



**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
April 22, 2025**

This meeting was opened at 7:00 PM. Supervisor Teresa M. Kenny presided and Joseph Thomassen, Deputy Clerk, called the roll.

Present were:

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

Also Present:

Denis Troy, Deputy Supervisor
Allison Kardon, Supervisor's Confidential Assistant
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
James Dean, Superintendent of Highways
Rick Oliver, Acting Director of OBZPAE
Eamon Reilly, Commissioner of DEMA
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Matthew Lenihan, Computer Network Specialist
Brendon Carton, IT Department
Donald Butterworth, Police Chief

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

**PEARL RIVER FARMERS MARKET - Saturdays starting May 3, 2025 / 10 am - 2 pm
Central Avenue Field, Pearl River**

**ORANGETOWN SHREDDING EVENT - Rescheduled to Saturday, May 10, 2025 / 8:00 am. - 11:30 am.
Hosted by Orangetown Town Clerk, Rosanna Sfraga; Rockland Green; and People to People. Please
bring non-perishable food items for a donation to People to People.**

DISCUSSION:

Discussion Regarding Route 303 Overlay Zone
Workshop of Agenda Items

RESOLUTION NO. 209

OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

Summary of Public Comments:

Patty Pogeweit, Pearl River, is in-favor of the Landlord Registry and concerned about large groups of people at the Franklin Ave School Park.

Summary of Public Comments – Continued:

Liz Dudley, Orangeburg; Vanessa Lapins, Blauvelt; and Larry Vail, Tappan, are concerned about truck traffic and overdevelopment along Route 303. The Planning Board minutes do not agree with Jane Slavin's interpretation. There is so much more with other options. Restriction clarification is need in the Comp Plan and the Route 303 Overlay zone.

Mike Mandel, Planning Board Member, WPT has an entrance on Route 303 to alleviate traffic. There are no plans submitted for a warehouse of 165,000 sq ft.

Sue Loughran, Pearl River, the fees for the Landlord Registry should be like Clarkstown, higher.

RESOLUTION NO. 210

CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 211

OPEN PUBLIC HEARING / PROPOSED AMENDMENT TO CHAPTER 14B, "FLOOD DAMAGE PREVENTION"

RESOLVED, that the Public Hearing on a proposed local law, amending Chapter 14B, entitled Flood Damage Prevention, to comply with the floodplain management requirements of the National Flood Insurance Program (NFIP) in order to maintain NFIP participation is hereby opened.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

Joseph Thomassen, Deputy Clerk, presented the Affidavits of Posting & Publication, which are labeled Exhibit 04-22-A and made a part of these minutes.

Summary of Public Comments: None

RESOLUTION NO. 212

CLOSE PUBLIC HEARING / PROPOSED AMENDMENT TO CHAPTER 14B, "FLOOD DAMAGE PREVENTION"

RESOLVED, that the Public Hearing on a proposed local law, amending Chapter 14B, entitled Flood Damage Prevention, to comply with the floodplain management requirements of the National Flood Insurance Program (NFIP) in order to maintain NFIP participation is hereby closed.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 213

ADOPTION OF LOCAL LAW NO. 6 OF 2025, REPEALING ALL PROVISIONS OF ORANGETOWN CODE CHAPTER 14B (FLOOD DAMAGE PREVENTION), AND REPLACING SAME WITH NEW PROVISIONS AS AUTHORIZED BY NYS CONSTITUTION, ARTICLE IX, §2, AND NYS ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36.

It is hereby **RESOLVED**, by the Town Board of the Town of Orangetown, as follows:

RESOLUTION NO. 213 - Continued

WHEREAS, as per the correspondence, dated March 12, 2025, of the NYS Department of Environmental Conservation’s Division of Water and Bureau of Flood Protection and Dam Safety (“DEC”), in accordance with the DEC’s referenced Letter of Map Revision (“LOMR”), the Flood Insurance Rate Map panel number 36087C0166G, dated March 3, 2014, has been revised. As per the DEC’s said correspondence, this is a physical change to the Town of Orangetown’s (“Town” or “Orangetown”) Flood Insurance Rate Maps, in that it displays an expansion in the boundaries of the Special Flood Hazard Area labeled as Zone AE, and a decrease in Base Flood Elevations, to correctly reflect the effective modeling for Pascack Brook. The Flood Insurance Study report for Rockland County, dated March 3, 2014, has also been revised to incorporate these changes in Flood Profile 85P, and in Floodway Data Table 10.

WHEREAS, the DEC’s said March 12, 2025, correspondence further advised that, after the DEC’s review of the Town’s local floodplain management regulations, embodied in Orangetown Code Chapter 14B (Flood Damage Prevention), and given the recent changes to the NYS Building Codes, the DEC strongly recommends that the Town replace its existing floodplain management regulations by repealing Orangetown Code Chapter 14B (Flood Damage Prevention), in its entirety, and enacting the DEC’s new model local law, which DEC-mandated new model local law was updated, by the DEC, to include State program changes made since the adoption of the Town’s Chapter 14B.

WHEREAS, the DEC’s said model local law reflects minimum National Flood Insurance Program (“NFIP”) regulatory standards and requirements for floodplain management, and which the Town is required to adopt in order to maintain NFIP participation, which the Town Board finds to be essential for addressing the potential and/or actual damages from flooding and erosion, which may be a serious problem to the residents of Orangetown, which damages may include destruction or loss of private and public housing; damage to public facilities, both publicly and privately owned; and injury to, and loss of, human life. In order to minimize the threat of such damages, and to achieve the purposes and objectives set forth above, this Local Law is adopted by the Town Board.

WHEREAS, the Town Board hereby declares itself Lead Agency for the purposes of environmental review with respect to the proposed Resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the Regulations promulgated thereunder at 6 NYCRR 617 (collectively, the State Environmental Quality Review Act or SEQRA).

WHEREAS, the Town Board, as the SEQRA Lead Agency, has determined that the proposed Action meets the criteria of a Type II Action under SEQRA Regulation §617.5(c) (33), which is exempt from, and is not required to undergo, a SEQRA environmental review (see also, SEQRA Regulations §617.5[c][25], [26] and [27]).

WHEREAS, the Town Board has determined that this proposed Local Law is not subject to the mandates of NYS General Municipal Law (“GML”) §239-m, and, therefore, not required to be referred to the Rockland County Planning Department for GML review.

WHEREAS, the Town Board has complied with all public notice requirements as mandated by NYS statute(s) and the Orangetown Code, and the proposed Local Law has been distributed to the Town Board as per NYS Municipal Home Rule Law §20(4), and a Public Hearing was duly held by the Town Board regarding the proposed Local Law on April 22, 2025, at which time all persons in support of, in opposition to, or concerned about, this proposed Local Law, were offered an opportunity to be heard.

