORE BE IT RESOLVED, that upon review of maintenance records and age of vehicles, the Town Board approves the request of the Director of OBZPAE to immediately purchase a new vehicle for replacement of vehicles #401 & #406 at \$37,033.25 each and vehicles #410 & #411 at \$38,788.25 each plus light kits during 2022 to be paid out of fund balance account # B.17 Town Outside Village.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 423

**ACCEPT WITH REGRET, THE RESIGNATION OF ANTHONY BEVELACQUA /
DIRECTOR OF AUTOMATED SYSTEMS / IT DEPARTMENT EFFECTIVE
SEPTEMBER 9, 2022**

RESOLVED, that the Supervisor and the Town Board accepts with regret, the resignation of Anthony Bevelacqua, Director of Automated Systems, from IT Department, effective September 9, 2022.

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

Motion: 5 - 0

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

Noes: None

LEND ASSISTANCE

RESOLUTION NO. 424

APPROVE / COMBINE AGENDA ITEMS #21 TO 26

RESOLVED, the Town Board hereby combines and approves agenda items #21 to 26.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 425

**APPROVE/ LEND ASSISTANCE / 2022 ANNUAL HALLOWEEN PARADE
ORANGEBURG FIRE DEPARTMENT/ MONDAY OCTOBER 31, 2022**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes barricades & trash barrels from the Highway Department and Auxiliary Police from OPD, for the OFD annual Halloween parade to be held on Monday, October 31, 2022, from 6:00 pm – 9:00 pm.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 426

**APPROVE / LEND ASSISTANCE / 2022 ORANGEBURG FIRE DEPARTMENT
HOLIDAY PARADE / SATURDAY, DECEMBER 10, 2022**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & trash bins from the Highway Dept., and auxiliary police from OPD, for the OFD annual holiday parade to be held on Saturday, December 10, 2022 (rain date: Sunday, December 11, 2022), on various roads in the hamlet of Orangeburg, from 6 pm – 9 pm.

RESOLUTION NO. 426 - Continued

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 427

APPROVE/ LEND ASSISTANCE / 2022 PEARL RIVER DAY FESTIVAL / CENTRAL AVENUE, PEARL RIVER

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash cans, barricades, electronic message board & detour signs and the distribution of green waste bags & recycling bins to residents from the Highway Department; a police detail provided by OPD, and a Highway Department event perimeter for the annual Pearl River Day Festival to be held on Saturday, October 15, 2022, from 7 am to 10 pm.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 428

APPROVE / LEND ASSISTANCE / 2022 COLOR RUN / PEARL RIVER MIDDLE SCHOOL

RESOLVED, upon the recommendation from the Superintendent of Highways, the Town Board hereby authorizes the Highway Department lends assistance, which includes the use of barricades & cones, for the PRMS Color Run, to be held on Saturday, September 17, 2022.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 429

APPROVE/ LEND ASSISTANCE / NOBLE NINTH, INC. / TRAUBENFEST / SUNDAY, OCTOBER 2ND, 2022

RESOLVED, that upon the recommendation from the Superintendent of Highways and the Chief of Police, the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, barrels, and sidewalk barrier on road edge from the Highway Department and auxiliary police detail from the Police Department for The Noble Ninth Inc. "Traubenfest ", October 2, 2022.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 430
APPROVE / LEND ASSISTANCE / 2022 NYPD VS FDNY GAELIC FOOTBALL
MATCH / SATURDAY, SEPTEMBER 17TH

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$500.00 by the Rockland GAA for their NYPD vs FDNY Gaelic Football Match, Saturday, September 17th, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 431
ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE

RESOLVED that the following documents are accepted, received and filed in the Town Clerk's Office:

- Town Board Meeting minutes: July 12th & August 23, 2022 Police Commission; July 12th & 26th and August 23, 2022 Regular Town Board Meetings, and July 26th and August 23, 2022 Special Town Board Meeting.
- Agreement & Contracts:
 - a. School Resource Officer – S. Orangetown Schools
 - b. 2022 CANDLE

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

Motion: 5 - 0

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

Noes: None

AUDIT
RESOLUTION NO. 432
PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants (attached) for a total of \$2,563,346.22.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 433
ENTER EXECUTIVE SESSION

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

RESOLUTION NO. 433 - Continued

RESOLVED, at 8:20 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

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

Motion: 5 - 0

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

Noes: None

RESOLUTION NO. 434

RE-ENTER RTBM / ADJOURNED / MEMORY

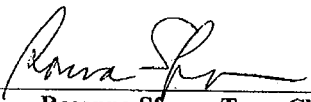
RESOLVED, at 9:12 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Dorothy Anne (Dottie) Dean**, *Resident of Pearl River and wife of James J. Dean, Superintendent of Highways*; **Guy DeVincenzo**, *Formerly of Tappan, and Former Deputy Commissioner of DEMA*; **Marion Galvin**, *Longtime Resident of Pearl River*; **Edgar Perez**, *Assistant Swim Coach, Tappan Zee High School*; **Gerald C. Walsh**, *Resident of Pearl River and Former Town Councilman*; and **James Ward**, *Resident of Pearl River and Son-In-Law of James J. Dean, Superintendent of Highways*

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

Motion: 5 - 0

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

Noes: None



Rosanna Sfraga, Town Clerk

MEMORANDUM

TO: Town of Orangetown Town Board

CC: Hybrid Zoning Committee

FROM: Laberge Group

RE: Response to Public Comments and County Planning Review on South Nyack Hamlet
Zoning Proposal (Local Law of 2022 Amending Chapter 43 of the Town Code)

DATE: August 15, 2022

This Local Law will modify the Town Zoning Law and Zoning Map by adding new zoning districts, a table of regulations, definitions, supplemental standards, and other regulating criteria covering the South Nyack (SN) hamlet area. This location is now directly part of the Town due to formal dissolution of the former Village earlier this year.

This memo recommends responses to items in the General Municipal Law Review (GML 239 L & M) by the Rockland County Department of Planning in the attached 4-page, May 12, 2022 letter referenced by the County as O-2442. The 16 items below address comments under "Recommend the Following Modifications" heading in the County's letter, on its pages one through three. Furthermore, this letter addresses other public comments received in oral and written form during the hearing, so there are also suggested responses for them woven in.

POTENTIAL RESPONSES TO ROCKLAND CO. DEPT. OF PLANNING MAY 12, 2022 COMMENTS TO RECOMMEND THE FOLLOWING MODIFICATIONS

- 1) There has been consideration to sustain and include Run-Off Critical Environmental Area (CEA) on Orangetown's Zoning Map. Reasons why the Run-Off CEA is not proposed to continue are:
 - A. The whole former Village was designated as some type of CEA. Assigning the whole Village and especially this subarea as CEAs establishes a complex and rigorous zoning framework. It causes any development, even actions like constructing sheds, to receive Planning Board site plan review. It does not seem every single land use should be subject to this level of scrutiny. There are roughly equivalent development densities in places like Pearl River that are not regulated as in this fashion or as intensely. It is believed there can be development provided for, in this area, without potential for an adverse impact, if the SEQRA framework is adjusted as proposed. This is especially the case in terms of smaller-scale, incremental residential development. The rationale for saying this is that this form of land use is needed since the region seems to be experiencing major housing needs and shortages. It seems reasonable not to retain the CEA designation for the whole hamlet footprint. The predominant use type in the former village is residential, and it is noted that per SEQRA regulations, residential one and two family structures are generally classified as Type II (exempt) per SEQRA, so there is a body of evidence supporting an assumption these can be provided land use and building regulation without a need for SEQRA review in all parts of the Village.
 - B. Retaining this CEA could slow growth in a location suitable for infill. It is suggested that having an added layer of land use review bureaucracy would not achieve a more beneficial management of potential impacts. One reason is because there are not specific standards, or much guidance in this CEA's text. Moreover, the

Town already regulates stormwater in qualifying developments per Town Code Chapter 30C Stormwater Management. Also, the proposed Town smart growth comprehensive plan recommends in its Parks & Open Spaces, Sustainability & Climate Resiliency section, March 28, 2022, in Recommendation #4, p6-1, developing guidelines for stormwater discharges from construction activities in order to reduce pollutants in runoff from construction activities that disturb 5,000 square feet or more. Standards like these are focused and would be uniformly applicable, meaning they probably will be easier to administer.

- C. NY State SEQRA regulations provide individual agency procedures to implement SEQR at 6 NYCRR 617.14. Its (g)(1) establishes that to be designated as a CEA, an area must have exceptional or unique character. Recognizing the environmental character and context of this location and its existing built form, it is reasonable to recommend there does not seem to be highly unique features here compared with places like the Hillside CEA, which is proposed to be retained as a CEA.

It is acknowledged at some point since August 2, 2022, documentation now resides on the hamlet CEAs directly on NY State DEC's website at <https://www.dec.ny.gov/permits/6184.html>.

The above comments, it is recommended, also provide a sufficient rationale for addressing related public comments on this aspect of law made by Shane Kite (July 12, 2022) and Andrew Goodwillie and Jerry Ilowite (July 10).

- 2) The reason why a smaller footprint Hudson River CEA is proposed on Orangetown's Zoning Map is:
 - A. For generally the same reason as in #1, this CEA was reduced in area. It is recommended that it seems relatively more important to focus on potential for identifying and avoiding severe potential impacts from building within the area closest to the actual Hudson River shoreline.
 - B. Given the Town's regulatory framework, we recommend another reason why this CEA should be reduced in area is to not overly restrict one or two family residential growth. It is the case throughout most of the rest of the Town that this type of residential building can occur by-right.

The above comments, also provide a rationale for addressing related public comments on this aspect of law made by Shane Kite (July 12, 2022) and Andrew Goodwillie and Jerry Ilowite (July 10).

