

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 27, 2016**

This Regular Town Board Meeting was opened at 7:32 p.m. Supervisor Stewart presided and the Deputy Clerk, called the roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Andrew Stewart

Also present:

Gerri Orlik, Deputy Clerk
John Edwards, Town Attorney
Teresa M. Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEMA
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America was led by Gerri Orlik.

Supervisor Stewart presented his 2017 Budget proposal.

RESOLUTION NO. 459

**OPEN PH/PROPOSED LOCAL LAW
CHAPTER 43/ NEW CAR
DEALERSHIP SERVICE AND
REPAIR/NON-RESIDENTIAL
ZONES/ROUTE 303 OVERLAY
ZONING DISTRICT**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43 of the Town Code relating to New Car Dealership Service and Repair in Non-Residential Zones within the Route 303 Overlay Zoning District, is hereby opened.

Ayes: Supervisor Stewart
Councilpersons Bottari, Troy, Diviny, Valentine

Noes: None

The Deputy Clerk presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 9-D-16 and made a part of these minutes.

Summary of Public Comments:

Elayne Armaniaco, Blauvelt – this amendment changes the entire Route 303 Overlay Zoning District. Zone changes should not be approved quickly and more clarity needs to be done to protect residential properties. Has a specific proposal come before the Town?

Donald Brenner, Attorney for Subaru Dealership, explained that Subaru wants to build a service center down the road (Erie St. & Route 303). The building that a gym occupied will be demolished and a new building will be built.

RESOLUTION NO. 460

**CLOSE PH/PROPOSED LOCAL LAW
CHAPTER 43/NEW CAR DEALERSHIP
SERVICE AND REPAIR/ NON-
RESIDENTIAL ZONES /ROUTE 303
OVERLAY ZONING DISTRICT**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43 of the Town Code relating to New Car Dealership Service and Repair in Non-Residential Zones, within the Route 303 Overlay Zoning District, is hereby closed.

Ayes: Councilpersons Diviny, Bottari, Troy, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 461

**LEAD AGENCY/SEQRA NEGATIVE
DECLARATION/ NEW CAR
DEALERSHIP SERVICE AND REPAIR
NON-RESIDENTIAL ZONES/ROUTE
303 OVERLAY ZONING DISTRICT**

Councilman Troy offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, the current provisions of the Town Zoning Code prohibit new and used automotive car dealerships and automotive repair and auto body shops within the Route 303 Overlay Zoning District, effectively rendering existing, well maintained and attractive commercial establishments that provide significant commercial tax revenues non-conforming; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to providing relief from the present restrictions to existing establishments by permitting off-site repair and service facilities on separate nonresidential parcels within the Overlay District; and

WHEREAS, by Resolution 395 of 2016, the Town Board declared its intent to assume lead agency status with respect to the environmental review of the action, and directed that notice of same, together with a copy of the proposed law, and all related documents, be circulated to various specified involved and/or interested agencies for the purpose of coordinated review; and

WHEREAS, more than thirty days have passed since such circulation and no other involved agency expressed its intent, or otherwise disputed, the Town Board's declared intent to act as lead agency,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review (Exhibit 9-E-16) with respect to a proposed Local Law, amending Chapter 43, § 3.11, and the related Table of General Use Regulations established thereby for the "CC" Zoning District (43 Attachment 6), at Column 4 thereof, to add a new Conditional Use by the Planning Board, *to wit*, "New dealer automobile service and repair ancillary to an existing new car dealership within the Route 303 Overlay Zoning District, subject to Chapter 43 § 13.10(B)(6)", and further determines, upon a review thereof, including the Short EAF filed in connection therewith, and a consideration of the various environmental issues identified thereon, that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

Ayes: Councilpersons Troy, Bottari, Diviny, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 462

**NEW CAR DEALERSHIP SERVICE
AND REPAIR/NON-RESIDENTIAL
ZONES/ROUTE 303 OVERLAY
ZONING DISTRICT**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and on a roll call was unanimously adopted:

WHEREAS, the Town Board has before it for consideration a proposed Local Law, amending Chapter 43, § 3.11, and the related Table of General Use Regulations established thereby for the “CC” Zoning District (43 Attachment 6), at Column 4 thereof, to add a new Conditional Use by the Planning Board, *to wit*, “New dealer automobile service and repair ancillary to an existing new car dealership within the Route 303 Overlay Zoning District, subject to Chapter 43 § 13.10(B)(6)”; and