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 and enacts the proposed Local Law (Exhibit 04-22-B) in the form and substance, as may have been amended herein, by hand, during the Public Hearing, as set forth below:

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 214

ESTABLISH A FARMERS MARKET / APPROVE AGREEMENT / THE VALLEY AREA NETWORK, INC. / 2025 FARMERS MARKET MANAGER / PEARL RIVER

WHEREAS, in the furtherance of the public interest and consistent with sustainability efforts, good eating habits, and providing a vast array of services for our residents, it would be appropriate to permit a weekly Farmers Market for selected regional farmers and vendors to sell goods and produce; and

RESOLUTION NO. 214 - Continued

WHEREAS, the Town has prepared a proposed Professional Services Agreement with The Valley Area Network, Inc. to utilize the School District-owned Central Avenue Field in Pearl River for the Farmers Market under the terms and conditions specified by the School District and Town; and

WHEREAS, the Town has drafted a Standard License Agreement to be used in conjunction with the Farmers Market to permit Farmers/Vendors to sell fresh farm and related products under certain terms and conditions specified in the Professional Services and Standard License Agreements including a requirement that each Farmer/Vendor submit, as required, a Certificate of Insurance provided for in the proposed License Agreement; and

NOW THEREFORE BE IT, RESOLVED, that pursuant to New York General Municipal Law Section 72- p, the Town Board hereby establishes a Farmers Market, to be known as the "Pearl River Farmers Market", for public purposes for the benefit of the community, located in downtown Pearl River, to be held **on Saturdays between the hours of 10 am and 2 pm from May 3, 2025 to November 29, 2025; and**

BE IT FURTHER RESOLVED, that pursuant to the authority of GML 72- p, Town Board hereby authorizes the Supervisor to execute an Agreement, on behalf of the Town, as proposed and written, subject to final review and approval by the Town Attorney’s Office, with The Valley Area Network, Inc., to provide professional services including but not limited to: operations, marketing, management, vendor recruitment, and scheduling of the Pearl River Farmers Market, subject to the approval of the Town Board, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Highway Department and Parks & Recreation Department to assist in the implementation of the Pearl River Farmers Market which includes trash cans, electronic message boards and port-o-johns.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0
Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny
Noes: None

RESOLUTION NO. 215
SET PUBLIC HEARING / JUNE 10, 2025 AT 7:05 PM / PROPOSED LOCAL LAW / AMEND
CHAPTER 43 ARTICLE XV / LANDLORD REGISTRY

RESOLVED, the Town Board will hold a Public Hearing on June 10, 2025 at 7:05 pm on a proposed amendment to the Town Code, Chapter 43, Zoning, Article XV, entitled “Landlord Registry Act and Short-Term Use of Property for Rental or Rental-Like Purposes” to update definitions on properties to which the registry applies and maintenance of the registry by the Office of Building Zoning Planning Administration and Enforcement (OBZPAE).

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

Motion: 5 - 0
Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny
Noes: None

RESOLUTION NO. 216
DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT
TO SEQRA / UNLISTED ACTION / GML REFERRAL / LANDLORD REGISTRY

WHEREAS, the Town Board is desirous of updating the regulations for the Landlord Registry authorized by Chapter 43, Article XV of the Town Code, to provide for updated definitions on properties to which the registry applies, maintenance of the registry by the Town’s Office of Building Zoning Planning Administration and Enforcement (OBZPAE), 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 as an “Unlisted” action; and

RESOLUTION NO. 216 - Continued

3. The following are involved or interested or involved agencies in the review process:

- Orangetown Planning Board
- Rockland County Department of Planning

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

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239-1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, 10.5, the Town Board hereby refers the said proposed Local Law, amending the Town Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 217

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT – LUKE PETROCELLI AND SARAH PETROCELLI, 483 KINGS HIGHWAY, SPARKILL, NY (74.20-3-5.2)

WHEREAS, Luke Petrocelli and Sarah Petrocelli, the owners of property located at 483 Kings Highway, Sparkill, New York, have applied to the Town Highway Department for permission to construct a fence on an existing Town right-of-way/easement; and

WHEREAS, the matter has been reviewed by the Highway Department and the Highway Department has required that the fence may be built provided the owners of the property provide to the Town an indemnification and hold harmless agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 483 Kings Highway, Sparkill, New York (74.20-3-5.2), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance that the fence may be built, but that the owner must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structure must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

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

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 218

RECOGNIZE APPOINTMENT / SEAN BUNIS/ HIGHWAY MAINTENANCE MECHANIC PROBATIONARY/ GRADE 11, STEP 2 / EFFECTIVE APRIL 21, 2025

RESOLVED, that the Town Board hereby recognizes the appointment of Sean Bunis by the Superintendent of Highways, to the position of Highway Maintenance Mechanic, Grade 11, Step 2 at a salary of \$64,062 effective April 21, 2025.

RESOLUTION NO. 218 - Continued

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 219

**RECOGNIZE APPOINTMENT / WILLIAM LENNOX/ AUTOMOTIVE MECHANIC II
PROBATIONARY/ GRADE 16, STEP 19/24 / EFFECTIVE APRIL 7, 2025**

RESOLVED, that the Town Board hereby recognizes the appointment of William Lennox by the Superintendent of Highways, to the position of Automotive Mechanic II, Grade 16, Step 19/24 at a salary of \$119,629 effective April 7, 2025.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 220

APPROVE FLEXIBLE WORK SCHEDULE / OBZPAE / MAY 19, 2025 – SEPTEMBER 19, 2025

RESOLVED, upon the recommendation of the Acting Director of OBZPAE, approve a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four-day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from May 19, 2025 to September 19, 2025. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules. This resolution does not apply to the Acting Director or Director of OBZPAE.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 221

**AWARD CONTRACT / FRANKLIN STREET PARK EXERCISE EQUIPMENT / SOUTH NYACK /
PAT CORSETTI INC.**

WHEREAS, the Superintendent of Parks, Recreation and Building Maintenance duly advertised for sealed bids for Franklin Street Park Exercise Equipment (South Nyack), which were received and publicly opened on March 27, 2025; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 04-22-C, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance award the bid for the Franklin Street Park Exercise Equipment in South Nyack to Pat Corsetti Inc of Mamaroneck, NY in the amount of \$34,725.00, to be paid for with County ARPA grant funds in the amount of \$31,500.00 and the balance to be taken out of Parks bond proceeds.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Pat Corsetti, Inc., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Dan Sullivan offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 222

ACCEPT WITH REGRET / RESIGNATION / DAVID TORRES / SR. REC. SUPERVISOR

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance accept with regret the resignation of Senior Recreation Supervisor David Torres effective April 11, 2025.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue, Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 223

ACCEPT RESIGNATION/RETIREMENT POLICE OFFICER LAWRENCE AYERS / POLICE DEPARTMENT / EFFECTIVE APRIL 29, 2025

RESOLVED, that upon the recommendation of the Chief of Police, accept the resignation/retirement of Police Officer Lawrence Ayers, from the Orangetown Police Department effective April 29, 2025.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue, Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 224

