



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday June 24, 2025

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

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

☪ Pledge of Allegiance to the Flag

PRESENTATIONS:

- ◆ **Blauvelt-Orangeburg Republican Club Presentation: Frank A. Fornario Sr. Memorial Scholarship Award Winner:**
 - ★ **Valencia Massaro, Tappan High School Senior**

DISCUSSION:

- ◆ **WORKSHOP OF AGENDA ITEMS**

PUBLIC COMMENT:

1. **OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. OPEN PUBLIC HEARING OF JUNE 24, 2025 / 7:05 P.M. / PROPOSED AMENDMENT TO THE TOWN CODE, CHAPTER 43, REGARDING THE LOCATION OF CERTAIN ACCESSORY STRUCTURES**

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43, regarding the location of certain accessory structures is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 4. CLOSE / CONTINUE / PROPOSED LOCAL LAW / AMEND CHAPTER 43 / REGARDING THE LOCATION OF CERTAIN ACCESSORY STRUCTURES**

RESOLVED, that the public hearing regarding a proposed local law, amending Chapter 43 regarding the location of certain accessory structures is hereby closed or continued to _____.

- 5. DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW NO. ___ OF 2025, AMENDING CHAPTER 43, ARTICLE V OF THE TOWN CODE REGARDING ADDITIONAL BULK REGULATIONS**

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. ___ of 2025, amending Chapter 43 of the Town Code as follows: Article V regarding the Additional Bulk Regulations; and further determines that such action is a Type II action pursuant to SEQRA (6 NYCRR 617.5(c)(18)(21)(25)(32)(33), that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

- 6. ADOPTION OF LOCAL LAW NO. ___ OF 2025 / AMENDING CHAPTER 43, ARTICLE X ENTITLED “ADDITIONAL BULK REGULATIONS” REGARDING LOCATION OF CERTAIN ACCESSORY STRUCTURES**

RESOLVED, that the Town Board hereby adopts proposed Local Law No. ___ of 2025, by Amending Chapter 43 of the Town Code as follows: Article V entitled “Additional Bulk Regulations”, with respect to the permitted location of certain accessory structures.

**LOCAL LAW NO. ____ OF 2025 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK TOWN BOARD TO AMEND
CHAPTER 43 OF THE TOWN CODE OF THE TOWN OF ORANGETOWN RELATED TO
ADDITIONAL BULK REGULATIONS AND EXCEPTIONS FOR ACCESSORY STRUCTURES.**

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

Additions are underlined. ~~Deletions are stricken.~~ The said section of the Code is amended as follows:

As amended, Chapter 43 of the Town Code of the Town of Orangetown, originally adopted by the Town Board 7-7-1969 by LL No. 4-1969 and as thereafter amended, are hereby amended as follows:

Section 1.

Chapter 43

Article V Additional Bulk Regulations

§5.152 Spacing of multiple residential buildings. No multiple residential buildings shall be closer to any other multiple building on the same lot than the height of the taller of the two buildings.

§5.153 Location of accessory buildings or structures.

- a) No accessory building, or structure, ~~except a fence or swimming pool,~~ shall be closer to any principal building or to any other accessory building or structure (including swimming pools) ~~than a distance equal to the height of such accessory building or structure, of less than eight feet, and in no event less than 15 feet,~~ unless it is attached to and is a part of such principal building,
- b) Trellises, pavilions and similar “non-permanent” structures that are 144 square feet or less shall have a separation distance of at least three feet from another building or structure.
- c) Accessory buildings or structures shall conform to the bulk regulations of the district, except that none shall be located in a front yard.
- d) Swimming pools accessory to multifamily residences shall not be closer than 50 feet to any lot line.

~~Inground swimming pools accessory to one- or two-family residences shall not be located closer than eight feet to the principal building.~~

Section 2.

Chapter 43

Article V Additional Bulk Regulations

§5.2 Exceptions to bulk regulations.