- 3) This proposed Local Law is focused on a footprint encompassing the former Village of South Nyack. It is recommended there are not resources allocated for planning other parts of Orangetown directly in conjunction with this initiative. There is concurrent Town-wide sustainable planning to update the 2004 Orangetown Comprehensive Plan. As the legislative body that will consider Comprehensive Plan adoption, the Town Board may use that process to decide whether other portions of the Town may be considered for designation as CEAs.
- 4) The term noted as incorrectly labeled is changed to "Swimming Pool Structure" in the local law, so it is corrected. The whole definition from the former Village Zoning for "Swimming Pool" has been placed in the local law as applicable to the new hamlet where the former Village was.
- 5) A recommended response to this multipart and at times general comment is as follows:
 - A. See pools treatment in #4.
 - B. Text from §330-18. 'Use of water rights', is not codified exactly the same way as previously, but its whole substance is included in 10.22 'Permits', 10.223(g) amendments for [2.] Hudson River CEA. See its [2.][d.] Development Criteria and [2.][b.]Application subsection i.
 - C. For 'Protection from glare', it is recommended there are functionally equivalent protective lighting regulations already existing in the Town which would be applicable.

- D. For 'Parking of commercial vehicles' it is suggested there are functionally equivalent protective standards covering such activity already existing in the Town which would be applicable.
- E. General and professional offices, funeral parlors and sale of arts, crafts and antiques in RG-OA Districts was added as §18.25 and a typographic reference to it in the Use Schedule in the local law is upgraded.
- F. The effort at-hand has an objective to blend two distinct zoning codes so it is not necessary to regulate using two separate codes simultaneously. It is suggested the approach used selects important performance standards and retains them as applicable to the Village. Yet, it is also suggested it is reasonable to work towards blending the codes, rather than having a large body of hard to manage criteria separately applicable only to this hamlet. Thus, the law was developed with an effort to minimize the amounts of inconsistent regulations. For the following regulations and activities it is recommended there are already functionally equivalent standards in the Town which would be applicable and adequate. As indicated under particular items as follows, the addition rationales and alternative treatments are proposed:
- a. Screening of mechanical equipment on the roof of a structure;
 - b. Trailers and recreational vehicles;
 - c. The Fences standard in the Town (§5.226) regulate at heights over 4.5 feet, while the Village did so at 3.5 feet. It is not considered advisable to use two different but relatively similar standards. Likewise, it was confirmed by the staff in the Town Office of Building, Zoning, Planning Administration & Enforcement that retaining walls are regulated in a generally similar way.
 - d. Business and School hours of operation
 - e. Graffiti
 - f. Discarded materials
 - g. The Village had a solid waste receptacle standard. It is suggested rather than have a standard for this in Town Zoning, it is instead recommended to add an equivalent standard into the Property Management Code in order to cover residential multifamily housing of three or more units.
 - h. Home occupations -- While there were specific regulations in the Village, it seems the Town's definition is adequate. Users can site these type uses. While the Town standard may seem restrictive, holding to it can help sustain residential character and underpin a vibrant nonresidential real estate market and prompt successful, growing businesses to move to and occupy nonresidential zones and spaces, rather than operating in and potentially impacting residential neighborhoods.
 - i. External Equipment Noise Limit -- It is suggested it is not feasible to adopt this standard. One reason is the former village standard limiting audible levels would be hard to enforce. It was indicated by Town Codes staff that one problem is that in some locations in the hamlet existing ambient background noise levels already exceed the standards. Also, the Town does not use site plan review to regulate one and two family housing and enforcement staff is not typically involved in regulating residences for factors like this.
 - j. Community residence facilities
 - k. Renting of rooms -- It is recommended this probably is not a type of use the Town leaders may want to entertain. We make this suggestion based on dialog with the hamlet Zoning Committee. If there is potential interest in enabling this type use, this could be a type of topic to refer to the zoning implementation undertaken in conjunction with the Townwide master planning.
 - l. Merger of lots -- There is not a clear rationale for the intent or purpose of this standard. It is not clear why these were organized in a fashion to prohibit consolidation of some larger lots. Since the Town has mostly functional equivalent standards in its code, this is not suggested to advance.
 - m. The rationale for an override is, considering there may be zoning changes advanced in conjunction with the new comprehensive plan, this could be a topic to consider for adoption under that future process of updating the whole comprehensive zoning law.

The above comments, also provide a rationale for addressing related public comments on aspects of law made by Andrew Goodwillie and Jerry Ilowite (July 10).

- 6) It is suggested there are roughly equivalent standards regulating hours of operation for nonresidential uses like this in the Town. Moreover, nonresidential uses in the Town are provided site plan approval, so on a case basis there is an opportunity to add stipulations that reasonably limit the hours of operation in South Nyack Hamlet's sub-zones for that set of uses. Thus, it is not recommended to carry over these regulations. It is contemplated that existing Town general standards in Zoning and in the Town Code would be sufficient. Also, in 18-23 basic sign regulation standards for the Hamlet have been added into the proposed local law.

The above comments, also provide a rationale for addressing related public comments on aspect of law made by Andrew Goodwillie and Jerry Ilowite in a July 10, 2022 letter.

- 7) The typographic error was addressed with clarification provided in the codification of the proposed local law.
- 8) There was reconsideration of restoring items identified.
 - A. It is recommended that in existing Town codes there exist equivalent regulations to the 'Obstructions to vision at street intersections' standard, so it is deemed unnecessary to sustain the village criterion.
 - B. Side yard adjustment for lots providing more than minimum required street frontage is considered to be a difficult to regulate standard, so it is not recommended to sustain it. There can be monitoring of land use performance and regulation. This can inform a future consideration as to whether to potentially establish such regulations. 'Bulk requirements applicable to places of worship' were put back into the proposed local law, at §18.24.

The above comments, also provide a rationale for addressing related public comments on aspect of law made by Roger Seiler on July 1, 2022 in an email and Andrew Goodwillie and Jerry Ilowite in a July 10, 2022 letter.

- 9) It is recommended there is consideration to make the stated change; however, there is also a suggestion not to effectuate it, but instead use the established framework available in the Town's existing regulatory framework. The term "Special Permit Granting Authority (SPGA)" was removed from §18.42 and the term "Board" was used. This substitution of phrase was also applied in §18.44.
- 10) The 300 feet of river frontage standard was added into §18.4. 'Special or conditional permit uses', as §18.47, and there is a minimum parking standard that is generally the same as was applicable in the former Village.
- 11) The bed-and-breakfast standard is not recommended to be carried forward. Doing so aids consistency of districts regulation. Understanding is there are not any existing B&B uses; yet, if one(s) are lawfully established, non-conforming use regulations would be applicable.
- 12) In the proposed law, there was an adjustment in applicable code standards – see §18.41 and applicable schedule components in §3.13, 43 Attachment 19.1-19.9. The former framework is generally sustained for the hamlet. The rationale for not following the County comment is a special permit review process is retained that jibes with the former Village framework.

On July 1, 2022 Roger Seiler wrote that the former Village law was incomplete, that a fuller regulatory framework was never fully adopted, and the commentor requested removing this. However, it is the recommendation of the Zoning Committee that the arrangement provided establishes a regulatory framework, including which can be refined and built upon.

13) Some basic supplemental regulations drawn from South Nyack's former zoning are now provided in proposed §18.23 and are meant to serve until such time as there may be a decision to upgrade sign standards.

14) It is recommended all of the Village's Article X standards must not remain in place. It is suggested functionally equivalent aspects of the Code of the Town, including in its general zoning standards, can be reasonably used to generally and safely regulate the layout and alteration of off-street parking, loading facilities, and driveways, when criteria for regulating these attributes are not already provided for in this proposed law. Similarly, it is suggested that functionally equivalent Town standards exist which can be used to regulate topics like but not only including surface treatments of driveway/ curb cuts, associated drainage, and management of lines of sight, and avoidance of obstructions to rights of way. It is suggested the Town should monitor how parking and access regulation in the hamlet area goes using the Town standards. This can help inform whether and how to refine or upgrade these type standards. It is registered that dimensional and performance regulations may in the future need upgrades to deal with topics unique to the hamlet area, like for loading and aisle widths.

The above comments, also provide a rationale for addressing related public comments on aspect of law made by Andrew Goodwillie and Jerry Ilowite in a July 10, 2022 letter.

15) As noted, the Town is establishing its own at least temporary regulating standards for South Nyack and these could apply for a reasonably foreseeable future. It is acknowledged that a coverage standard may be a useful way to aid in the management and regulation of Town ambiance and environmental quality. However, it is recommended that the Townwide comprehensive planning and zoning implementation that could go along with it would seem to be a more appropriate process to use for identifying desired zoning performance changes, like for a lot coverage standard. Perhaps the application of these standards in this hamlet by Town land use bodies and Town staff and agents can provide insight about the organization of coverage regulations in other Town Zoning Districts.

16) The recommendation for an override is based on the fact that a best effort was made to identify entities to engage in this regulatory process. Parties were also notified of proceedings through other notification steps, including publication of the notice of hearing on this zoning change.

OTHER PUBLIC COMMENTS

17) On July 1, 2022 Roger Seiler wrote wondering whether the definition of Deck should be included or if it is covered by the Town definition for Structure. It is recommended that the latter is the case.

18) On July 1, 2022 Roger Seiler wrote that there was omission of the Nonconforming Use Permit standards. It is recommended there is not a specific need for a regulation for this. There is functionally equivalent regulation in the Town. Definitive records from the former Village were retained. There is Town staff understanding as to which properties this applies to.

19) On July 1, 2022 Roger Seiler advocated for sustaining the telecommunications tower provisions in the Village; yet, multiple aspects of the law in the Town are directly the same as the text in the former Village. It is recommended that there is functional equivalence of regulation and these standards need not be retained. Uses with valid permits would continue.

20) Andrew Goodwillie's and Jerry Ilowite's July 10, 2022, letter, page 3, suggest any use not listed for a district shall be deemed prohibited; yet, it is recommended such a prohibition already exists in the Town's law.

- 21) Andrew Goodwillie's and Jerry Ilowite's July 10, 2022, letter, page 6, advocates for retaining the 330-34.F 'Cluster development standard'. It is recommended that NY State Town Law enables communities to provide flexibility to cluster; it is recommended specific new standard is not needed in the Town Zoning.
- 22) Andrew Goodwillie's and Jerry Ilowite's July 10, 2022, letter, page 7, suggests a role for the ZBA in the appeals of variances. It is recommended that this would not fit well with the review processes in the Town. It could be legally challenging to administer, could be applied inconsistently, and could add significantly to record keeping.
- 23) Per Andrew Goodwillie's and Jerry Ilowite's July 10, 2022, letter, page 8, there was clarification in the Bulk Tables/ schedules with a note added to identify that accessory permitted uses in each particular zone apply to all principal uses in it.