ACCEPT RESIGNATION/RETIREMENT POLICE RADIO OPERATOR THERESA JOOS / POLICE DEPARTMENT / EFFECTIVE APRIL 25, 2025

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Radio Operator Theresa Joos, from the Orangetown Police Department effective April 25, 2025.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue, Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 225

AWARD CONTRACT / SENTRY EQUIPMENT CORP. / WWTP REPAIR/REBUILD PRIMARY CLARIFIER #2

WHEREAS, the Commissioner of Environmental Management & Engineering duly advertised for the WWTP Repair/Rebuild Primary Clarifier #2, which were received and publicly opened on March 13, 2025; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 04-22-D, and made a part of these minutes.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Commissioner of Environmental Management & Engineering, award the contract for the WWTP Repair/Rebuild Primary Clarifier #2 to Sentry Equipment Corp., Oconomowoc, WI, to the lowest qualified bidder in the amount of \$449,752.90 to be charged to account #G.8120.410.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Sentry Equipment Corp., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Dan Sullivan offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue, Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 226

AWARD CONTRACT / ENVIRONMENTAL CONSTRUCTION, INC. / OAK STREET SANITARY SEWER IMPROVEMENTS

WHEREAS, the Commissioner of Environmental Management & Engineering duly advertised for the Oak Street Sanitary Sewer Improvements, which were received and publicly opened on March 6, 2025; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 04-22-E, and made a part of these minutes and,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Commissioner of Environmental Management & Engineering, award the contract for the Oak Street Sewer Improvements to Environmental Construction, Inc., Stony Point, NY, the lowest qualified bidder in the amount of \$126,325.00 to be charged to account #H.8120.200.24.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Environmental Construction, Inc., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Dan Sullivan offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 227

APPOINT ROBERT SCHWANTNER / ACCOUNT CLERK-TYPIST / PROBATIONARY / GRADE 4, STEP 1 / EFFECTIVE APRIL 23, 2025

RESOLVED, that upon the recommendation of the Director of Finance, appoint Robert Schwantner to the position of Account Clerk-Typist from Eligible List #25016010, Probationary, Grade 4, Step 1 at a salary of \$43,519, effective April 23, 2025.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 228

APPROVE / LEND ASSISTANCE / PEARL RIVER SCHOOL DISTRICT / SHOWMOBILE / ARTS IN THE PARK / SATURDAY, MAY 17, 2025

RESOLVED, upon the completion of the necessary paperwork the Superintendent of Parks, Recreation and Building Maintenance has forwarded to the Town Board for approval the use of the showmobile by the Pearl River School District for their Arts in the Park Event to be held on Saturday, May 17, 2025 with the school district providing a certificate of insurance naming the Town of Orangetown as an additional insured.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 229

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: March 11, 2025 Police Commission; March 11 & 25, 2025 Regular Town Board Meetings and March 31, 2025 Special Town Board Meeting

RESOLUTION NO. 229 - Continued

Agreement: Millennium Strategies (grant writer) 2025

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Dan Sullivan and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 230
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 (Exhibit 04-22-F) for a total of \$2,171,253.87.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 231
ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Kenny, Deputy Supervisor Troy, Councilpersons Dan Sullivan, Paul Valentine, Jerry Bottari and Brian Donohue, Robert Magrino, and Barbara Gianota.

RESOLVED, at 7:39 pm, the Town Board entered Executive Session to discuss matters relating to personnel and the proposed acquisition/sale/lease of real property when publicity might affect value.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 232
RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at 9:02 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of **Janet Kopac**, *Resident of Blauvelt* and **Patricia Sheridan**, *Resident of Pearl River*.

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

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Jerry Bottari, Councilperson Brian Donohue,
Councilperson Dan Sullivan, Supervisor Teresa M. Kenny

Noes: None

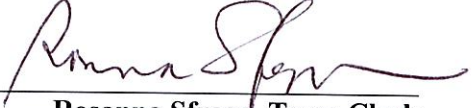

Rosanna Sfraga, Town Clerk

EXHIBIT
04-22-A

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

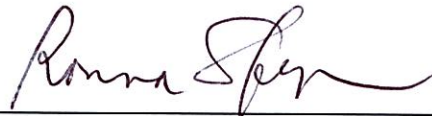
SS.

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

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

That, on the 22nd day, of April, 2025, she caused to be conspicuously posted and
fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in
the following places, at least one of which is a public place within the **TOWN Of**
ORANGETOWN, New York.

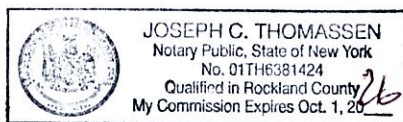
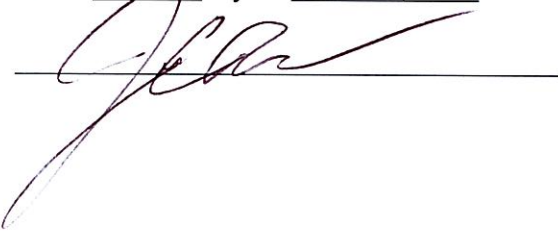
1. Town Hall Bulletin Boards
2. Town Website
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 31st day of March, 2025



**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on March 25, 2025, a public hearing will be held by the Town Board on April 22, 2025 at 7:05 pm, on a proposed Local Law, repealing all provisions of the Orangetown Town Code, Chapter 14B, entitled Flood Damage Prevention and replacing same with new provisions as authorized by the New York State Constitution Article IX, §-2 and Environmental Conservation Law, Article 36.

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

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

Dated: March 25, 2025

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

AFFIDAVIT OF PUBLICATION

State of Wisconsin
County of Brown

Mariah Verhagen being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

04/07/2025

MLL

Subscribed and sworn to before me this 07 day of April, 2025

Denise Roberts

Exp. 4-6-27

Notary Public
State of Wisconsin, County of Brown

DENISE ROBERTS
Notary Public
State of Wisconsin

TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on March 25, 2025, a public hearing will be held by the Town Board on April 22, 2025 at 7:05 pm, on a proposed Local Law, repealing all provisions of the Orangetown Town Code, Chapter 14B, entitled Flood Damage Prevention and replacing same with new provisions as authorized by the New York State Constitution Article IX, §-2 and Environmental Conservation Law, Article 36.

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

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

Dated: March 25, 2025

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney
April 7 2025
LNYS0268712

**LOCAL LAW NO. 6 OF 2025, REPEALING ALL PROVISIONS OF
CHAPTER 14B, ENTITLED FLOOD DAMAGE PREVENTION, OF THE
CODE OF THE TOWN OF ORANGETOWN, AND REPLACING SAME
WITH NEW PROVISIONS AS AUTHORIZED BY THE NEW YORK
STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND
ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS
FOLLOWS:

SECTION 0.0 (PREAMBLE)

0.1 REPEAL AND REPLACE

All provisions of Chapter 14B, entitled Flood Damage Prevention, of the Code of the Town of Orangetown, are hereby repealed and replaced by the new provisions set forth below.

