



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday February 20, 2024

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

Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Councilperson Dan Sullivan	_____
Supervisor Teresa M. Kenny	_____

☪ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **The February 20, 2024 Public Hearing on the Proposed Text Amendment to Special Permit Uses to include Farm Cidery/Winery is adjourned until March 19, 2024 at the request of the applicant.**

DISCUSSION:

- ◆ **WORKSHOP OF AGENDA ITEMS**

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. **OPEN PUBLIC HEARING / RTBM OF FEBRUARY 20, 2024 AT 7:05 P.M. / PROPOSED LOCAL LAW AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Public Hearing on a proposed local law, amending Chapter 39 of the Town Code entitled Vehicles and Traffic relating to a Stop Sign on Gilbert Avenue for traffic proceeding south, at the intersection of Noyes Street and Gilbert Avenue in Pearl River, previously installed under a 6-month police regulation to be reviewed after 6 months pursuant to Town Board resolution 326 of 2023, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication

SUMMARY OF COMMENTS:

4. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED LOCAL LAW AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Public Hearing on a proposed local law, amending Chapter 39 of the Town Code entitled Vehicles and Traffic relating to Stop Sign on Gilbert Avenue for traffic proceeding south, at the intersection of Noyes Street and Gilbert Avenue in Pearl River, previously installed under a 6-month police regulation to be reviewed after 6 months pursuant to Town Board resolution 326 of 2023, is hereby closed or continued to ____.

5. **LEAD AGENCY AND DETERMINATION OF SEQRA / PROPOSED LOCAL LAW AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Town Board declares itself Lead Agency in this matter, and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

6. **ADOPT LOCAL LAW ____, 2024 / AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-8 STOP INTERSECTIONS**

RESOLVED, that the Town Board hereby adopts Local Law ____, 2024 to amend the Town Code, Chapter 39, Vehicles & Traffic, Article I, Vehicle and Traffic Regulations, Section 39-8 Stop Intersections.

LOCAL LAW NO. ____ - 2024 OF THE TOWN OF ORANGETOWN,

AMENDING CHAPTER 39 (VEHICLES AND TRAFFIC), ARTICLE I (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE TOWN OF ORANGETOWN

As amended, additions are underlined. Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1 – Legislative Findings, Objectives and Purpose of this Local Law No. ____ of 2024: The Town of Orangetown Traffic Advisory Board, having investigated issues related to congestion and safety in the hamlet of Pearl River, in and around Gilbert Avenue at Noyes Street, recommends the Town Board adopt this local law amending the Town Code, to install a Stop Sign on Gilbert Avenue for traffic proceeding south, at the intersection of Noyes Street and Gilbert Avenue in Pearl River, previously installed under a 6-month police regulation to be reviewed after 6 months pursuant to Town Board resolution 326 of 2023. Having reviewed the 6-month police regulation and held a public hearing on the matter, the Town Board finds the Stop Sign at this intersection is necessary for traffic safety.

Section 2 – Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations), §39-8, of the Code of the Town of Orangetown (“Orangetown Code”), shall be amended so as to add the following new subsection “183” to paragraph “A” of Section 39-8, and, as amended, shall read as follows:

39-8. Stop Intersections.

The following intersections are hereby designated as stop intersections, and all vehicles approaching said intersections as hereinafter set forth shall, before entering the intersection, come to a full stop, unless otherwise directed by a peace officer or signal.

A. In the Hamlet of Pearl River:

(183) Noyes Street at Gilbert Avenue for traffic proceeding south.

Section 3 – This Local Law shall become effective immediately upon filing with the New York State Secretary of State.

7. ADJOURN PUBLIC HEARING / 7:10 P.M. / PROPOSED ZONE TEXT AMENDMENT / SPECIAL PERMIT USE / FARM WINERY/CIDERY / ADJOURNED FROM NOVEMBER 28, 2023 AND CONTINUED FROM JANUARY 23, 2024

RESOLVED, that the Public Hearing regarding the Proposed Zone Text Amendment / Special Permit Use / Farm Winery / Cidery is hereby adjourned/continued until March 19, 2024 at 7:05 pm at the request of the applicant.

8. REVIEW / APPROVE GATTO LANE PAC SITE PLAN / COMPLIANCE WITH ZONE CHANGE / REFERENCE RESOLUTION 2022-411

WHEREAS, on September 13, 2022 the Town Board, pursuant to Town Board Resolution 2022-410 adopted Local Law No. 4 of 2022 which granted the petition of Toll Brothers, Inc., as contract purchaser of property owned by Gatto Lane, LLC located on Gatto Lane, Pearl River, New York, identified on the tax map of the Town of Orangetown as SBL 68.07-2-1 for a change in zoning classification from “R-40” to “R-

15", and then from "R-15" to Planned Adult Community ("PAC"), which project was and is known as "Gatto Lane", and

WHEREAS, the Town Board reviewed a proposed Site Plan, Traffic Evaluation, Demographic Analysis, Tax Assessment analysis, Housing Plans and Full Environmental Assessment Form pursuant to SEQRA, and