CONCLUSION

It is noted there was one piece of correspondence also forwarded to Laberge Group on "The History of South Nyack Through the History and Rediscovery of the South Nyack Brook Please Use This Version...". It is our recommendation that while this is valuable background information on this location, there is not specific commentary in the correspondence on the proposed "Hybrid Zoning". It is our recommendation that no action is needed to contemplate that content.

We look forward to any questions of comments. Town staff was supplied with an adjusted Local Law proposal.

Attachment: General Municipal Law Review (GML 239 L & M) made by the Rockland County Department of Planning in a four page letter dated May 12, 2022 and referenced by the County as O-2442.

**TOWN OF ORANGETOWN
LOCAL LAW NO. 3 OF 2022
AMENDING CHAPTER 43 OF THE TOWN CODE ENTITLED "ZONING CODE OF
THE TOWN OF ORANGETOWN" OF THE TOWN CODE**

_____, seconded by _____, introduced the following proposed local law, to be known as Local Law No. 3 of 2022, entitled A LOCAL LAW OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK AMENDING CHAPTER 43 OF THE TOWN CODE, "ZONING CODE OF THE TOWN OF ORANGETOWN."

SECTION 1. Chapter 43, "Zoning," of the Town of Orangetown Town Code at Article II, "Districts," § 2.1., "Establishment of districts" is hereby amended by the addition of the following new South Nyack hamlet zoning districts immediately after "RPC-OP – Rockland Psychiatric Center Office Park, but within a new, § 2.2.2 South Nyack (SN) hamlet districts applicable per Article 18:"

<u>SN R-4A</u>	<u>South Nyack One-Family Historic Residence</u>
<u>SN R-18</u>	<u>South Nyack One-Family Residence (18,000 S.F)</u>
<u>SN R-12</u>	<u>South Nyack One-Family Residence (12,000 S.F)</u>
<u>SN R-12HC</u>	<u>South Nyack Cluster Subdivision</u>
<u>SN R-12H</u>	<u>South Nyack Hillside Residence</u>
<u>SN RG-8H/R-12H</u>	<u>South Nyack Hillside Residence</u>
<u>SN RG-6</u>	<u>South Nyack General Residence (6,000 S.F)</u>
<u>SN RG-4</u>	<u>South Nyack General Residence (4,000 S.F)</u>
<u>SN HRA</u>	<u>South Nyack High-Rise Apartments</u>
<u>SN RG-A</u>	<u>South Nyack General Residential & Apartments</u>
<u>SN R-O</u>	<u>South Nyack Residential Professional Office</u>
<u>SN RG-OA</u>	<u>South Nyack Residential, General & Professional Office & Sale of Arts, Crafts & Antiques</u>
<u>SN B-1</u>	<u>South Nyack Local Retail Business</u>
<u>SN RGLSO</u>	<u>South Nyack Residential General & Limited Service & Professional Office</u>

SECTION 2. The Zoning Map of the Town of Orangetown, established pursuant to Chapter 43, "Zoning," of the Town of Orangetown Town Code at Article II, "Districts," § 2.2, "Zoning Map" is hereby amended by the addition of the new zoning districts identified above in SECTION 1. As labeled on the Town Zoning Map, the hamlet of South Nyack (SN_) Zoning Districts are shown on a one-page "Hamlet of South Nyack, Rockland County, NY - Zoning Map", that links off-of the main Town of Orangetown Zoning Map.

SECTION 3. Chapter 43, "Zoning," of the Town of Orangetown Town Code at Article III, "Tables of General Regulations," is hereby amended by the addition of a new § 3.13 as set forth below and the addition of a new Use and Bulk Table entitled "Table of Hamlet of South Nyack General Use, Bulk & Parking Regulations," as Chapter 43 attachments 19.1 through 19.9, setting forth the permitted uses, special permit uses, accessory uses, bulk and parking requirements in the new zoning districts identified in SECTION 1 of this Local Law as follows:

§ 3.13. Hamlet of South Nyack Table of Use, Bulk, & Parking Requirements.³ The accompanying table, entitled “Table of Hamlet of South Nyack General Use, Bulk & Parking Regulations” shall be deemed to be part of this section and is referred to herein as the “Hamlet of South Nyack Use, Bulk and Parking Table.”

³ Editor’s Note: Table of Hamlet of South Nyack General Use, Bulk & Parking Regulations is at the end of this chapter.

SECTION 4. Repeal the following section of Town of Orangetown Town Code, Chapter 43. Zoning at Article X, entitled “Administration & Enforcement” § 10.2, “Enforcement”, 10.22 “Permits”, 10.223(g) “Applications for a permit within designated critical environmental area”, and replace 10.223(g) in its entirety, as follows:

(g) Applications for permit in a designated critical environmental area (CEA) on Town Zoning Map.

[1.] Upper Grandview and Environs & South Nyack Mountainous Area CEAs.

[a] Applications for a permit for new construction, additions or exterior modifications within these designated critical environmental areas shall be accompanied by a site plan which shows the existing contours (at two-foot intervals), all existing trees (as hereinafter specified), construction limit lines, all proposed construction and site alterations, drainage calculations and soils data as required by the Inspector. Said applications shall be referred by the Inspector to the Planning Board for site plan approval.

[b] Said applications shall be referred by the Inspector to the Rockland County Soil and Water Conservation District, which shall make specific requirements for erosion control during construction, and such erosion control requirements shall be a condition of a permit and shall be strictly enforced.

[c] Review by the Rockland County Soil and Water Conservation District may be waived, at the discretion of the Inspector, for sites having an average grade of 15% or less.

[d] In addition, all trees measuring eight inches in diameter at a height measured 54 inches from the ground, existing on any site within the designated Critical Environmental Area, for which an application for a permit has been submitted, shall remain as existing with the exception of those trees whose removal is deemed essential by the Inspector in order to implement the construction to be undertaken.

[e.] Those trees whose removal is deemed essential by the Inspector shall be marked by the Inspector below the chop line.

[f.] In determining whether a tree may be removed, the Inspector shall consider the following:

- i. The necessity of removing the tree in order to allow reasonable economic use of the property.**
- ii. The effect of the removal on erosion, soil moisture retention and flow of surface waters.**
- iii. Whether the removal of the tree would substantially alter the water table or effect the stabilization of ground and surface water.**

iv. Whether the topography of the area in which the trees are located is such that the removal of such trees will result in damage to the environment through erosion. Applications shall be made by the owner or lessee, or by agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application. Each application for a permit shall be accompanied by the required permit fees and copies of plan documents, drawn to scale on durable paper, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines and, if required by the Inspector, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data, including approval of drainage by the Town Engineer or consulting engineers. Plans and specifications shall bear the signature of the person responsible for the design and drawings. Applications for uses requiring special permits from the Zoning Board of Appeals (or the Town Board) shall contain such additional information required for such Boards to make any special findings or additional requirements and conditions specified for any such use in Use Table, Column 3, or in § 4.3. Applications for uses subject to performance standards procedure shall contain such additional information set forth in § 4.121(c). Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work subject to the approval of the Inspector. [Amended 7-13-2021 by L.L. No. 6-2021]

[2.] Hudson River CEA. This mapped area in the South Nyack Hamlet is generally east of Piermont Avenue and specifically in a polygon bounded by the entire easterly shoreline along the Hudson River, extending along the former northern boundary of the Village, as it extended along a line east of Cedar Hill Avenue, along the northerly property line of the February 2020 PID 66.46-2-11, plus on the eastern side of the centerline of Piermont Avenue, and along the former southern boundary of the Village of South Nyack, Piermont Avenue east to the River.

[a]. Traits.

- i. This CEA has unusual proximity to the Hudson River and the protection, preservation, and enhancement of important aesthetic and scenic qualities associated with such proximity is a primary goal.
- ii. The historic significance of the Hudson River CEA architecture should be protected for future generations.
- iii. The Hudson River's ecological, geological, and hydrological sensitivity may be adversely affected by any change, development, or disturbance and must be scrutinized carefully and thoroughly so as to protect and preserve not only environmental integrity of the riverfront area, but the appearance of the shoreline from the River itself.

[b]. Applications.

- i. Consistent with Conditional and Special Use requirements, as part of any site plan submitted for development in this CEA, a submission shall be accompanied by the following additional site plan data that will be depicted on such plans:
 1. Scale of one inch equals 40 feet, with topographic elevations spaced no greater than with one-foot contours, and using a NAV 88 Datum.
 2. Delineation of mean highwater mark of the Hudson River onsite and within any adjacent area must be shown; furthermore, as part of depictions of total lot area, any portions of underwater lands shall be uniquely identified.
 3. All structures shall be shown regardless of size and location.
 4. Supply two copies of color architectural elevations and cross sections of all proposed construction and showing as part of these, sides of buildings, along with specifications for colors, materials, and construction details.
 5. There shall be submission of a full Storm Water Pollution Prevention Plan (SWPPP) for any new nonresidential use, not including a professional office or studio that is within an existing building that is not changed and which also contains residences.
- ii. Within this CEA, any application involving a SEQRA Type I or Unlisted Action, shall be accompanied by a Full Environmental Assessment Form, compiled by the Applicant, including a visual EAF addendum, and this will need to be submitted for use in SEQRA administration.

[c]. Regulation.

- i. The erection or construction of dock, wharfs, or piers shall be referred by the Inspector to the Planning Board for site plan approval.
- ii. Merging two or more contiguous lots into one lot shall not be permitted except where all of the original lots to be merged are less than the minimum area required, in which case the proposed merger may be allowed upon site plan approval, but only for those original lots necessary to provide the minimum required area to the merged property.
- iii. Except for minor alterations or additions of less than 450 square feet that are exempted by the building inspection, physical additions of buildings and structures shall require site plan approval.

[d]. Development Criteria.

- i. The Hudson River shoreline and within fifteen-hundred-feet jurisdiction, measured perpendicular to the general flow of the river, shall be used only for boating, fishing, swimming, the operation of private seaplanes and similar water activities. Construction within this area shall be limited to piers, docks and similar structures which are commonly used for the above activities. No other building or accessory building of any kind shall be permitted. In no case shall it be permissible to fill the Hudson River beyond five feet of the present shoreline

and then only in order to round out the existing shoreline. Where applicable, all construction and filling shall require approval of the United States Army Corps of Engineers or any other governmental agency having jurisdiction.