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Town Board of the Town of Orangetown ("Town" or "Orangetown") finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of Orangetown, and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Accessory Structure" is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10-percent of the value of the primary structure, and may not be used for human habitation.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's FIRM with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Coastal A Zone" Area within a SFHA, landward of a V1-V30, VE, or V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flood must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or

equal to 1 ½ feet (457 mm). The inland limit of coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VI-V30, VE, VO or V.

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, V, or Coastal A, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,

such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Limit of Moderate Wave Action (LiMWA)" line shown on FIRMs to indicate the inland limit of the 1 ½ foot (457 mm) breaking wave height during the base flood.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's FIRM are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Orangetown, Rockland County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Orangetown, Community Number 360686, are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

(1) Flood Insurance Rate Map Panel Numbers:

36087C0158G, 36087C0159G, 36087C0166G, 36087C0167G, 36087C0178G, 36087C0179G, 36087C0181G, 36087C0182G, 36087C0183G, 36087C0184G, 36087C0186G, 36087C0187G, 36087C0189G, 36087C0191G, 36087C0192G, 36087C0193G, 36087C0194G, 36087C0207G,

whose effective date is March 3, 2014, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Rockland County, New York, All Jurisdictions" dated March 3, 2014.

(3) Letter of Map Revision (LOMR) Case No. 24-02-0638P, effective August 20, 2025, revising FIRM panel 36087C0166G, Flood Profile 85P, and Floodway Data Table 10.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the Orangetown Office of Building, Zoning, Planning Administration and Enforcement, located at 26 Orangeburg Road, Orangeburg, NY 10962.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention. In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Director of the Orangetown Office of Building, Zoning, Planning Administration and Enforcement is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$50.00. In addition, the applicant shall be responsible for reimbursing the Town for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the top of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in a Special Flood Hazard Area (SFHA). Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (2) The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1-V30, VE, Coastal A, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.5, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.
- (9) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.

- (10) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this local law.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-2 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(8), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE, AH, and Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) In Zones V1-V30, VE, V, and Coastal A if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the Local Administrator a

certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (3) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.

- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.
- (6) Base flood elevations developed pursuant to sub-section 4.3(7) and supporting technical analysis.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES

The following requirements apply within V1-V30, VE, V and Coastal A Zones:

- (1) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
- (2) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
- (3) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

5.1-2 SUBDIVISION AND DEVELOPMENT PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- (4) Proposed development shall not result in physical damage to any other property (e.g., stream bank erosion or increased flood velocities). If requested by the Local Administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
- (5) Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.

- (6) Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.
- (7) No alteration or relocation of a watercourse shall be permitted unless:
 - i. a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;
 - ii. if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the Town for all fees and other costs in relation to the application; and
 - iii. the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

5.1-3 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an

encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the Town agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town for all costs related to the final map revisions.

- (3) In a Special Flood Hazard Area (SFHA), if any development is found to increase or decrease base flood elevations, the Town shall, as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- (ii) the bottom of all such openings no higher than one foot above grade.
- (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

- (4) Within Zones V1-V30, VE, V, and Coastal A if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with non-supporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow

devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.2-4 STORAGE TANKS

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood or;
 - b. installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet.

5.3 RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-2, SUBDIVISION PROPOSALS, and 5.1-3, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE, AH if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated to or above two feet above the base flood elevation. Within Zones AH adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (2) Within Zone A, when no base flood elevation data are available, a base flood elevation shall be determined by either:
 - a. Obtain and reasonably use data available from a federal, state, or other source plus two feet of freeboard, or,
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practice, plus two feet of freeboard. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.

- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 plus one foot of freeboard. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. Within AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

The following standards, in addition to the standards in sub-sections 5.1-1, COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES, and 5.1-2, SUBDIVISION PROPOSALS, and Section 5.2, STANDARDS FOR ALL STRUCTURES, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE, V, or Coastal A on the community's Flood Insurance Rate Map designated in Section 3.2.

5.4-1 ELEVATION

New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.

5.4-2 DETERMINATION OF LOADING FORCES

Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

- (1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.
- (2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.

- (3) Wind loading values used shall be those required by the building code.

5.4-3 FOUNDATION STANDARDS

- (1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
- (2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

5.4-4 PILE FOUNDATION DESIGN

- (1) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.
- (2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the BFE is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.
- (3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
- (4) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
- (5) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.

- (6) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augered into place.
- (7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
- (8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
- (9) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.
- (10) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.

5.4-5 COLUMN FOUNDATION DESIGN

- (1) Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.

5.4-6 CONNECTORS AND FASTENERS

- (1) Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

5.4-7 BEAM TO PILE CONNECTIONS

- (1) The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members

shall be connected by reinforcement, if cast in place, or (of precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.

5.4-8 FLOOR AND DECK CONNECTIONS

- (1) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.
- (2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

5.4-9 EXTERIOR WALL CONNECTIONS

- (1) All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing--overlapping the top wall plate and continuing down to the sill, beam, or girder--may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

5.4-10 CEILING JOIST/RAFTER CONNECTIONS

- (1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

5.4-11 PROJECTING MEMBERS

- (1) All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

5.4-12 ROOF SHEATHING

- (1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.
- (2) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
- (3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.

5.4-13 PROTECTION OF OPENINGS

- (1) All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.

5.4-14 BREAKAWAY WALL DESIGN STANDARDS

- (1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.
- (2) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not

be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the building code.

5.5 NON-RESIDENTIAL STRUCTURES (EXCEPT COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-2, SUBDIVISION PROPOSALS, and 5.1-3, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-Section 5.5(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for con-

struction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of sub-Section 5.5(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.6 NON-RESIDENTIAL STRUCTURES (COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES)

- (1) In Zones V1-V30, VE, V, and Coastal A if base flood elevations are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE, V, and Coastal A.

5.7 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A, A1-A30, AE, AH, AO, V1-V30, V, and VE shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.7 (2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) Within Zones A1-A30, AE, AH, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of Section 5.3-1(1). Elevation on piers consisting of dry stacked blocks is prohibited.
- (3) Within Zone A, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of Section 5.3-1(2). Elevation on piers consisting of dry stacked blocks is prohibited.
- (4) Within Zone AO, the bottom of the frame of the manufactured home shall be elevated to meet the requirements of Section 5.3-1(3). Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within V or VE, manufactured homes must meet the requirements of Section 5.4.
- (6) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

5.8 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

- (1) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.
- (2) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
 - a. Located in an A Zone (A, AE, A1-A30, AR, A99) and less than or equal to the size of a one-story, two-car garage.
 - b. Located in a V Zone (V, VE, V1-V30) and less than or equal to 100 square feet.
- (3) Accessory structures must meet the standards of Section 5.2-1, ANCHORING,
- (4) The portions of the accessory structure located below BFE plus two feet of freeboard must be constructed with flood-resistant materials.
- (5) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above BFE plus two feet of freeboard.
- (6) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.