§5.227 Accessory buildings in required rear or side yards. A building or structure, except a swimming pool, accessory to a single-family or two-family dwelling in any district, except R-80 and R-40, may be located in any required rear or side yard, provided that it does not exceed 15 feet in height, it is set back five feet from any lot line, and all such buildings in the aggregate shall

not occupy more than 30% of the area of the required rear or side yard.

- a) Accessory buildings constructed at the same time may be located, in no more than one pairs ~~or groups~~ in the required rear or side yard along the common side lot line or rear lot line of contiguous lots. Swimming pools may be set back not less than 20 feet from the rear lot line in all residential zones other than RG. In RG Zones, the setback from the rear lot line for swimming pools will not be less than 10 feet.
- b) A portable building not over 144 square feet in area shall be permitted without a building permit on any residential lot in any rear or side yard, but no closer than ~~five feet~~ one foot to any property line.

Section 3.

Chapter 43
Article XI Definitions and Word Usage
§11.2 Definitions

ACCESSORY

The term applied to a building or use which is clearly incidental or subordinate to and customarily in connection with the principal building or use and which is located on the same lot with such principal building or use. No residential building, tourist cabin or summer colony cottage shall be considered as "accessory" to any residential building. However one guesthouse, one caretaker's cottage or one servants' quarters may be considered as "accessory" to a residential use in R-80 only. Any "accessory" building attached to a principal building is deemed to be part of such principal building in applying the bulk regulations to such building. "Accessory" buildings, structures and uses shall not be subject to performance standards procedure, except as set forth in § 4.12. A portable building not over 144 square feet in area shall be permitted without a building permit on any residential lot in any rear or side yard, but not closer than ~~five feet~~ one foot to any property line. Notwithstanding any other provisions in the Zoning Code to the contrary, vending machines and entertainment devices shall be deemed "accessory" to recreation establishments, such as bowling alleys, dance halls, billiard parlors, driving ranges and miniature golf courses; eating and drinking places; hotels and motels; and the same shall be permitted without a building permit. An establishment where the vending machines and entertainment devices are the principal use, such as an arcade, shall be subject to the requirement for a special permit found in the CS District, Column 3, Zoning Board, Note 9, and all such other zoning districts which refer to that note.

Section 4. Authority

This proposed Local Law is enacted and adopted pursuant to NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

Section 5. Severability

If any section, subdivision, paragraph, clause or phrase of this Local Law shall be adjudged invalid, or held to be unconstitutional, by any court of competent jurisdiction, any judgment or order made thereby shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date

This Local Law shall take effect upon publishing and posting a copy in the manner prescribed by applicable laws, and upon filing a copy with the NYS Secretary of State.

7. **APPROVE / 2025 HIGH SCHOOL PROJECT GRADUATION FUNDING**

RESOLVED, that upon the recommendation of the Director of Finance, PROJECT GRADUATION funding for 2025 is hereby approved as follows and charged to Account No. A.4211.457:

Pearl River High School - \$1,500.00
Tappan Zee High School - \$1,500.00
Nanuet High School - \$750.00
Nyack High school - \$750.00

TOWN ATTORNEY

8. **ACCEPT MONEY IN LIEU OF PARKLAND AND ACCESS AND UTILITY EASEMENT AGREEMENT FOR GATTO LANE, PEARL RIVER, NEW YORK**

RESOLVED, that upon recommendation of the Town Attorney's Office and the Parks and Recreation Department, pursuant to the Gatto Lane Site Plan as approved by the Planning Board in decision #24-27, the Town hereby accepts and approves deposit of check number 00705366 from Toll Bros., Inc. in the amount of \$182,300.00, being the payment in lieu of parkland as required as a condition of site plan approval.

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering, and the Superintendent of Highways, pursuant to the Gatto Lane Site Plan as approved by the Planning Board in decision #24-27, the Town hereby accepts from Toll Northeast V Corp., an access and utility easement agreement for the project, and the Supervisor or her designee shall execute all documents necessary to effectuate acceptance of same.