- ii. There shall be compatibility of any proposed dock or boathouse use with existing and proposed development.
- iii. Design specifications for docks, rivetments, seawalls, and such structures shall be disclosed and accompanied by descriptions of how these are organized to provide for floodplain management and coastal resilience, by contemplating and mitigating the potential effects of wave action, through consideration of potential for sea level rise, and through identification of practicable practices deployed which aid or sustain natural resources values, such as by minimizing disruption to habitat and aiding the potential migration/ movement of wildlife.
- iv. In conjunction with referrals to the Architectural & Community Appearance Board of Review concerning building character, the following criteria are provided to aid in an integration of building and land features so as to manage and enhance area character:
 1. Reviewer(s) should encourage a combination of common materials, landscaping, buffers, screens and visual interruptions in order to create attractive transitions between buildings of different architectural styles.
 2. Where possible, natural or existing topographic patterns, which contribute to beauty and character of a development, shall be preserved.
 3. Landscaping should contribute to the site plan and integrate the various elements of site design, preserving and enhancing the particular identity of the site, including architectural features, scenic vistas and visual corridors.

SECTION 5. Chapter 43, "Zoning," of the Town of Orangetown Town Code is hereby amended by the addition of a new Article 18, entitled "Hamlet of South Nyack Supplemental Regulations" and associated subsections, as follows:

Article XVIII. Hamlet of South Nyack Supplemental Regulations.

§ 18.0 Legislative Intent. The Village of South Nyack was officially dissolved and incorporated into the Town of Orangetown on March 31, 2022. The Town Board of the Town of Orangetown has determined that certain supplemental zoning regulations, including definitions specifically applicable to the former Village of South Nyack should be incorporated into the Town of Orangetown Zoning Law through the establishment of a new Article 18.

§ 18.1. Definitions.

- A. Applicability. For the purposes of this article, the following terms shall specifically apply to applicable policy and terms found in Article XVIII of this chapter and the Hamlet of South Nyack Use, Bulk and Parking Table, referenced in § 3.13 of this chapter, and shall have the meanings herein indicated. All terms found in Article XVIII of this chapter and not defined in § 18.12, "Terms

defined" shall have the meanings indicated in Article XI of this chapter, if so defined.

B. Word usage. For the purposes of this chapter, the words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation or partnership as well as individual; the word "lot" includes the words "plot" and "parcel." The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used." Words not defined in this article and also not defined in Article XI of this chapter, shall carry their customary and dictionary meanings.

§ 18.12. Terms defined.

As used specifically in this article, the following terms shall have the meanings indicated:

APARTMENT, HIGH-RISE

An apartment house of six or more stories.

APARTMENT, MID-RISE

An apartment house of two through five stories.

ATTIC

The portion of a building between the top of uppermost floor construction and the underside of the roof construction.

BUILDABLE ENVELOPE

The area bounded by the required yard setbacks and allowed height of building, within which a building may be constructed, and which shall not include any easement unless specifically allowed by the easement. Where subdivision or site plans show the buildable envelope, its outline shall conform to this definition.

BUILDING, ALLOWED HEIGHT OF

The height of a building shall be measured from the average elevation of the proposed finished grade or the existing grade on all sides of the building, whichever is lower, to the highest point of the roof, exclusive of any chimneys.

CERTIFICATE OF USE

An annually renewable written authorization from the Building Inspector for a use allowable under this certificate category.

COVERAGE

That percentage of the plot or lot area covered by the principal building, accessory buildings, decks, porches, and any surface impervious to water, including but not limited to concrete, asphalt, brick, macadam, asphalt or paving stone.

DWELLING, MULTIPLE

A building containing three or more dwelling units.

DWELLING, TWO-FAMILY, TYPE B

A detached building having single ownership and containing two dwelling units, one of which contains no more than 1/3 of the floor space of the building, so that the appearance of the building is similar to a single-family house, and where the second unit is designed to have less density of use than the primary dwelling unit.

FRONTAGE, STREET

The lineal footage actually abutting a street.

LOT AREA

The total horizontal area included within the property lines of a lot, except that for any minimum lot area specified in this article, the area shall be adjusted as set forth in § 18.32 Development of hillsides.

LOT AREA ADJUSTED

The lot area reduced by the percentage set forth in § 18.32 Development of hillsides if any. Adjusted lot area shall be used for the minimum lot area and maximum lot coverage bulk requirements.

OPEN SPACE

That ground area open to the sky and on the same lot with a building or buildings, and which is landscaped and/or devoted to outdoor recreation or sitting space.

PARKING SPACE

An off-street space, enclosed or unenclosed, available for the parking of one motor vehicle and having direct access to a street via a curb cut, not inhibited by another parking space.

PATIO

An outdoor floor structure built at ground level with no permanent roof, constructed mostly of stone, bricks or cement, at least five feet in width and five feet in length, and which does not serve primarily as a walkway from one part of the property to another. The dimensions of a patio are not included in the dimensions of any building that it may adjoin.

PORCH

A structure attached to a principal or accessory building, consisting of a floor covered by a roof and with at least one side mostly open to the adjoining yard, that is at least five feet in width and five feet in length, accessible directly from the building to which it is attached, and which does not serve primarily as a walkway from one part of the property to another. The dimensions of a porch shall be included in the dimensions of the building to which it is attached.

PRIVATE EDUCATIONAL CAMPUS

An institution that is not "public" which offers to its students formal education in arts, sciences or humanities, and is chartered by the Board of Regents of the University of the State of New York, and which is composed of multiple structures and land uses on a lot or lots aggregating more than five acres.

ROOMER

A person who renders services, rent, or other compensation in consideration of occupancy in or upon the premises, is not a member of the resident family of the dwelling unit, as defined in this chapter, has the exclusive use of only a bedroom within the dwelling unit and shall have use of the kitchen, dining room, living room and other facilities of the dwelling unit in common with other residents.

SCHOOL, PUBLIC

An institution under the jurisdiction of a school district and legally constituted by the State of New York to offer free formal education to residents of the district.

STORY, HEIGHT OF

The vertical distance from a floor to the top surface of the floor next above. The height of the topmost story is the maximum distance from the top surface of the floor to the top surface of the ceiling joists.

SWIMMING POOL —

Any permanent, nonportable pool, installed above or below ground, which contains water to be used for swimming or bathing. As used herein, the word "pool" shall be synonymous with the words "swimming pool."

- A. SWIMMING POOL, PRIVATE — A swimming pool, and its incidental apparatus and equipment, located on a lot as an accessory use to a residence, and maintained by an individual for the sole use of his household and guests, without charge and with no purpose of profit.
- B. SWIMMING POOL, OTHER — A swimming pool regularly used by several families who pay a fee or charge, directly or indirectly; or a pool operated by a private club for its members; or any commercial or community pool; or a pool serving dwelling groups or multiple dwellings.

SWIMMING POOL STRUCTURE

Any type of construction or equipment used in connection with or surrounding a swimming pool, including a deck or paved area.

§ 18.2. Supplemental Regulations, Including Use Regulations. Subdivisions shall revert to and be subject to Town of Orangetown Town Code Chapter 21 Land Development Regulations. Furthermore, any nonresidential development generally shall revert to and be subject to Town of Orangetown Town Code Chapter 21A, Site Development Plan Approval.

§ 18.21. Sale of arts, crafts & antiques; general or professional office. Any premises within the Hamlet of South Nyack, used in whole or in part for the sale of arts, crafts and antiques shall be subject to the following regulations:

- (1) Only the first floor of the premises shall be used for the sale of arts, crafts and antiques.

- (2) There shall be no substantial change in the external appearance of the premises, and the premises shall be continuously maintained in good condition and repair.
 - (3) The outdoor display either on the porch, sidewalk or in the yard of premises used for the sale of arts, crafts and antiques shall be prohibited.
 - (4) If a portion of the premises is used as a dwelling, the dwelling units shall have an unobstructed access to the outdoors completely independent from the area of the building used for the sale of arts, crafts and antiques.
 - (5) That portion of the premises used for the sale of arts, crafts and antiques shall not be used for cooking or for the sale of food. No vending machines shall be permitted on the premises.
 - (6) No loose refuse shall be stored outdoors at any time.
 - (7) There shall be no manufacturing, brazing, soldering, welding, storage or use of inflammable liquids or use of open flames on the premises.
 - (8) Any overnight occupancy of the area of the premises used for the sale of arts, crafts and antiques, or as a professional office, shall be prohibited.
 - (9) No premises shall be used for the sale of arts, crafts and antiques, or as a general or professional office, unless an annual certificate is obtained from the Building Inspector stating compliance with the New York State Uniform Fire Prevention and Building Code and the Zoning Law.
 - (10) All storage areas shall be inspected annually by the Building Inspector or Code Inspector to ensure clear access to all means of egress and full compliance with all relevant codes and laws.
 - (11) If the first floor of such premises ceases to be used for the sale of arts, crafts and antiques, or as a general or professional office, it shall thereafter be used to house only one family.
 - (12) Off-street parking for employees and/or tenants shall be provided, in the rear and/or one side yard, behind the front building line, and shall be screened from adjoining properties.
- § 18.22. Community residence facilities. Community residential facilities shall be subject to Town Board approval as to site selection pursuant to § 41.34 of the Mental Hygiene Law (Padavan) as may be amended.
- § 18.23. Signage.
- (1) Signage will be consistent with the "Sign Law of the Town of Orangetown", Chapter 31C and with this Chapter 43, Zoning. The number and size of accessory signs for each South Nyack (SN) zoning district is provided as follows, thereby providing a framework for the regulation of signage in SN zoning districts. No sign or advertising structure shall be erected, moved,

enlarged or reconstructed without a permit first having been obtained from the Building Inspector.

(2) Permitted signs in residence districts. Unless otherwise indicated, one nonilluminated nameplate or professional sign with an area on one side of not over two square feet.

(A) In the SN-HRA District, up to three nonilluminated property organization identification signs with an area on a side of not over nine square feet.

(B) In the NS-RG-A, SN-R-O and Sn RG-OA Districts, provided that they are accessory to a principal use on the premises:

(i) One nonilluminated nameplate or professional sign per office with an area of not over two square feet.