- (7) The accessory structure must comply with the floodway encroachment provisions of the NFIP.
- (8) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 CFR § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).
- (9) Within Zones V1-V30, VE, V, and Coastal A, unelevated accessory buildings must be unfinished inside, constructed with flood-resistant materials, and used only for storage. When an accessory building is placed in these zones, the design professional must determine the effect that debris from the accessory building will have on nearby buildings. If the accessory building is large enough that its failure could create damaging debris or divert flood flows, it must be elevated above the base flood elevation plus two feet.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Orangetown Zoning Board of Appeals (“ZBA”) shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The ZBA shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the ZBA may appeal such decision to the Supreme Court of the State of New York (“NYS”) pursuant to Article 78 of the NYS Civil Practice Law and Rules.
- (4) In passing upon such applications, the ZBA, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4), and the purposes of this local law, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
 - (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

- (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this 22nd day of April, 2025, by the Town Board of the Town of Orangetown, Rockland County, New York, to be effective immediately upon the filing of this adopted Local Law in the Office of the Secretary of State of the State of New York.



SEAL OF THE TOWN OF ORANGETOWN:

ATTEST:

Rosanna Sfraga
Rosanna Sfraga, Town Clerk

Date:

4/24/2025

EXHIBIT

04-22-C

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

SS.

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

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

That, on the 10th day, of February, 2025, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

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

Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 10th day of February, 2025

Fina A. DeVoches

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

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town of Orangetown, at the office of the Town Clerk, Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, until 10:30AM on Thursday, March 27, 2025, and then be publicly opened and read aloud at 11:00AM.

Copies of the Specifications, Bid Blanks and all necessary information may be obtained at the Office of the Town Clerk, between the hours of 9:00AM and 5:00PM, Monday through Friday. Bids must be submitted on official forms and in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder, and the words **"2025 Bid for Franklin Park Exercise Equipment Project"**.

All proposals must be accompanied by a Statement of Non-Collusion in conformity with the requirements of Section 103-d of the General Municipal Law, as amended, and security in a sum equal to the five percent (5%) of the amount proposed.

Simultaneously with its delivery of the executed Agreement, the Contractor shall furnish to the Owner two (2) executed bonds in an amount at least equal to one hundred percent (100%) of the Contract Price, as security for faithful performance (Performance Bond) of this Contract and the for payment of all persons performing labor on the project under this Contract and for the payment of all persons performing labor and furnishing materials (Payment Bond) in connection with this Contract, in such form as acceptable to the Town Attorney and by a surety company authorized to transact business in the State of New York.

The Contractor shall furnish to the Owner a Maintenance Bond in the amount of one percent (1%) of the amount of the Contract, prior to final payment and executed by the Contractor as principle and having surety thereon a surety company acceptable to the Owner guaranteeing that the Contractor will either repair any work found to be defective or if it has been rejected by the Owner, remove it from the site and replace it at no additional cost to the Owner. The bond shall remain in effect for a period of one (1) year from the date of substantial completion.

The wages and supplements to be paid to laborer, workman or mechanic performing work under this Contract shall be not less than the prevailing rate of wages and supplements as defined and determined by the New York State Labor Law or the Davis-Bacon Act (40 USC276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5), as applicable, a copy of which, as applicable, is attached hereto or to the associated Documents.

For interested bidders, you may attend a pre-bid meeting at the park on March 3, 2025 at 11:00am at 95 South Franklin Street, Nyack, New York.

Proposals are requested from any and all parties including but not limited to minority businesses and enterprises operated and conducted by women.

The Town reserves the right to reject any and/or all proposals.

Dated: February 10, 2025

ARIC T. GORTON

Director

Office of Parks and Recreation

81 Hunt Rd.

Orangeburg, NY 10962

(845) 359-6503

agorton@orangetown.com

ROSANNA SFRAGA

Town Clerk

AFFIDAVIT OF PUBLICATION

State of Wisconsin
County of Brown

Linda Tuttle being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

02/10/2025

Linda Tuttle

Subscribed and sworn to before me this 10 day of February, 2025

Nancy Heyman

Notary Public
State of Wisconsin, County of Brown

Nancy Heyman
Notary Public, State of Wisconsin
Commission Expires,

5.15.27

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The wages and supplements to be paid to laborer, workman or mechanic performing work under this Contract shall be not less than the prevailing rate of wages and supplements as defined and determined by the New York State Labor Law or the Davis-Bacon Act (40 USC276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5), as applicable, a copy of which, as applicable, is attached hereto or to the associated Documents.

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The Town reserves the right to reject any and/or all proposals.

Dated: February 10, 2025

ARIC T. GORTON
Director
Office of Parks and Recreation
81 Hunt Rd.
Orangeburg, NY 10962
(845) 359-6503
agorton@orangetown.com

ROSANNA SFRAGA
Town Clerk
11014849

BID OPENING TIME

11:00AM

DATE

03/27/25

CONTRACTOR
NAME
&
ADDRESS

PAT Corsetti Inc
Mamaroneck, NY

Green Valley Group
Nanuet, NY

MFD Construction
New City, NY

Z-Tech Contracting
Mountain Side, NJ

DATE RECEIVED

3/27/25

3/27/25

3/27/25

3/27/25

TIME RECEIVED

9:28 AM

9:58 AM

10:18 AM

10:22 AM

NON COLLUSION
STATEMENT

✓

✓

✓

✓

BID BOND or
CERTIFIED CHECK

✓

✓

✓

✓

EQUIPMENT PURCHASE

Equipment Cost

\$13405.00

\$13000.00

\$13000.00

\$14476.00

\$

INSTALLATION OF EQUIPMENT

Installation Cost

\$10393.50

\$20000.00

\$16000.00

\$6796.00

\$

SAFETY SURFACE PURCHASE

Material Cost

\$35000.00

\$13000.00

\$21600.00

\$

COMBINED

10926.50

INSTALLATION OF SAFETY SURFACE

Installation Cost

\$

\$21500.00

\$27000.00

\$18763.00

\$

TOTAL COST

\$34725.00

\$89500.00

\$69000.00

\$61635.00

\$

NOTICE OF POSTING: NOTICE TO BIDDERS: REPAIR / REBUILD PRIMARY CLARIFIER #2 /
WWTP INCLUDING TURN KEY LABOR
SERVICES

EXHIBIT
04-22-D

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

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

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

That, on the 10th day, of February, 2025, she caused to be conspicuously posted
and fastened up a notice, a true copy of which is annexed hereto and made a part of
hereof, in the following places, at least one of which is a public place within the **TOWN
Of ORANGETOWN**, New York.

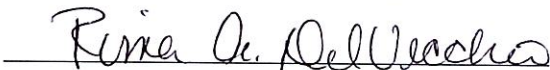
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 10th day of February, 2025



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

**TOWN OF ORANGETOWN – DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT AND ENGINEERING**
26 ORANGEBURG ROAD, ORANGEBURG, NEW YORK 10962
TELEPHONE: (845) 359-6502 TELEFAX: (845) 359-6951

1

**TITLE: Repair/Rebuild Primary Clarifier #2 Town of Orangetown WWTP
including Turn-Key Labor Services**

BID NUMBER: ITB-DEME-2025-02

INVITATION TO BID

BIDDER'S NAME:

ADDRESS:

Bids for the above referenced bid number and title will be received until 10:30 am on **March 13, 2025**, at the **Office of the Town Clerk, Town of Orangetown, 26 Orangeburg Road, Orangeburg, N.Y. 10962** at which time and place bids will be publicly opened and read aloud at 11:00 AM. Specifications and bid forms may be obtained at the same office.