9. **ACCEPT PERFORMANCE BOND / GATTO LANE SITE PLAN / GATTO LANE, PEARL RIVER, NEW YORK**

WHEREAS, Toll Northeast V Corp., as owner of property located at Gatto Lane, Pearl River, New York (Tax Lot 68.07 Block 2 Lot 1), applied for and received subdivision plan approval from the Town of Orangetown Planning Board for said property, pursuant to Planning Board decision PB #24-27, and

WHEREAS, pursuant to the aforesaid approvals, the Planning Board, at the recommendation of the Department of Environmental Management and Engineering, in its decisions identified as PB #25-13 required that the applicant post a Performance Bond in the amount of \$785,933.50 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated March 4, 2025, issued by Harco National Insurance Company, as Surety, on behalf of Toll Northeast V Corp., as principal, in the amount of \$785,933.50 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Gatto Lane Site Plan," which Performance Bond has been approved as to form and substance by the Town Attorney's Office.

NOW THEREFORE BE IT RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated March 4, 2025, issued by Harco National Insurance Company, as Surety, on behalf of Toll Northeast V Corp., as principal, in the amount of \$785,933.50, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the “Gatto Lane Site Plan” no later than March 4, 2027, and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond, Planning Board decisions #24-27 and 25-13, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

10. **RELEASE OF CLUB WEST AT PEARL RIVER PERFORMANCE BOND / REFERENCE TB RESOLUTION 2020-390**

WHEREAS, the developer of the Club West at Pearl River was required and did in fact post a performance bond in the amount of \$962,324.00 for the completion of certain public improvements related to the subdivision, as set forth in Town Board Resolution 2020-390; and

WHEREAS, the Planning Board, after receiving recommendations from the Department of Environmental Management and Engineering (DEME), and the Superintendent of Highways, voted pursuant to PB#25-32 to recommend to the Town Board that the above referenced Performance Bond be released; and

WHEREAS, the Town Attorney’s Office also recommends that the above referenced Performance Bond be released.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Board, the Town Highway Department, DEME, and the Town Attorney’s Office, the Board hereby authorizes the release of the Club West at Pearl River Performance Bond in the sum of \$962,324.00.

11. **ORANGETOWN HOUSING AUTHORITY/ CORRECTIVE ACTION RE: STAGGERED TERMS OF APPOINTED MEMBERS**

WHEREAS, the Orangetown Housing Authority was established pursuant to Article III of the New York Public Housing Law (the “Enabling Act”), which Enabling Act grants and defines the powers and purposes of municipal housing authorities in the State of New York (the “State”), and Chapter 913 of the 1957 Laws of New York, as amended, constituting Section 442 of the New York Public Housing Law (collectively with the Enabling Act, the “Act”).

N.Y. Public Housing Law §442. Orangetown Housing Authority states as follows:
“A municipal housing authority, to be known as the Orangetown Housing Authority, is hereby created and established for the town of Orangetown in the county of Rockland, for the accomplishment of any or all of the purposes specified in article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and **consist of five members**. It shall have the powers and duties now or hereafter conferred by this chapter upon municipal housing authorities. It shall be organized in the manner prescribed by and be subject to the provisions of this chapter, and the authority, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of this chapter.” (emphasis added)

N.Y. Public Housing Law §30(2) states that:

“Except as otherwise provided by special act of the legislature, an authority shall consist of not less than three nor more than seven members. The members of an authority who are first appointed shall be not more than five in number and shall be designated to serve for terms of one, two, three, four and five years respectively from the date of their appointment, depending upon the number of members constituting the authority. **Thereafter the term of office of appointive members shall be five years.**” (emphasis added).

WHEREAS, the Town Board by resolutions #237 through 241 of 2012 addressed errors in the staggering of terms which had occurred for some years prior.

WHEREAS, certain errors in the staggering of terms have again occurred so that adjustments must be made again.

RESOLVED, that the Town Board acknowledges that Sean Walsh is appointed as a member of the Orangetown Housing Authority effective for a 5-year term from 01/01/2021 to 12/31/2025 (see Town Board Resolution #84 of 2021).

RESOLVED, that Robert Nelan is hereby reappointed as a member of the Orangetown Housing Authority effective 01/01/2025 for a 2-year term (to 12/31/2026).