(ii) One indirectly illuminated bulletin board or announcement or identification sign for educational or religious institutions, with an area on a side of not over 12 square feet, provided that such sign is located not nearer than 20 feet to any street or property line or is attached to the building if closer.

(iii) One indirectly illuminated identification sign, with an area on a side of not over 12 square feet, or in the RG-OA District, two nonilluminated identification signs with an area on a side of not over 24 square feet, provided that such sign is located not nearer than 20 feet to any street or property line or is attached to the building if closer.

(3) Permitted signs in nonresidential districts, accessory to a principal use on the premises:

(A) In the SN-B-1 District, not more than one identification sign for each tenant on the premises on each wall fronting on a street, provided that the area, in square feet, of any signs on any wall shall not be greater than two times the width in feet of the storefront or commercial establishment to which the sign refers; and, such sign or signs shall be parallel to the face of the building, and no part thereof, including any illuminating devices, shall project more than 12 inches beyond the face of the wall to which applied nor any distance beyond or above the building in any other direction.

(B) In SN-RGLSO District, one indirectly illuminated sign external to the building with an area on a side of not over 20 square feet; plus one wall sign not exceeding 16 square feet.

§ 18.24. Place of Worship.

(1) A place of worship may have a tower, steeple or similar structure extending above the roof to no higher than 50 feet, provided that no part of this tower shall be closer than 40 feet to any adjoining nonpublic property line.

(2) A side yard adjoining any dwelling's property shall be minimum of 30 feet. Otherwise, it shall be equal to that required for a one-family dwelling.

(3) A rear yard adjoining any dwelling's property shall be minimum of 40 feet. Otherwise, it shall be equal to that required for a one-family dwelling.

§ 18.25. General and professional offices, funeral parlors and sale of arts, crafts and antiques in RG-OA Districts.

(1) The office and/or retail use shall not occupy more than two floors of a building.

(2) Off-street parking shall be wholly provided in the rear and/or one side yard, behind the front building line, and shall be screened from adjoining properties.

§ 18.3. Supplemental Bulk Standards.

§ 18.31. Bulk standards for development of unsuitable land.

(1) Land which the Planning Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Board, upon recommendation of the Town Engineer, to solve the problems created by the unsuitable land conditions.

(2) As part of any minimum lot area requirement and maximum lot coverage requirement, not more than 50% of any land under water, subject to or within the one-hundred-year-frequency floodplain, or designated wetlands shall be counted. In addition, at least 50% of the minimum lot area shall be unencumbered by land under water, the one-hundred-year-frequency floodplain or a designated wetland. Any construction on such land shall be limited to the maximum lot coverage calculated on the amount of countable square footage, if any.

§ 18.32. Development of hillsides.

(1) The future development of the hillside areas in the Hamlet of South Nyack is a problem of increasing urgency. The hillsides bypassed until now as too costly on which to build are virtually the last substantial areas for residential development in the Hamlet of South Nyack, and proposals for their use are beginning and can be expected to increase in the future. In the past, a large amount of cutting and filling was frequently done to get the maximum number of lots from a hilly piece of land. In the Hamlet of South Nyack, where steep hills are also characterized by droughty and shallow to bedrock soils, filling operations often entail the destruction of a great deal of the natural vegetation, disrupt the natural drainage pattern and cause excessive amounts of erosion. To prevent these problems and to preserve the present

character of the Hamlet's hillside areas, the Planning Board shall use the following slope formula, based upon the existing contours of the land, to determine the lot area credit toward the minimum area requirement.

- (2) Based upon the following table, the application of the minimum lot area requirements in Article III herein shall be limited by the percentage factors shown below:

<u>Slope* of Area Prior to Cut and Fill Operations</u>	<u>Percent of Lot Survey Area to be Credited to Meet Bulk Regulations for Each Lot</u>
0% to 15%	100%
16% to 25%	60%
26% to 35%	40%
36% and over	0%

*Note: Degree of slope to be certified by the applicant's licensed engineer, subject to review by the Town Engineer.

§ 18.33. Bulk requirements applicable to SN R-18, SN R-12, SN R-8H/R-12H, SN RG-6, SN RG-4, SN RG-A, SN RG-OA, and SN R-O Residence Districts. The following bulk requirements shall apply to the SN R-18, SN R-12, SN R-8H/R-12H, SN RG-6, SN RG-4, SN RG-A, SN RG-OA, SN R-O and SN RGLSO Residence Districts.

- (1) Accessory buildings. An accessory building may be located in any required side or rear yard required for the principal building, but shall not occupy more than 30% of the area of such required rear or side yard. Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side-lot line or rear-lot line of contiguous lots. No accessory use shall be located closer than 15 feet to any principal use.
- (2) Relation of accessory buildings to streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of a garage, the Planning Board may authorize the erection of such garage within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than five feet of the street line where such slope within 25 feet of such line exceeds 20%.
- (3) Corner lots. On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard, and the other or others, side yards. The minimum district requirements for each shall be complied with.
- (4) Exceptions to lot depth requirements. The minimum lot depth at any point may be decreased by the Planning Board through site plan review to 75% of

the minimum requirement if the average depth conforms to the minimum requirement.

(5) Exceptions to yard requirements.

(A) Permitted encroachments. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard.

(B) Existing setback. No proposed one-family or two-family dwelling need have a front yard greater than the average setback of the two adjacent existing dwellings if they are located within 50 feet on each side of said proposed dwelling, on the same side of the street and within the same block and the same district.

(C) Steep slopes. Where the presence of steep slopes would produce extraordinary site clearance, blasting, or removal of hillsides to meet yard requirements, the Planning Board may modify any yard requirement, up to 50% for any yard, provided that an equivalent area is provided in other yards on the same lot. In making a determination with respect to this subsection the Planning Board shall give consideration to the preservation of views from adjoining residences. Where the Planning Board has thus modified the yard requirement, any such yard shall thereafter be deemed to conform to the bulk and area requirements.

§ 18.34. Protection of right to sunlight. In order to protect access to sunlight for neighboring properties, along the northern-facing lot line of any parcel, for a minimum continuous distance of 25 feet, no structure, fence or building shall be built within 15 feet of the lot line with any part of it having a height greater than six feet above ground level.

§ 18.35. Maximum Building Height Applicability: In considering Maximum height per Hamlet of South Nyack General Use, Bulk & Parking Regulations, per Figure 1, when considering a front yard setback variance for any structure, allowable roof height to the topmost extremity shall not extend above a line drawn from 5 1/2 feet above the nearest point on the

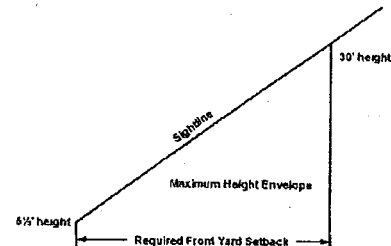


Figure 1. Maximum Building Height Envelope for Front Yard Setback Variance.

front lot line to a point 30 feet above the required front yard setback. An exception to this limit may be granted only if there is no other feasible alternative and if the balancing of benefits to the applicant if granted, versus benefits to the community if not granted, weigh strongly in favor of the applicant.

§ 18.36. Swimming pools. The following restrictions and regulations apply to the construction of all swimming pools.

- (1) A private pool structure and deck shall conform to setback regulations
- (2) A private pool structure and deck shall conform to setback regulations for an accessory building in the district in which it is located. The water container part of the pool structure shall be set back a minimum of 10 feet from all property lines. All other pools shall be set back not less than 20 feet from all property lines. The pool shall be screened from the neighboring property by use of shrubs, trees and other appropriate screening material.
- (3) Each application for site development plan approval to construct or erect a swimming pool, and/or a structure surrounding it, shall be accompanied by plans drawn to scale, large enough and in sufficient detail to show:
 - (A) A plot plan of the property on which the pool and/or structure is to be placed, showing location in reference to side lines, rear lines and other buildings on the lot.
 - (B) Pool dimensions, including depth.
 - (C) Specifications and plans of the structure.
 - (D) Wastewater disposal and electrical wiring.
 - (E) An estimate of cost of pool and/or structure.
 - (F) The location of the fence.
 - (G) Whether the pool is for "private" or "other" use.
 - (H) Lighting plans, if any.
 - (I) A grading plan.
- (4) No swimming pool or related structure shall be constructed or erected unless a building permit has been issued therefor by the Building Inspector.

§ 18.4. Special or conditional permit uses – Hamlet of South Nyack.

§ 18.41. Private schools; private education campuses; and philanthropic and charitable institutions. The following requirements apply to private schools; private education campuses; and philanthropic and charitable institutions:

- (1) Private schools.
 - (A) Any private school for more than 100 students shall occupy a lot which shall have an area of not less than two acres.

(2) No building or part thereof shall be erected nearer than 20 feet to any street or property line. Any sports or athletic facility building or part thereof shall not be erected nearer than 150 feet to any street or property line which abuts another use.

(3) The sum of all areas covered by all principal and accessory buildings shall not exceed 35% of the area of the lot.

(4) Access, circulation and parking shall be subject to site plan review by the Planning Board in regard to the physical relationship and impact upon adjacent uses.

(5) Buildings shall be so located on the site as to allow for adequate access for emergency vehicles.

§ 18.42. Mass transit and public utility rights-of-way and structures. The following requirements apply to mass transit and public utility rights-of-way and structures:

(1) Only rights-of-way or structures necessary to serve areas within the Hamlet of South Nyack will be permitted.

(2) In granting a Special Permit - the Board may impose such conditions as it deems necessary in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

§ 18.43. Conversion of existing building to multifamily dwellings in SN R-O or SN RG-OA Districts. The following requirements shall apply to the conversion of an existing building to a multi-family dwelling in SN R-O or SN RG-OA Districts:

(1) The structure shall be in existence on September 29, 2005. [NOTE: September 29, 2005 is the date that the Village of South Nyack Local Law No. 2 of 2005 Chapter 330 Zoning, was filed with the Secretary of State]

(2) The building shall not be enlarged.

(3) Dwelling units shall not be placed on any floor of a building containing a professional office.

(4) Dwelling units shall have unobstructed access to the exterior without affecting professional offices.

(5) Dwelling units shall have a minimum of 300 square feet, and a maximum occupancy of one person per 150 square feet within each dwelling unit.

(6) All parking shall be in the rear yard.