TERMS: **PRICE TO REMAIN FIRM THE PERIOD OF SIX MONTHS FROM THE DATE OF AWARD.**

DELIVERY: **PER MARKET AVAILABILITY**

Prices are to be quoted F.O.B. DESTINATION, PREPAID with deliveries to be made to:

**TOWN OF ORANGETOWN
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING
127 ROUTE 303, ORANGEBURG, NEW YORK 10962**

NOTE:

Vendor/Contractor quotations are to represent bids on the stated specifications and they shall supply materials/equipment as specified. Where a vendor quotes on a variance of the specifications, it is the vendor's obligation to clearly identify the alternate offered in lieu of the specification on this bid; and to supply adequate information in order for the Town to evaluate the alternate offered. Where information supplied refers to manufacturer's catalogs, vendors shall attach such catalogs to their bid sheet and include the catalog name and page number reference next to the bid item.

The proposal of each bidder shall contain the certification to non-collusive bidding as set forth in section 103-d of the General Municipal Law included in the specifications. This requirement must be strictly complied with.

The undersigned reserves the right to reject any and all proposals and to accept any proposal or proposals as submitted, or as modified, which in the opinion of the undersigned will be in the best interests of the Town of Orangetown.

DATED: February 7, 2025

TOWN OF ORANGETOWN
ORANGEBURG, NEW YORK 10962

BY: EAMON REILLY, PE.
COMMISSIONER, DEME

PLEASE MAKE COPY OF BID FOR YOUR RECORDS

Teresa Pugh

From: Michael Weber
Sent: Tuesday, March 11, 2025 10:32 AM
To: Teresa Pugh
Subject: RE: Bid: Repair / Rebuild Primary Clarifer #2

Teresa,

Now that you mention it, we never posted this bid in any newspaper. It was only posted on BidNetDirect

Cordially,

Michael Weber

Chief Operator
Deputy Commissioner
Town of Orangetown SD #2
D.E.M.E.
127 Route 303
Orangeburg, NY 10962
p:845-359-6502 ext 4205
f:845-359-6951



From: Teresa Pugh <tpugh@orangetown.com>
Sent: Tuesday, March 11, 2025 9:40 AM
To: Michael Weber <mweber@orangetown.com>
Subject: Bid: Repair / Rebuild Primary Clarifer #2

Good morning Mike,

When we open bids, we need to have the Affidavit of Publication. The Town Clerk's Office has not received the Affidavit for the above subject bid.

If you happened received it, could you please email me a copy of it. Also, if you did not receive it let me know.

Tks

Teresa Accetta-Pugh
Orangetown Town Clerk's Office
845-359-5100 x5004

REPAIR / REBUILD PRIMARY CLARIFER WWTP INCLUDING TURN-KEY LABOR SERVICES

11:00AM

03/13/25

TAM Enterprises
Goshens, NY
Hq.

Halcyon Construction
Pleasantville, NJ

Construction
Pleasantville, NY
Rapid P

Rapid Pump + Meter
PATERSON NJ

SENTRY / Equipment Corp
OCONOMOWOC

Equipment Corp
Oconomowoc, WI

3/13/25

3/13/25

3/13/25

3/12/25

10:04 AM

10:17 AM

10:21 AM

10:04 AM

✓

✓

✓

✓

J

✓

2

Estimated (1) Time Clarifier Unit Price

\$1,602.269.00

\$ 899,350.00

\$854,570.00

\$449 300.00

	\$
--	----

TOTAL PRICE

\$162,244.00

\$ 899,350.00

\$554.500.00

	\$449 301.00
--	--------------

\$

Brand Name and Product Code

NOTICE OF POSTING: NOTICE TO BIDDERS: OAK STREET (ORANGEBURG) SANITARY SEWER
IMPROVEMENT

EXHIBIT

04-22-E

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

SS.

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

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

That, on the 5th day, of February, 2025, she caused to be conspicuously posted
and fastened up a notice, a true copy of which is annexed hereto and made a part of
hereof, in the following places, at least one of which is a public place within the **TOWN
Of ORANGETOWN**, New York.

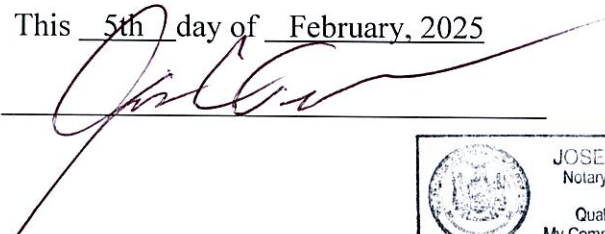
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.

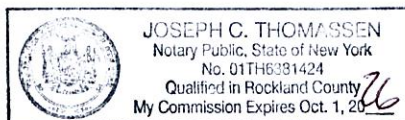


Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 5th day of February, 2025





NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, 26 Orangeburg Road, Orangeburg, New York, 10962 until **10:30 a.m. on Thursday, March 6, 2025** and will be publicly opened and read aloud at **11:00 a.m.** for the

ITB-DEME-001-2025 OAK STREET SANITARY SEWER IMPROVEMENTS ORANGEBURG NY

TOWN OF ORANGETOWN, NEW YORK,

in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office. Electronic copies of the Contract Documents will be available after **Thursday, February 6, 2025**.

The Contract Documents may be examined at the following locations:

*Town Clerk's Office, Town of Orangetown
26 Orangeburg Road, Orangeburg, NY 10962*

The work consists of the all labor, materials, supplies, and equipment necessary to install approximately 258 linear feet of new 8-inch nominal polyvinyl chloride (SDR35) sanitary sewer and install one new precast manhole on Oak Street located in Orangeburg, New York.

The Commissioner of Environmental Management and Engineering will submit a report to the Town Board of all bids received and their recommendations concerning the awarding of a contract at a regular Town Board meeting.

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

The Town Board requires each bid to be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, or a bond with sufficient sureties to be approved by the Town Attorney, in a sum equal to five percent (5%) of the amount bid, conditioned that if his/her proposal is accepted, he/she will execute

such further security as may be required for the faithful performance of the Contract as set forth in these contract documents.