WHEREAS, by Resolution 395 of 2016, the Town Board (i) declared its intent to assume lead agency status with respect to the environmental review of the action, and directed that notice of same, together with a copy of the proposed law, and all related documents, be circulated to various specified involved and/or interested agencies for the purpose of coordinated review, and (ii) further directed that the proposed law be sent to the Rockland County Planning Department for its review, pursuant to GML § 239 l & m and to the Town of Orangetown Planning Board for its review and comment, pursuant to Town Code Chapter 43 § 10.5; and

WHEREAS, more than thirty days having passed since such circulation, and no other involved agency has expressed an intent, or otherwise has disputed, the Town Board’s declared intent to act as lead agency, the Town Board by Resolution of even date herewith, but adopted before this Resolution, assumed the role of Lead Agency for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law; and

WHEREAS, the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 l & m, have each reviewed the proposed law; and

WHEREAS the Town of Clarkstown, as an adjacent municipality potentially affected by the action, was also given notice and the opportunity to comment, and, by letter dated, September 9, 2016, from the Clarkstown Planning Board advised that it deemed the proposed amendment to be a matter for local determination; and

WHEREAS, the County Department of Planning, by letter review dated September 20, 2016, responded with four comments/conditions; and

WHEREAS, following due notice, a public hearing was conducted, this date, on the proposed amendment; and

WHEREAS, the Town Board members are each familiar with the affected and immediately adjacent areas; and

WHEREAS, in reaching its determination adopting this local law, the Town Board has received, and has considered, the General Municipal Law § 239 l & m review submitted by the Rockland County Department of Planning, dated September 20, 2016, addressing each comment/condition therein in the following manner:

**Rockland County Planning Department’s
Comments and Conditions**

With respect to County Comment 1, relating to on-site parking requirements, applicable to the new conditional use, the Board specifically overrides such comment to the extent that it will not establish special parking requirements. The applicable requirements shall be as provided in Chapter 43, Article VI.

RESOLUTION NO. 462 - Continued

With respect to **County Comments 2, 3 and 4**, relating to reviews by the New York State DOT, the PIPC and the Rockland County Highway Department, on or about August 22, 2016, the Town circulated the proposed local law and the supporting documentation to both the N.Y.S. DOT and the Rockland County Highway Department. To date, there has been no response by either of the said agencies.

To the extent the County Planning Department’s GML review requires that the Town comply, rather than simply to consider, the comments or concerns of the said agencies if and when received, the Town Board, as part of this determination, expressly overrides the referenced conditions, with the further recommendation to the Town Planning Board that it should give thoughtful consideration to any such comments if received during the planning process.

The Town Board makes the same determination with respect to the PIPC at the time, if ever, that an application for a Conditional Use Permit shall be made relating to property implicating the jurisdiction of that agency.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

RESOLUTION NO. 463

**ADOPT LOCAL LAW NO. 8, 2016
AMENDING CHAPTER 43 / ZONING
NEW CAR DEALERSHIP SERVICE
AND REPAIR /NON-RESIDENTIAL
ZONES / ROUTE 303 OVERLAY
ZONING DISTRICT**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the Town Board hereby adopts the proposed Local Law, amending Chapter 43, § 3.11, and the related Table of General Use Regulations established thereby for the “CC” Zoning District (43 Attachment 6), at Column 4 thereof, to add a new Conditional Use by the Planning Board, *to wit*, “New dealer automobile service and repair ancillary to an existing new car dealership within the Route 303 Overlay Zoning District, subject to Chapter 43 § 13.10(B)(6)”.

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari
Supervisor Stewart
Noes: None

**LOCAL LAW NO. 8, 2016
AMENDING CHAPTER 43 OF THE TOWN CODE (ZONING)
NEW CAR DEALERSHIP SERVICE AND REPAIR IN NONRESIDENTIAL ZONES
WITHIN THE ROUTE 303 OVERLAY ZONING DISTRICT**

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

Section 1: Chapter 43 of the Town Code entitled “Zoning”, § 3.11 and the Table of General Use Regulation established thereby for the “CC” Zoning District (43 Attachment 6), at Column 4 thereof, providing for Conditional Uses by the Planning Board, shall be amended to add a new Conditional Use, as follows:

- 9. New dealer automobile service and repair, ancillary to an existing new car dealership, within the Route 303 Overlay Zoning District, subject to Chapter 43 § 13.10(B)(6).