RESOLVED, that Quinton Van Wynen is hereby reappointed as a member of the Orangetown Housing Authority effective 01/01/2025 for a 3-year term (to 12/31/2027).

RESOLVED, that the Town Board acknowledges that Walter Wettje is appointed as a member of the Orangetown Housing Authority effective for a 5-year term from 01/01/2024 to 12/31/2028 (see Town Board Resolution #48 of 2024).

RESOLVED, that Dominic Filippone is hereby reappointed as a member of the Orangetown Housing Authority effective 01/01/2025 for a 5-year term (to 12/31/2029).

HIGHWAY

12. APPROVE/ SURPLUS EQUIPMENT HIGHWAY DEPARTMENT

RESOLVED, that upon the recommendation from the Superintendent of Highways, the Town Board hereby approve for surplus the following equipment:

8 A/C	1998	Ingersoll Rand	T30	32496697
13	2008	Ford	F150	1FTRX14W09KA82773
21	2002	International	2554 4x2	1HTGBADR42H505361
33	2007	Trackless	MT5TD	3528
68	2004	Sterling	L9500	2FZHAZAS64AM72821
S1	2010	Ford	Escape	1FMCU5K35AKC26090
S6	2009	Ford	F150	1FTRX14W99KA82772
60	2008	AmLaFrance	Leach Vac/All	5SXAAMDT28RZ51796
S70	2001	Volvo	ACL42B	4V5S38UE31N307767
S74	2002	International	Paystar 5600i	1HTXEHR22J035941
S77	2003	International	Paystar 5600i	1HTXEHR03J054957

RO10	Roll off Container		
RO12	Roll off Container		
SB	ARIENS	ST1028LE	01474
SB	ARIENS	ST1028LE	01473

POLICE

13. ACCEPT RESIGNATION/RETIREMENT DETECTIVE BRANDON MYERS/POLICE DEPARTMENT/EFFECTIVE JUNE 30, 2025

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Detective Brandon Myers, from the Orangetown Police Department effective June 30, 2025.

14. ACCEPT RESIGNATION/RETIREMENT POLICE OFFICER SCOTT MICHEL/POLICE DEPARTMENT/EFFECTIVE JUNE 30, 2025

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Scott Michel, from the Orangetown Police Department effective June 30, 2025.

TRAFFIC ADVISORY BOARD

15. APPROVE SECOND EXTENSION / 6-MONTH POLICE REGULATION / STOP SIGN AT INTERSECTION OF SOUTH BROADWAY AND ELIZABETH PLACE IN SOUTH NYACK

WHEREAS, pursuant to Resolution No. 2024-266, a stop sign was installed on South Broadway, heading south, at the intersection of South Broadway and Elizabeth Place in South Nyack due to the limited sight distance caused by the temporary repair of the South Broadway bridge over the New York State Thruway; and,

WHEREAS, by Resolution No. 2024- 574, the Town Board approved the first extension to the 6-month police regulation, as the New York State Thruway has yet to commence permanent repairs to the bridge; and,

WHEREAS, the New York State Thruway has still not initiated permanent repairs to the bridge, requiring a second extension of the 6-month police regulation; and,

NOW, THEREFORE, BE IT RESOLVED that, upon the recommendation of the Orangetown Traffic Advisory Board, the Town Board approves a second extension to the 6-month police regulation for the stop sign on South Broadway, heading south, at the intersection of South Broadway and Elizabeth Place, in South Nyack to be reviewed after another 6 months.

AUDIT

16. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants (attached) for a total of \$2,151,769.13.

EXECUTIVE SESSION

17. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

18. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Ida Greene**, *Resident of Sparkill and Mother of Legislator Dana Stilley*
- ❖ **Mary Lane**, *Resident of Pearl River*
- ❖ **Herbert Roimisher**, *Resident of Tappan, Life Member of the South Orangetown Ambulance Corps and Father of Deputy Chief Peter Roimisher and Past Chief Wayne Roimisher*
- ❖ **Frederick Simms, Jr.**, *Resident of Tappan, FDNY Captain and Ex-Chief of the Tappan Fire Department*