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

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

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

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

DATED: January 30, 2025

ROSANNA SFRAGA
TOWN CLERK

EAMON REILLY, P.E.,
COMMISSIONER OF ENVIRONMENTAL MANAGEMENT AND
ENGINEERING

AFFIDAVIT OF PUBLICATION

State of Wisconsin
County of Brown

Linda Tuttle being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

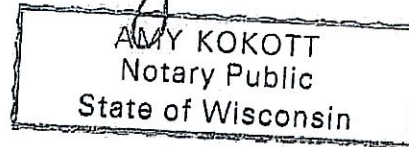
02/06/2025

Subscribed and sworn to before me this 06 day of February, 2025

Notary Public
State of Wisconsin, County of Brown

Linda Tuttle

Amy Kokott



exp 6/30/2025

NOTICE TO BIDDERS

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ITB-DEME-001-2025

**OAK STREET SANITARY SEWER IMPROVEMENTS
TOWN OF ORANGETOWN, NEW YORK,**

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DATED: January 30, 2025

ROSANNA SFRAGA, TOWN CLERK

EAMON REILLY, P.E.,

COMMISSIONER OF ORANGETOWN DEME

11010000

BID OPENING TIME		11:00AM		DATE		03/06/25	
CONTRACTOR NAME & ADDRESS		D.S. Meyer Enterprises Waldwick, NJ		Paladino Concrete Creations Mt. Vernon, NY		Let It Flow NY Hawthorne, NY	
		MFD Quality Construction New City, NY 10956		Innovative Excavating Stony Point, NY			
DATE RECEIVED		3/6/25		3/6/25		3/6/25	
TIME RECEIVED		10:03AM		10:07AM		10:15AM	
NON COLLUSION STATEMENT		✓		✓		✓	
BID BOND or CERTIFIED CHECK		✓		✓		✓	
BID ITEM #							
#1 TRAFFIC CONTROL ESTIMATED QTY - LUMP SUM							
Unit Price		\$10,000.00		\$30,000.00		\$3,000.00	
Extended Total		\$10,000.00		\$30,000.00		\$3,000.00	
Minimum Stipulated Price		\$3,000		\$3,000		\$3,000	
#2 SAW CUTTING ASPHALT PAVEMENT - ESTIMATED QTY 550 LF							
Unit Price		\$3.00		\$6.00		\$10.00	
Extended Total		\$1,650.00		\$3,300.00		\$5,500.00	
#3 8" DIAMETER SDR35 PVC SANITARY SEWER - ESTIMATED QTY 258 LF							
Unit Price		\$500.00		\$255.00		\$220.00	
Extended Total		\$127,000.00		\$65,790.00		\$56,760.00	
#4 STANDARD PRECAST CONCRETE MANHOLE - ESTIMATED QTY 1 EACH							
Unit Price		\$15,000.00		\$31,000.00		\$24,040.00	
Extended Total		\$15,000.00		\$31,000.00		\$24,040.00	
#5 INSTALL & CONNECTION OF EXISTING LATERAL TO NEW SEWER ESTIMATED QTY 6 LF							
Unit Price		\$500.00		\$750.00		\$800.00	
Extended Total		\$3000.00		\$4,500.00		\$4,800.00	
#6 TYPE 3 ASPHALT BINDER COURSE - ESTIMATED QTY 35 TONS							
Unit Price		\$200.00		\$200.00		\$250.00	
Extended Total		\$7000.00		\$7000.00		\$8750.00	
#7 TYPE 6F ASPHALT TOP COURSE - ESTIMATED QTY 15 TONS							
Unit Price		\$200.00		\$200.00		\$500.00	
Extended Total		\$3,000.00		\$3000.00		\$7500.00	
#8 TRENCH BACKFILL MATERIAL (ITEM 4) NYSDOT ITEM 304.12 - ESTIMATED QTY 200 CuYd							
Unit Price		\$50.00		\$85.00		\$100.00	
Extended Total		\$10,000.00		\$17,000.00		\$20,000.00	
#9 3/4" CRUSHED STONE PIPE BEDDING - ESTIMATED QTY 50 Cu Yd							
Unit Price		\$50.00		\$90.00		\$200.00	
Extended Total		\$2500.00		\$4,500.00		\$10,000.00	

CONTRACTOR NAME & ADDRESS		DS Meyer Enterprises Widdieck, NJ	Paladino Concrete Creations	Let It Flow NY	MFD Quality Construction	Innovative Excavating
#10 ROCK EXCAVATION - ESTIMATED QTY 5 Cu Yd						
Unit Price		\$ 200.00	\$ 300.00	\$ 200.00	\$ 200.00	\$ 600.00
Extended Total		\$ 1000.00	\$ 1,500.00	\$ 1000.00	\$ 1000.00	\$ 3000.00
Minimum Stipulated Price		\$200 / cu yd	\$200 / cu yd	\$200 / cu yd	\$200 / cu yd	\$200 / cu yd
#11 BOULDER EXCAVATION - ESTIMATED QTY 5 Cu Yd						
Unit Price		\$ 1.00	\$ 300.00	\$ 100.00	\$ 100.00	\$ 100.00
Extended Total		\$ 5.00	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 500.00
Minimum Stipulated Price		\$100 / cu yd	\$100 / cu yd	\$100 / cu yd	\$100 / cu yd	\$100 / cu yd
#12 MAINTENANCE OF SITE - LUMP SUM						
Unit Price		\$ 5,000.00	\$ 13,000.00	\$ 2000.00	\$ 2000.00	\$ 2000.00
Extended Total		\$ 5,000.00	\$ 13,000.00	\$ 2000.00	\$ 2000.00	\$ 2000.00
Minimum Stipulated Price		\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
#13 ALLOWANCE FOR MISCELLANEOUS WORK - LUMP SUM						
Unit Price		\$ 5,000.00	\$ 10,000.00	\$ 5000.00	\$ 5000.00	\$ 5000.00
Extended Total		\$ 5,000.00	\$ 10,000.00	\$ 5000.00	\$ 5000.00	\$ 5000.00
Minimum Stipulated Price		\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
TOTAL BID PRICE		\$ 192155.00	\$ 192000.00	\$ 149100.00	\$ 129950.00	\$ 159700.00

BID ITEM**OAK STREET SANITARY SEWER IMPROVEMENTS****BID OPENING TIME**11:00AM**DATE**03/06/25**CONTRACTOR
NAME
&
ADDRESS***Environmental
Construction
Stony Point, NY**Southern Industries
Tarrytown, NY**Eberhardt
W. Sharon, NY**Colonnelli
Hackensack, NJ**Ben Ciccione
Poughkeepsie, NY***DATE RECEIVED***3/6/25**3/6/25**3/6/25**3/6/25**3/6/25***TIME RECEIVED***9:04AM**9:12AM**9:21AM**9:33AM**9:53AM***NON COLLUSION
STATEMENT***✓**✓**✓**✓**✓***BID BOND or
CERTIFIED CHECK***✓**✓**✓**✓**✓***BID ITEM #****#1 TRAFFIC CONTROL ESTIMATED QTY - LUMP SUM**

Unit Price

*\$5500.00**\$10000.00**\$108538.00**\$5000.00**\$25,000.00*

Extended Total

*\$5500.00**\$10000.00**\$108,538.00**\$5000.00**\$25,000.00***Minimum Stipulated Price***\$3,000**\$3,000**\$3,000**\$3,000**\$3,000***#2 SAW CUTTING ASPHALT PAVEMENT - ESTIMATED QTY 550 LF**