Section 2: Amend Chapter 43 of the Town Code, § 13.10(B)(6), relating to “Nonresidential areas” within the Route 303 Overlay Zoning District, to permit repair and service facilities ancillary to an existing new car dealership within the Route 303 Overlay Zoning

LOCAL LAW NO. 8, 2016 - Continued

District on a separate nonresidential parcel also located within the Route 303 Zoning District, subject to conditions. As amended, § 13.10(B)(6) shall read as follows:

- (6) New and used automotive car dealerships; automotive repair and auto body shops; gasoline filling stations; outside commercial storage of five or more automobiles; buses, trucks, tractors, trailers, or other vehicles on any particular lot shall be prohibited. Notwithstanding the aforesaid, or any other provision of this Chapter 43 to the contrary, automobile service/repair facilities shall be permitted in any non-residential zoning district within the Route 303 Overlay Zoning District, subject to all required land use board approvals, provided that (i) any such service/repair facility is ancillary to an existing new car dealership located on any other parcel within the Overlay Zoning District; and (ii) all service/repair work takes place within a completely enclosed building.

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

Ayes: Councilpersons Troy, Diviny, Valentine, Bottari
Supervisor Stewart

Noes: None

RESOLUTION NO. 464

CONTINUE PH/PROPOSED LOCAL LAW /AMENDING CHAPTER 43 OF THE TOWN CODE/ USE AND BULK FOR CHURCHES AND SCHOOLS

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the public hearing, from September 13, 2016, on a proposed local law, amending Chapter 43 of the Town Code relating to Use and Bulk for Churches and Schools, is hereby continued.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari

Noes: None

Summary of Public Comments:

No individuals voiced their comments regarding this amendment to the Town Code.

RESOLUTION NO. 465

CLOSE PH/ PROPOSED LOCAL LAW AMENDING CHAPTER 43 OF THE TOWN CODE/USE AND BULK FOR CHURCHES AND SCHOOLS

Councilman Diviny offered the following resolution, which was seconded by Supervisor Stewart and was unanimously adopted:

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43 of the Town Code relating to Use and Bulk for Churches and Schools, is hereby closed.

Ayes: Councilperson Diviny, Supervisor Stewart
Councilpersons Troy, Valentine, Bottari

Noes: None

RESOLUTION NO. 466

**LEAD AGENCY/SEQRA
DECLARATION/CHAPTER 43,
ARTICLE III AND XI OF THE TOWN
CODE/USE AND BULK FOR
CHURCHES AND SCHOOLS**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 43, Article XI, § 11.2, of the Town Code regarding the definition of schools of religious instruction and Article III, Table of General Use and Bulk regulations regarding churches, houses of worship, schools of general instruction and schools of religious instruction; and

WHEREAS, on or about August 3, 2016, the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration (Exhibit 9-F-16), and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

Ayes: Councilpersons Diviny, Bottari, Troy, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 467

**ADOPT LOCAL LAW NO. 9 OF 2016,
AMENDING CHAPTER 43, ARTICLE
III AND XI OF THE TOWN CODE
TABLE OF GENERAL REGULATIONS
AND DEFINITIONS USE AND BULK
FOR CHURCHES AND SCHOOLS**

Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS, the Town Board, in furtherance of its desire to provide for the protection and promotion of the public health, safety, morals, comfort, convenience, prosperity and other aspects of the general welfare of the Town has adopted, implemented, amended and provided for the enforcement of the Zoning Code of the Town of Orangetown, and,

WHEREAS, the Town Board, in its review of the Town Zoning Code insofar as it relates to churches and similar places of worship and schools of general instruction, recognizes the need for consistency in the implementation and enforcement of the Zoning Code in each zoning district within the Town for such uses, and

WHEREAS, the Town Board has determined, after consultation with all relevant Town departments that certain zoning districts did not adequately address concerns regarding parking considerations and issues related to the bulk requirements for said uses, and in certain instances failed to provide for such considerations, and

RESOLUTION NO. 467 - Continued

WHEREAS, the Town Board has determined that the Town Code does not specifically contain a definition for, or address the applicability of the code to schools of religious instruction, and providing for such a definition would clarify the applicability of the code to such a use, to be treated in a manner consistent with schools of general instruction, and

WHEREAS, the Town Board has determined that due to the intensity of such uses, particularly in residential districts, specific bulk requirements greater than those provided for residential uses and such bulk requirements should be consistent, proportionately, throughout each district,