WHEREAS, Section 4.612(D) authorizes the Town Board to review any proposed site development plan before preliminary approval by the Planning Board of any development within a PAC zone to determine whether, in the judgment of the Town Board, the proposed plan does not substantially deviate from the final concept plan presented to and reviewed by the Town Board as part of the zone change process, and

WHEREAS, the applicant has presented a site development plan to the Planning Board for site plan approval, and the Planning Board has referred same to the Town Board for consideration of the plans compliance with the requirements of Section 4.612(D) and

WHEREAS, the Town Board as reviewed the proposed site plan for the Gatto Lane PAC project prepared by Brooker Engineering dated November 10, 2022, and last revised December 19, 2023,

NOW THEREFORE BE IT RESOLVED, the Town Board finds that the proposed site plan for the Gatto Lane PAC project tax lot Section 68.07 Block 2 Lot 1, prepared by Brooker Engineering dated November 10, 2022 and last revised December 19, 2023, does not substantially deviate from the final concept plan presented to and reviewed by the Town Board as part of the Planned Adult Community zone change process, and

BE IT FURTHER RESOLVED, that the Town Board does not object to the Planning Board having granted preliminary site plan approval to the subject plan, as, based upon the finding herein that the plan does not substantially deviate from the plan that was presented as part of the zone change approval process in Resolution 2022-410, any procedural non-compliance being obviated by the instant finding and resolution, and

BE IT FURTHER RESOLVED, that the Town Board directs the adoption of this resolution shall appear as a map note on the final approved site plan.

9. **SET PUBLIC HEARING ON PROPOSED CHANGE TO TOWN CODE, CHAPTER 24C, SECTION 24C TO PROVIDE FOR THE REGULATION OF PARKING AND STORAGE OF VEHICLES**

RESOLVED that the Town Board will hold a public hearing on March 19, 2024, at 7:10 p.m., on a proposed Local Law, amending Chapter 24C providing for the regulation of the parking and storage of commercial vehicles on residential lots.

10. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA**

WHEREAS, the parking and storage of commercial vehicles on residential lots within the Town of Orangetown is an area of concern for the Town and residents, and guidance is needed to clarify the existing Code, to ensure the best interests of the community are served, and

WHEREAS, the Town Board finds that it would be appropriate to provide for the regulation of the parking and storage of commercial vehicles on residential lots throughout the Town and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed action is a Type II action pursuant to 6 NYCRR 617.5(c)(12) and (33); and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;

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

11. **APPROVE / FUND OVERAGE / US DEPARTMENT OF ENERGY / ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT (EECBG) PROGRAM / TWO NEW LIGHT-DUTY ELECTRIC VEHICLES**

WHEREAS, the Town of Orangetown ("Town") was notified on March 13 2023 that it is eligible to receive \$76,720 from the US Department of Energy for the Energy Efficiency & Conservation Block Grant ("EECBG") Program; and,

WHEREAS, the Town is following procedures to access these funds by applying them towards the purchase of two new light-duty Electric Vehicles ("EV"); and,

WHEREAS, the grant will replace high-mileage vehicles in the Department of Environmental Management & Engineering, and in the Department of Parks & Recreation that are nearing the end of their useful capital lives with the aim of increasing the Town's municipal fleet energy efficiency; and,

NOW THEREFORE BE IT RESOLVED, that the Town Board agrees to accept the EECBG grant from the Department of Energy in the amount of \$76,720 to purchase two new light-duty Electric Vehicles; and,

BE IT FURTHER RESOLVED, the Town Board agrees to fund any overages in costs for the two EVs, not to exceed \$36,000; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the grant for the two EVs, subject to review and approval of the Town Attorney's Office.

12. ACCEPT / NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION & NEW YORK STATE DEPARTMENT OF HEALTH / TECHNICAL ASSISTANCE GRANT / DRINKING WATER SOURCE PROTECTION PROGRAM (DWSP2)

WHEREAS, New York State, through the Department of Environmental Conservation ("DEC") & New York State Department of Health ("DOH") has launched the Drinking Water Source Protection Program ("DWSP2") to assist municipalities with proactively protecting their drinking water sources; and,

WHEREAS, the goal of the program is to help municipalities develop of DWSP2 plan for its sources of drinking water and to aid in the initial implementation at no cost to the municipalities for the technical assistance services; and,

WHEREAS, the Town of Orangetown ("Town") was notified on January 31, 2024 that it has been selected to work with a technical assistance provider to aid in the development and implementation of a DWSP2; and,

NOW THEREFORE BE IT RESOLVED, that the Town Board agrees to accept the technical assistance from the DEC and DOH to develop a Drinking Water Source Protection Program Plan and understands that the Town is responsible for its implementation; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the technical assistance grant for a DWSP2 plan, subject to review and approval of the Town Attorney's Office.