(7) Not more than 40% of the rear yard shall be covered with an impervious surface.

§ 18.44. Agency Group Home (non-Padavan). The following requirements apply to Agency Group Home (non-Padavan):

- (1) Said home shall be set up in size, appearance and structure to bear the general character of a family unit in a relatively permanent household. As such, it shall not permit transients or transient living.
- (2) Said home shall conform with and shall be maintained in accordance with the overall character and appearance of the surrounding neighborhood. No sign that advertises the use or occupancy of said home shall be erected.
- (3) Said home shall be provided with an outdoor recreation area, suitably enclosed with a fence or hedge. Said area shall be a minimum of 25 square feet per each occupant of the home and shall not be located nearer than 15 feet to any lot line or street line.
- (4) No home shall be permitted within 3,000 feet of any other similar type home.
- (5) The following information shall be submitted to the reviewing Board at the time of the application for the special permit:
 - (A) The governmental authorization to operate such facility.
 - (B) A complete statement of the proposed number, age and permanency of residence of the persons proposed to reside in the facility and the number and qualifications of resident and nonresident supervisory personnel.
- (6) The special permit shall expire immediately upon any change in the nature or type of operation of any approved home.

§ 18-45. Professional offices or studios. The following requirements apply to professional offices or studios:

- (1) Professional offices or studios include but are not limited to those of an architect, artist, dentist, engineer, lawyer, musician, teacher, therapist or physician.
- (2) Veterinarian's offices shall not be considered a professional office or studio.
- (3) Except in the SN R-4A, SN R-O and SN RG-OA Districts, such office or studio shall be incidental to the residential use of the premises and shall be carried on by a resident therein with not more than two nonresident assistants/associates/employees.
- (4) Except in the SN R-4A District, such office or studio, wherever located, shall not occupy an area equal to more than 35% of the area of the largest floor of the principal building.
- (5) Studios where dancing, music, or martial arts instruction is offered to groups in excess of four pupils at one time are prohibited.
- (6) Adequate off-street parking and loading shall exist. However, the parking requirements for professional offices or studios in shall not apply to the SN R-4A District due to the large overall lot size in this district that inherently provides adequate off-street parking space for these uses.

(7) No noise, vibration, smoke, dust, odors, heat, glare or similar nuisance shall be produced which can be perceived at any adjacent street or property.

§ 18-46. Professional offices in SN_R-O and SN_RG-OA Districts. All requirements of § 18-45 of this chapter, shall apply to professional offices in SN_R-O and SN_RG-OA Districts, in addition to the following:

(1) No more than one story or one suite, whichever is less, may be devoted to such use.

(2) The building shall front on South Broadway.

(3) Professional offices shall be limited to a floor at the South Broadway level.

(4) All parking shall be in the rear yard.

(5) Not more than 80% of rear yard shall be covered with an impervious surface.

(6) All vehicular access for properties with frontage on South Broadway shall be from South Broadway.

(7) There shall be no substantial change in the external appearance of the premises.

(8) Solid waste receptacles shall be in enclosures not visible from a public street.

§ 18-47. Private boat or yacht club. Private boat or yacht clubs shall be restricted to properties with a minimum of 300 feet of continuous river frontage.

SECTION 6. Town Code Chapter 43 applicable to implement Chapter 18

It is the intention that the existing provisions of the Chapter 43 of the Town Code shall apply to all properties located within the hamlet of South Nyack unless expressly set forth otherwise in this local law. To the extent that reference to and applicability of other sections of Chapter 43 of the Town Code is necessary to interpret or implement the provisions of Article 18, such reference and applicability is hereby authorized without the necessity of specific reference by the other provisions of Chapter 43 to this Article 18.

SECTION 7. Repeal Village Zoning Law Chapter 330

The former Village of South Nyack Zoning Law, Chapter 330 is hereby repealed in its entirety. The provisions of Chapter 330 shall nevertheless apply to any building permit applications that were filed with the Village of South Nyack or Town of Orangetown under Chapter 330 prior to the adoption of this local law.

SECTION 8. Repeal selected Village Code Sections as applicable to buildings and properties

The following other sections of the former Village of South Nyack Code related to buildings and land use are hereby repealed in their entirety for purposes of continuity in application of the Orangetown Town Code to properties located in the former village:

- a. Chapter 16 Boards and Commissions
- b. Chapter 93 Building Construction and Maintenance
- c. Chapter 96 Building Department

- d. Chapter 108 Buildings, Unsafe
- e. Chapter 172 Flood Damage Prevention
- f. Chapter 201 Multiple residences
- g. Chapter 208 Noise
- h. Chapter 288 Subdivision of Land

SECTION 9. Numbering for Codification

It is the intention of the Town of Orangetown and it is hereby enacted, that the provisions of this Local Law shall be included in the Code of the Town of Orangetown; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for Codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION . Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 11. Effective Date

This local law shall take effect immediately filing with the Office of the Secretary of State of the State of New York.

[illegible]

(PA) = Potential Acceptor

Maximum Building Height Applicability
Maximum building height shall be the least of the number of stories or feet for the roof or floor (b) for all other roof types

1001
(813) 771-1111
Bull & Park Hotel

[illegible]

June 2 • New principal building at

* = not to exceed the principal sum

22 Attachment 16.5
 Table of Standards for South-Central
 (B.1.1)

Zoning District	Principal Use	Use Type	Minimum Lot Coverage (%)		Minimum Yard (feet)		Minimum Height (feet)		Accessory Use	Use Type	Parking
			Area 1	Area 2	Front	Side, 1	Side, 2	Side, 3			
SUNBELT COMMERCIAL RESIDENTIAL	Use: Family dwelling*	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per unit. At least 1 parking space for each 200 SF of gross floor area.
	Public school	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	200 SF of gross floor area per student. At least 1 parking space for each 200 SF of gross floor area.
	Community center facility subject to § 14.22	CC	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Place of worship & place of worship with parking lot subject to § 14.24	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Two-family dwelling*	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per unit. At least 1 parking space for each 200 SF of gross floor area.
	Conversion of existing structure to new family dwelling*	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per unit. At least 1 parking space for each 200 SF of gross floor area.
	Private school subject to § 14.41	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per student. At least 1 parking space for each 200 SF of gross floor area.
	Professional and charitable institutions subject to § 14.41	P	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Manufactured building subject to § 14.42	CUPI	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Agency Group Home subject to § 14.44	SPH	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
SUNBELT COMMERCIAL RESIDENTIAL	Professional office or studio subject to § 14.45	SPH	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.
	Permitted accessory use	PA	4,000 square feet	4,000 square feet	40	20	10	20	Private garage	PA	Minimum one parking space per 200 SF of gross floor area.

Notes: 1. Minimum lot coverage is required for all uses except those specifically exempted in the zoning ordinance. 2. Minimum yard setback is required for all uses except those specifically exempted in the zoning ordinance. 3. Minimum height is required for all uses except those specifically exempted in the zoning ordinance. 4. Accessory use is defined as a use that is subordinate to the principal use and is located on the same lot as the principal use. 5. The use must be a permitted use in the zoning district. 6. The use must be a permitted use in the zoning district. 7. The use must be a permitted use in the zoning district. 8. The use must be a permitted use in the zoning district. 9. The use must be a permitted use in the zoning district. 10. The use must be a permitted use in the zoning district.

2 Attachment 11.6
 Table of Standards for South Yorks General Use, Bulk & Parking Regulations
 (S2.13)

Zoning District	Principal Use	Use Type	Minimum Lot Coverage (%)		Maximum Lot Coverage (%)		Maximum Yards (Feet)		Maximum Height (Feet)		Accessory Use (S2.13)	Use Type	Parking
			Area 1	Area 2	Area 1	Area 2	Front	Side	Side, Rear	Side, Rear			
S2.13 - General Use, Bulk & Parking Regulations	One-family dwelling*	P	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private garage	PA	1.0 space per dwelling unit
	Public or school	P	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Community residence building subject to § 18.22	SFZ	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Place of worship or place of assembly with parking subject to § 18.22	P	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Two-family dwelling*	P	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Conversion of existing structure to two-family dwelling*	P	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Three-story apartment building subject to § 18.22	P	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Private school subject to § 18.22	SFZ	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Philanthropic and charitable institutions subject to § 18.22	CUPB	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Public or school subject to § 18.22	SFZ	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
S2.13 - General Use, Bulk & Parking Regulations	Agency Group Home subject to § 18.24	SFZ	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	SFZ	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	CUPB	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit
	Professional office or studio subject to § 18.24	PA	10,000 square feet	12,000 square feet	40	50	25	25	12	12	Private building	PA	1.0 space per building unit

NOTES: (P) = Permitted Use
 (SFZ) = Special Future Use - Zone
 (CUPB) = Community Use - Bulk & Parking
 (PA) = Professional Office or Studio
 (S2.13) = General Use, Bulk & Parking Regulations
 * = Not to exceed the principal structure per lot