Unit Price

*\$8.00**\$8.00**\$22.30**\$6.00**\$12.00*

Extended Total

*\$4400.00**\$4400.00**\$12265.00**\$3300.00**\$6600.00***#3 8" DIAMETER SDR35 PVC SANITARY SEWER - ESTIMATED QTY 258 LF**

Unit Price

*\$225.00**\$130.00**\$401.25**\$300.00**\$575.00*

Extended Total

*\$58050.00**\$30960.00**\$103525.60**\$77400.00**\$148350.00***#4 STANDARD PRECAST CONCRETE MANHOLE - ESTIMATED QTY 1 EACH**

Unit Price

*\$16250.00**\$17500.00**\$19540.95**\$30000.00**\$25,000.00*

Extended Total

*\$16250.00**\$17500.00**\$19540.95**\$30000.00**\$25,000.00***#5 INSTALL & CONNECTION OF EXISTING LATERAL TO NEW SEWER ESTIMATED QTY 6 LF**

Unit Price

*\$650.00**\$200.00**\$9942.43**\$100.00**\$1500.00*

Extended Total

*\$3900.00**\$1200.00**\$59654.58**\$600.00**\$9000.00***#6 TYPE 3 ASPHALT BINDER COURSE - ESTIMATED QTY 35 TONS**

Unit Price

*\$200.00**\$200.00**\$524.28**\$150.00**\$550.00*

Extended Total

*\$7000.00**\$7000.00**\$18353.28**\$5250.00**\$19250.00***#7 TYPE 6F ASPHALT TOP COURSE - ESTIMATED QTY 15 TONS**

Unit Price

*\$215.00**\$220.00**\$1080.60**\$150.00**\$550.00*

Extended Total

*\$3225.00**\$3300.00**\$16208.94**\$2250.00**\$8250.00***#8 TRENCH BACKFILL MATERIAL (ITEM 4) NYSDOT ITEM 304.12 - ESTIMATED QTY 200 CuYd**

Unit Price

*\$65.00**\$64.00**\$161.42**\$50.00**\$100.00*

Extended Total

*\$13,000.00**\$12800.00**\$32283.90**\$10000.00**\$20000.00***#9 3/4" CRUSHED STONE PIPE BEDDING - ESTIMATED QTY 50 Cu Yd**

Unit Price

*\$100.00**\$100.00**\$286.56**\$50.00**\$70.00*

Extended Total

*\$5000.00**\$5000.00**\$14327.98**\$2500.00**\$3500.00*

CONTRACTOR NAME & ADDRESS		Environmental Construction	Southern Industries	Eberhardt	Colonnelli	Ben Ciccione
#10 ROCK EXCAVATION - ESTIMATED QTY 5 Cu Yd						
Unit Price	\$ 100.00	\$ 300.00	\$ 280.50	\$ 200.00	\$ 750.00	
Extended Total	\$2000.00	\$1500.00	\$1402.50	\$1000.00	\$3750.00	
Minimum Stipulated Price	\$200 / cu yd	\$200 / cu yd	\$200 / cu yd	\$200 / cu yd	\$200 / cu yd	
#11 BOULDER EXCAVATION - ESTIMATED QTY 5 Cu Yd						
Unit Price	\$ 400.00	\$ 300.00	\$ 165.00	\$ 100.00	\$ 500.00	
Extended Total	\$ 2000.00	\$ 1500.00	\$ 825.00	\$ 500.00	\$ 2500.00	
Minimum Stipulated Price	\$100 / cu yd	\$100 / cu yd	\$100 / cu yd	\$100 / cu yd	\$100 / cu yd	
#12 MAINTENANCE OF SITE - LUMP SUM						
Unit Price	\$2000.00	\$ 6200.00	\$21010.00	\$5000.00	\$23500.00	
Extended Total	\$ 2000.00	\$ 6200.00	\$21010.00	\$ 5000.00	\$23500.00	
Minimum Stipulated Price	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
#13 ALLOWANCE FOR MISCELLANEOUS WORK - LUMP SUM						
Unit Price	\$ 5000.00	\$ 5000.00	\$ 14300.00	\$5000.00	\$5000.00	
Extended Total	\$ 5000.00	\$ 5000.00	\$ 14300.00	\$ 5000.00	\$5000.00	
Minimum Stipulated Price	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	
TOTAL BID PRICE	\$ 12250.00	\$ 106360.00	\$47225.94	\$ 14750.00	\$ 299700.00	

Town of Orangetown

DATE: April 22, 2025

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	040225	\$ 232,101.91 utilities & Rockland Paramedic Services
	040925	\$ 1,156,775.95 utilities, employee health benefits & Olson Center
	042225	\$ 782,376.01
		\$ 2,171,253.87

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

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

Councilman Daniel Sullivan

Councilman Brian Donohue

Supervisor Teresa M. Kenny

EXHIBIT
04-22-F

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCIK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 4/17/25
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 4/22/2025 consists of 3 warrants for a total of \$2,171,253.87.

The first warrant has 15 vouchers for \$232,101.91 and includes utilities & Rockland Paramedic Services installment payment for April.

The second warrant has 12 vouchers for \$1,156,775.95 and includes utilities, employee health benefits and Olson Center rehabilitation.

The third warrant has 154 vouchers for \$782,376.01 and includes the following items of interest.

1. Beckman Appraisals, Inc - \$5,000 for appraisal in Nyack.
2. Bolkema Fuel Co - \$6,549 for pump station diesel fuel.
3. Charles Capasso & Sons Carting - \$102,960 for recycling.
4. County of Rockland - \$13,960 for St Patrick's Day security.
5. Crown Castle Fiber LLC- \$5,980 for connectivity.
6. CS Products, Inc - \$10,135 for a sludge box/dewatering.
7. 207c payments - \$12,583.
8. Global Montello Group Corp - \$34,534 for fuel.
9. Keane & Beane - \$24,497 for outside legal counsel.
10. Landscape Structures Inc - \$13,973 for swing set in Franklin Park, Nyack (bonded).
11. New York Power Authority - \$21,237 for LED streetlight conversion project.
12. Nyack, Pearl River, Piermont & Tappan Senior Citizen Clubs - \$22,198 for senior trips.
13. NYSPSP - \$6,398 for digitizing records (Building grant).

14. PKF O'Connor Davies - \$80,250 progress billing for the year end 2024 audit.
15. RO Invest Inc - \$17,049 for a Plasma Pro table.
16. Rockland County Solid Waste – \$6,461 for compactor rental.
17. S & L Plumbing & Heating Corp - \$43,429 for HVAC at New Town Hall.
18. Slack Chemical Company - \$22,437 for chemicals at the sewage treatment plant.
19. Troon Golf - \$205,573 for golf course management fees.
20. Weston & Sampson PE - \$9,974 for permit review.

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

Jeffrey W. Bencik, CFA
845-359-5100 x2204