13. REAPPOINT SUBSTANCE ABUSE COMMITTEE / 2024 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Substance Abuse Committee, for a 1-year term, commencing on January 1, 2024 and expires on December 31, 2024:

- Melissa Luciano, Principal of TZHS
- Norma Canals, Social Worker PRHS
- Jean Robert Zephir
- Lara Benz
- Alicia Shannon
- Dr. Robert Zegarelli, Principal OF PRHS
- Chief Donald Butterworth, OPD
- Captain Michael Shannon, OPD
- Det. Brandon Myers, OPD
- Wayne Roimisher, Chief of SOAC
- Allison Haugh, Rockland County DEA
- Jacqueline Sellin, Executive Director CANDLE

- Ed O'Dea
 - Melissa Costa-Blaisdell
 - Stephanie Finucane (Secretary)
- Liaison – Supervisor Teresa M. Kenny

TOWN ATTORNEY

14. APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. RRIS CORP. V. TOWN OF ORANGETOWN (TAX LOT #74.11-2-26)

RESOLVED that, upon the recommendation of the Tax Assessor, approve and authorize Robert V. Magrino, Town Attorney, and any of his Deputy Town Attorneys, to sign settlement documents regarding the tax certiorari proceeding *RRIS Corp. v. Town of Orangetown; and South Orangetown Central School District* [if the School District Intervened] (NYS Supreme Court, Rockland County, Index Numbers 034325/2018, 033983/2019, 032617/2020, 034049/2021, and 033344/2023), for property commonly known as 1 Route 340, Orangeburg (Tax Map Designation: 74.11-2-26), for the tax assessment years 2018, 2019, 2020, 2021, and, for a total refund by the Town of \$6,555, a total refund by the School District of \$17,454, and a total refund by the County of \$1,778. The South Orangetown Central School District either communicated its approval (in writing) of this settlement, or the School Board approved of the settlement by formal School Board vote. Interest on the Town's liability, as a result of a property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

HIGHWAY

15. APPROVE / 2024 HIGHWAY DEPARTMENT OPEN HOUSE / SATURDAY, MAY 18, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to host their 28th Annual Open House on Saturday, May 18, 2024, from 10 am to 12 pm, to be held at the Highway Department Facility, located at 119 Route 303, Orangeburg, NY.

PARKS AND RECREATION

16. ACCEPT DONATION / MEMORIAL BENCH / GAVIN

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance accept the donation of a memorial bench to be placed at Tappan Memorial Park, engraving to read:

In Loving Memory of Cathy & Ann Gavin

DEME

17. **APPOINT MATTHEW CONNOLLY / MAINTENANCE MECHANIC II (SEWERS) / PROBATIONARY / GRADE 17, STEP 14/18 / EFFECTIVE FEBRUARY 21, 2024**

RESOLVED, that upon the recommendation of the Commissioner of DEME, appoint Matthew Connolly to the position of Maintenance Mechanic II (Sewers), Probationary, Grade 17, Step 14/18 at a salary of \$119,629, effective February 21, 2024.

18. **APPOINT KEVIN MCGARVEY JR. / ASSISTANT OPERATOR GRADE 2 (WASTEWATER) / PROVISIONAL / GRADE 14, STEP 1 / EFFECTIVE FEBRUARY 21, 2024**

RESOLVED, that upon the recommendation of the Commissioner of DEME, appoint Kevin McGarvey Jr. to the position of Assistant Operator Grade 2(Wastewater), Probationary, Grade 14, Step 1 at a salary of \$76,059, effective February 21, 2024.

LEND ASSISTANCE

19. **APPROVE / LEND ASSISTANCE / 2024 FLYING DUTCHMEN 5K / SATURDAY, MARCH 16, 2024**

RESOLVED, that upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades from the Highway Department & (5) Auxiliary Police Officers from the Police Department, for the 11th Annual Flying Dutchmen 5K to be held on Saturday, March 16, 2024, from 9am to 10am.

20. **APPROVE / LEND ASSISTANCE / 2024 ST. PATRICKS DAY PARADE / SUNDAY, MARCH 17, 2024**

RESOLVED, that upon the recommendation from the Superintendent of Highways, Parks & Chief of Police and upon completion of the necessary paperwork, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks & Police Departments to lend assistance which includes the use of barricades, trash barrels, message board & painting of the green stripe from the Highway Dept., the showmobile, sound system and port-o-sans for which the cost is to be shared with organization (Ancient Order of Hibernians) from the Parks Dept., & police detail from OPD, and a Highway Department event perimeter for the St. Patrick's Day parade to be held on Sunday, March 17, 2024, from 11 am - 5 pm.

AUDIT

21. **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 five (5) warrants (attached) for a total of **\$13,741,793.69**.

EXECUTIVE SESSION

22. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

23. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Daniel Davis**, *Resident of Pearl River and Former Orangetown Town Justice*
- ❖ **Stephen G. Gordon**, *Resident of Blauvelt*
- ❖ **Francis O'Loughlin**, *Resident of Pearl River*
- ❖ **Erin M. Riebesehl**, *Resident of Pearl River*
- ❖ **Joseph Spiotta**, *Resident of Orangeburg*