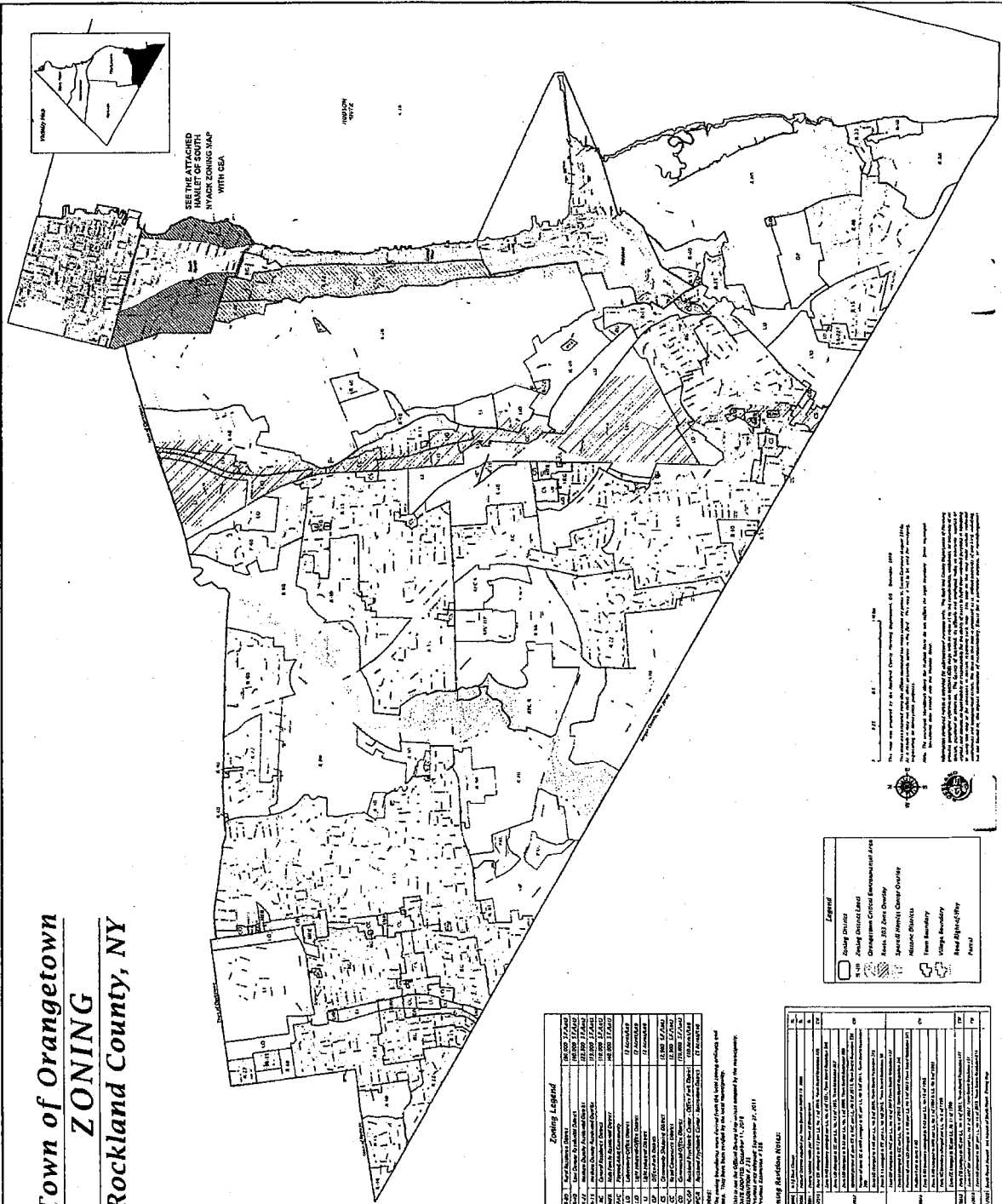
22 Attachment 13.7
 Terms of Outcomes
 Table of Results of South York City Council's Use, Class, & Parking Regulations
 (13.13)

Planning District	Principal Use	Use Type	Maximum Lot		Maximum Coverage (%)	Maximum Yield (sq ft)				Maximum Height		Accessories Use	Use Type	Parking
			Area 1	Area 2		Permit	Sub 1	Sub 2	Sub 3	Stories	Feet (m)	Permit (sq ft)		
SHOULD BE REMOVED FROM THE ZONING MAP OFFICE	One-family dwelling	P	5,000 square feet	1,000 square feet	40	30	22	15	30	3	36	26	PA	10 spaces per dwelling unit
	Two-family type-B dwelling	P	10,000 square feet	10,000 square feet	100	30	22	15	30	3	36	26	PA	20 spaces per dwelling unit
	Conversion of existing structure to new family type-B dwelling	P	12,000 square feet	12,000 square feet	100	30	22	15	30	3	36	26	PA	20 spaces per dwelling unit
	Public school	P	20,000 square feet	20,000 square feet	80	30	22	15	30	3	36	26	PA	10 spaces for the school building
	Community center facility subject to a 10-27	SCZ	6,000 square feet	6,000 square feet	40	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Place of worship & place of assembly with place of worship subject to 10-24	P	6,000 square feet	6,000 square feet	90	30	22	15	30	3	36	26	PA	10 spaces for the school building
	Place of worship and charitable institution subject to 10-41	C1PB	2 acres	2 acres	80	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Place of worship and public utility subject to 10-42	S1PB	10,000 square feet	10,000 square feet	80	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Agency Group Home subject to 10-43	S1PB	10,000 square feet	10,000 square feet	80	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Professional office or studio subject to 10-43	S1PB	10,000 square feet	10,000 square feet	80	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Private educational complex subject to 10-43	S1PB	10,000 square feet	10,000 square feet	80	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Place of worship, place of assembly, place of assembly subject to 10-43	S1PB	10,000 square feet	10,000 square feet	80	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Conversion of existing building to residential building subject to 10-43	SCZ	10,000 square feet	10,000 square feet	100	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided
	Professional office subject to 10-43	C1PB	10,000 square feet	10,000 square feet	100	30	22	15	30	3	36	26	PA	200 sq ft of gross floor area per lot and lot 1 space for each 5 students, where provided

NOTE: (1) = Permitted Use
 (2) = Conditional Use
 (3) = Special Permit Use
 (4) = Special Permit Use - Zoning Board of Appeal
 (5) = Special Permit Use - City Board of Health
 (6) = Special Permit Use - City Board of Education
 (7) = Special Permit Use - City Board of Social Services
 (8) = Special Permit Use - City Board of Economic Development
 (9) = Special Permit Use - City Board of Fire Department
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 (100) = Special Permit Use - City Board of Department of Police Department

NOTES:
(1) - Permitted Use
(2) - Conditional Use (Maximum 5000)

SEE THE ATTACHED
HAMLET OF SOUTH
NYACK ZONING MAP
WITH CEA

[illegible]

Notes:

1. The missing bounding boxes listed below were derived from the last bounding box and the following bounding boxes were derived from the last bounding box.

2. This is not the official Zoning Map which is issued by the municipality.

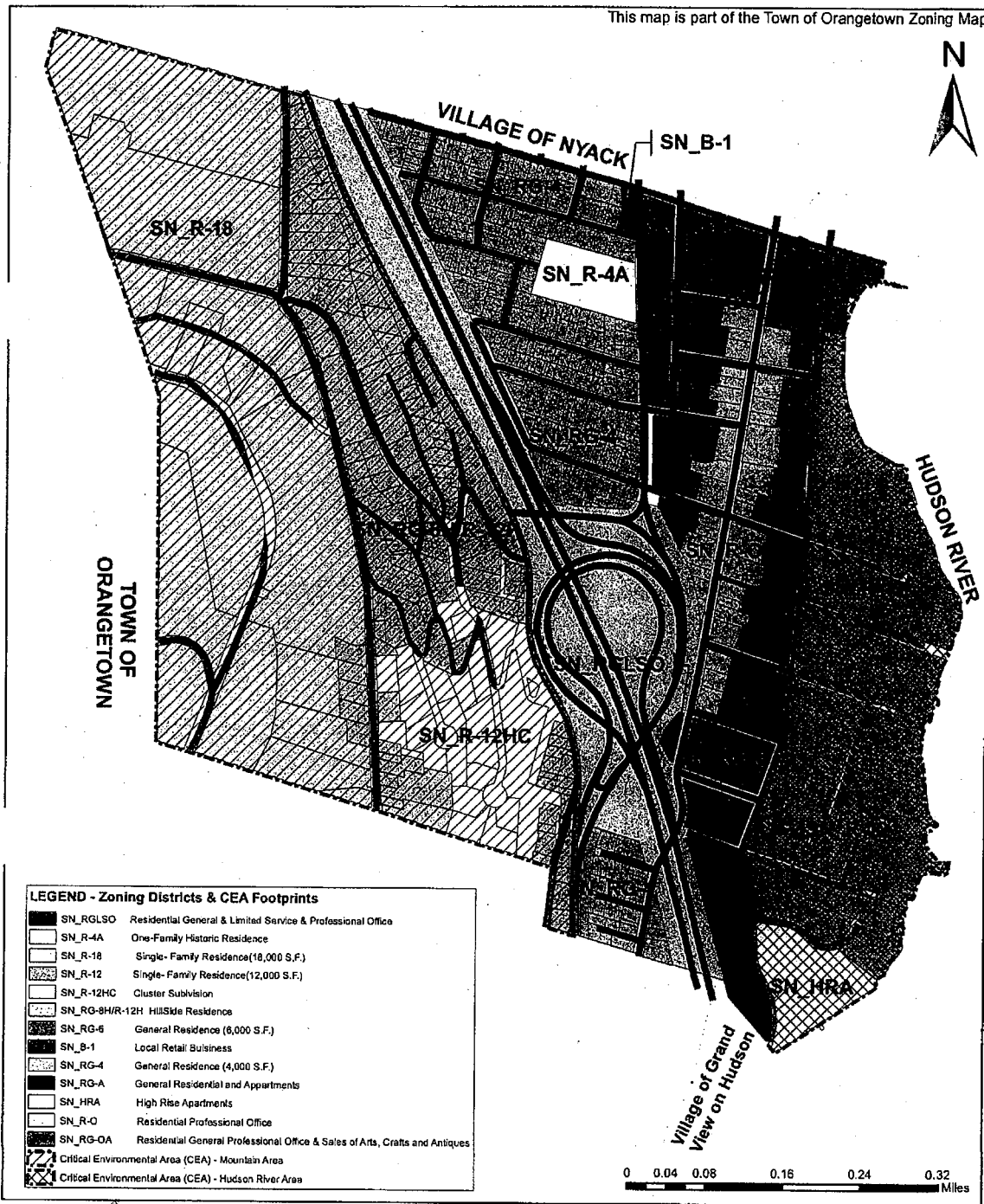
DATE: OCTOBER 11, 2018

REVISION: 1.1

Author: [redacted] Version: 1.1

[illegible]

the following policy board or committee has authority under section 18(2)(f) of



EXHIBIT

ALC-22-1113P

William A. & Susan G. Truss
306 South Broadway
Nyack, NY 10960

September 13, 2022

Town of Orangetown Board
Orangetown Town Hall
26 West Orangeburg Rd
Orangeburg, NY 10962

RE: Request for Approval for Proposed Senior Property Tax Reduction

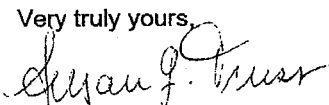
My name is Susan Truss and my husband Bill and I have lived in our home in South Nyack for over 40 years. We've raised our family here and now we're retired, living on a fixed income. We qualify for Enhanced Star. The ever-increasing property taxes are making it difficult to remain in our home near friends and family.

We've come tonight to request that the Town of Orangetown approve the proposed Senior Tax Break mentioned in the attached article which appeared in the September 4, 2022 Journal News. The proposal would increase the income cap from the current \$30,000 for a 50% reduction to \$50,000 up to \$58,400 on a sliding scale.

We understand that all three taxing authorities – the Rockland County Legislature, the Town of Orangetown and the Nyack School District – need to approve it. We've contacted all three entities to make them aware and request that the Senior Tax Break be approved.

It troubles me that since this is not state-funded, the taxes saved by eligible seniors will need to be made up by the other taxpayers within the Town of Orangetown. However, we trust that you will assess this proposal and determine whether to approve it based on how many seniors age 65 or over, or disabled seniors would be eligible and how much other working taxpayers would need to bear.

Thank you for considering our request. We trust that you as a Board will do what is best for our community as a whole.

Very truly yours,

Susan G. Truss

Enclosure: Journal News Article by David McKay Wilson

New York property taxes for some seniors could be cut in half. Here's how it would work

Rockland/Westchester Journal News
Aug. 31, 2022

By David McKay Wilson

Retired police officer Charlotte Dillas, who has lived for more than 30 years in her modest two-bedroom home on Mechanics Avenue in Tarrytown, this summer contemplated selling her house, with its ever-escalating property tax bill.

But her thinking about where to live on an income of about \$35,000 shifted in August after learning about changes in state tax law. Those changes could reduce her tax bill from \$9,000 to about \$2,700.

That could leave Dillas with an 80% discount on the full taxes assessed on her two-bedroom home because she already receives the state-financed Enhanced STAR program for seniors, valued at \$4,100 a year. The town values her house at \$412,000.

"That would be the greatest thing," said Dillas, who graduated from Sleepy Hollow High in 1968. "It would make a big difference. Every bill is going up – heating oil, electricity, everybody nickel-and-diming you to death."

But that will only happen if all four taxing jurisdictions that levy taxes on her home agree to raise the income-limit for one New York state's most generous tax breaks – the senior citizen exemption. Disabled New York homeowners have a similar exemption whose income limit would go up too.

The exemptions cut by 50% the taxable value of one's home, with other exemptions, like the Enhanced STAR or veterans exemption added to senior exemption.

To receive the full tax cut, Dillas would need approval for the higher income limits from the town of Greenburgh, the village of Tarrytown, Westchester County and the Tarrytowns school district.

The current income limit is \$30,000 for a 50% reduction, with a sliding scale up to \$37,800. The new income limits raise the cap to \$50,000 for a 50% reduction and up to \$58,400 on the sliding scale.



It's a decision every school district, municipality, and county in New York will make this year. And that decision has consequences for more than just elderly homeowners looking to age in place. Unlike STAR exemptions, which are backfilled with state money to make school districts whole, the senior citizen tax exemption comes without state funding.

That means the tax cut for the senior homeowners will be picked up by all the other taxpayers in those jurisdictions. So far, a few towns, along with Westchester and Rockland counties, are expected to act this fall on proposals to raise the income limit. Putnam County is considering a proposal, while Orange County plans to address the income limit as part of its 2023 budget discussions this fall.

Spokespersons for the county executives of Ulster and Dutchess counties declined comment.

Some municipalities have yet to commit, knowing any increase in exemptions for the senior citizens mean that their savings will be borne by other taxpayers.



“Our board is very, very sensitive to our taxpayers,” said White Plains Superintendent of Schools Joe Ricca. “We need to get a sense of how many households we are talking about. If it’s 50, that’s not an enormous lift. But if it’s thousands, that could be a different scenario.”

Greenburgh Supervisor Paul Feiner said he backed raising the income limit \$58,400 – the cap in place for the past several years in New York City. He recalls that suburban legislators have supported such a bill since 2016.

"I don't think it's a budget killer for us," said Feiner. "I've already heard from seniors excited about it."



The bill that passed was sponsored by Senate Majority Leader Andrea Stewart-Cousins, D-Yonkers, and Assemblyman Tom Abinanti, D-Mount Pleasant.

"When we look at the realities, in (New York), one in seven seniors lives below the poverty line, so we gave municipalities the option of making it a little more affordable for seniors," she said. "Look at the seniors and their contributions over the years, who would love to remain in their homes but need a little more assistance."



Still, Yonkers City Council President Lakisha Collins-Bellamy said the upcoming decision comes as everyone in the city is dealing with rising prices.

"A lot of our seniors are on fixed incomes, and we don't want to force any of them out of their homes," she said. "But if we collect less taxes from them, we have to recoup money somewhere else. I don't want to burden residents who would be ineligible."

Karen Belanger, executive director of the Westchester/Putnam School Boards Association, said the upcoming discussions on the senior exemptions recalls the occasionally raucous debates eight years ago after the state Legislature gave municipalities and schools the option of giving tax breaks to veterans.

The biggest difference in the upcoming debate is that the veterans' exemptions were based on one's service in the military, not one's annual household income, said Belanger.

"In some ways it's an easier decision because it's income-based," said Belanger, who served on the Rye City school board during those discussions.

"I felt at the time that if the state was giving the tax break, it should pay for it. It leaves the school boards having to decide between different groups how much they will pay."

Whether the seniors will be as organized and vocal as the veterans remain to be seen. The New York chapter of AARP, the state's biggest lobbying group for seniors, backs the law, noting the income limit was last raised in 2009.

"Strengthening these programs goes right to the heart of ensuring housing is affordable and accessible—a cornerstone of an age-friendly state, so all neighborhoods are livable for people of all ages," said David McNally, AARP New York's director of government affairs and advocacy.

In Ramapo, Supervisor Michael Specht said he expects the Town Board will set a public hearing for sometime in September. He expects the tax-burden shift to be minimal on the rest of the town's taxpayers.

"You have to balance the benefits this will provide to disabled and low-income senior homeowners with the additional burden on the rest of the property owners," Specht said. "We expect it to be very minimal."

Timing for tax exemptions differs by county

The timing for action to have the exemptions in place for 2023 varies widely in the Hudson Valley in New York's seemingly ad hoc tax system. Such changes are typically in place 60 days before the taxable status date, to give homeowners an opportunity to apply for the benefit.

With that date Oct. 15 in Yonkers, it appears that any action in the city would not go into effect until the next tax year. The city of White Plains has a Dec. 1 date, so that means action would have to be taken by Oct. 1.

The date is March 1 for Rockland, Dutchess, Putnam and Orange counties, so officials are looking for a decision by year's end.

"We're hoping to get it done in October or November to give people plenty of time," said Ramapo Assessor Scott Shelder, who serves as legislative coordinator of the New York state Association of Assessors.

New York state needs to provide data

The biggest question facing policy makers is just how much of the property burden will be shifted from the senior citizens to the rest of a community's taxpayers.

"It would be helpful to us to know what it means, before we are put in a corner and asked if we are going to be for our seniors or not," said Haverstraw Supervisor Howard Phillips. "Tell us how much we going to spread to the rest of the taxpayers."



The state of New York's Department of Taxation and Finance has that information, but it has yet to share it with municipal leaders. Under the state's Enhanced STAR program, senior homeowners need to provide documentation that they have household income of less than \$92,000.

That data would include the income documentation for seniors who earn up to \$58,300 would be among those who would qualify for the increased exemption.

There are currently 657,000 New York senior households that qualify for the Enhanced STAR, including 74,000 such households in Westchester, Putnam, Rockland, Dutchess, Ulster and Orange counties, according to department spokesperson James Gazalle.

That report is expected to be sent to municipalities in September.

Follow David McKay Wilson on Twitter [@davidmckay415](https://twitter.com/davidmckay415).

Lohud.com subscribers can [sign up for his weekly newsletter](#). Read his columns [in the lohud.com archive](#).

04-D-22, 9/13/22

TOWN BOARD OF THE TOWN OF ORANGETOWN

Local Law # 4 of 2022,

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

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, Chapter 43, Article II, Section 2.2, is hereby amended to change the zoning district of the property identified as Tax Lot 68.07-2-1, and more fully described below, from R-40 (Low Density Residential) to R-15 (Medium Density Residential). The schedule A legal description of the aforesaid property is as follows:

All that certain lot or parcel of land situated in the Town of Orangeburg County of Rockland, State of New York, as shown on a plan entitled, "Survey of Property Prepared for Toll Brothers, Inc. situate in the Town of Orangeburg, Rockland County, New York" prepared by Badey and Watson Surveying & Engineering P.C. dated August 11, 2020, and being more particularly described as follows:

Beginning at the southwest corner of the herein described parcel; thence

1. Along a line common to the lands now or formerly Johnson, the lands now or formerly Olori & Cobb-Olori, the lands now or formerly Pearl River Lot, LLC, the lands now or formerly Mitch & Britton, the lands now or formerly Hunter and the lands now or formerly Gatto Lane, LLC, North 08 degrees 46 minutes 40 seconds West 1005.14 feet; thence
2. Along a line common to a Right of Way (Liber 506, Cp 115) and the lands now or formerly Gatto Lane, LLC, North 83 degrees 16 minutes 48 seconds East 47.47 feet; thence
3. Along a line common to Quitclaim Parcel (N), (RCCO Instrument No. 2005-00017035), and the lands now or formerly Gatto Lane, LLC, North 85 degrees 12 minutes 35 seconds East 393.57 feet; thence
4. Along a line common to Quitclaim Parcel (E), (RCCO Instrument No. 2005-00017029), and the lands now or formerly Gatto Lane, LLC, South 08 degrees 46 minutes 43 seconds East 983.43 feet; thence
5. Along a line common to the lands now or formerly Wyeth Holdings Corporation and the lands now or formerly Gatto Lane, LLC, South 82 degrees 10 minutes 49 seconds West 440.14 feet to the point or place of beginning.

Containing 10.05 acres of land, more or less

Section 2: The Zoning Map of the Town of Orangetown, Chapter 43, Article II, Section 2.2, is further amended to change the zoning district of the property identified as Tax Lot 68.07-2-1, and more fully described below, from R-15 (Medium Density Residential), as set forth in section 1, to PAC (Planned Adult Community).

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

Dated: September 13, 2022
Orangeburg, New York