NOW, THEREFORE, the following Local Law amending Chapter 43 of the Town Zoning Code is hereby adopted:

Ayes: Councilpersons Diviny, Valentine, Troy, Bottari
Supervisor Stewart
Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW 9, 2016
AMENDING CHAPTER 43 ARTICLE III and ARTICLE XI
TABLE OF GENERAL REGULATIONS AND DEFINITIONS
USE AND BULK FOR CHURCHES AND SCHOOLS**

BE IT ENACTED by the Town Board of the Town of Orangetown, as follows:

Section 1. Chapter 43, Article XI §11.2 entitled “Definitions” of the Code of the Town of Orangetown is hereby amended by adding the following definition regarding schools so as to clarify the applicability of the zoning code. As amended, Additions are underlined, ~~Deletions are stricken~~. The said section of the Code is amended as follows:

SCHOOL OF GENERAL INSTRUCTION

Any public or nonpublic school ~~private nursery, elementary, junior high, high school or college~~ offering courses in general instruction ~~and accredited by the Board of Education of the State of New York, offering courses~~ at least five days per week and seven months per year.

SCHOOL OF RELIGIOUS INSTRUCTION

Any public or private school offering courses in religious instruction at least five days per week and seven months per year.

Section 2. Chapter 43, Article III entitled Table of General Regulations of the Code of the Town of Orangetown is hereby amended by clarifying parking requirements, minimum lot area and minimum lot width for particular uses of Churches and similar places of worship, Schools of general instruction and schools of religious instruction. As amended, Additions are underlined, ~~Deletions are stricken~~. The said section of the Code is amended as follows:

A) Chapter 43, Article III
§3.11 Use Table

i) District
R-80

*Column 2, Uses Permitted by Right
Item Number 6. Schools of general instruction, *schools of religious instruction.*

Column 6, Minimum Required Off-Street Parking Spaces,
Use
Item Number 3. Churches and similar places of worship, public buildings, libraries community and recreation buildings.

LOCAL LAW 9, 2016 - Continued

Column 6

Item 4. Schools of general instruction, schools of religious instruction, trade schools or other schools of special instruction.

At least 1 Parking Space for Each 300 square feet of gross floor area or 12 students 200 square feet of gross floor area but not less than 1 space for each 6 students where provided.

ii) District
CS

*Column 2

Item Number 4. Schools of general instruction, schools of religious instruction.

Column 6 Minimum Required Off-Street Parking Spaces,

Item 11. Schools of general instruction, schools of religious instruction.

At least 1 Parking Space for Each 200 square feet of gross floor area but not less than 1 space for each 6 students where provided.

iii) District

CC

Column 6 Minimum Required Off-Street Parking Spaces,

Item 12. Trade schools and other schools of special instruction

At least 1 Parking Space for Each Same as CS.

B) Chapter 43, Article III

§3.12 Table of General Bulk Regulations

i) District

R-80

Group B

Column 3 For Uses Listed Below

~~3, and 4~~ and 6 in column 2 of Use Table

Column 5 Group B Minimum Lot Area (See Note 16) (square feet/acreage): ~~None~~ 5 acres

Column 6 Minimum Lot Width: ~~None~~ 400

ii) District

R-40

Column 5 Group F Minimum Lot Area (See Note 16) (square feet/acreage): ~~None~~ 5 acres

Column 6 Group F Minimum Lot Width: ~~None~~ 400

iii) District

R-22

Column 5, Group J Minimum Lot Area (See Note 16) (square feet/acreage): ~~None~~ 3 acres

Column 6, Group J Minimum Lot Width: ~~None~~ 250

iv) District

R-15

Column 2, Group M Single-family detached residences ~~and uses in Group B~~

Group M1 Same as Group B

Column 4, Maximum Floor Area Ratio .20

Column 5, Minimum Lot Area (See Note 16) (square feet/acreage): 3 acres

Column 6, Minimum Lot Width (feet) 200

Column 7, Minimum Street Frontage (see Note 5) (feet): 150

Column 8, Required Front Yard (See Notes 6 and 7) (feet): 60

Column 9, Required Side Yard (See Note 2) (feet): 40

Column 10, Total Side Yard (feet): 80

Column 11, Required Rear Yard (See Note 2) (feet): 50

Local Law 9, 2016 - Continued

Column 12, Maximum Building Height* (See Note 7): 1 foot

*Maximum height in feet and inches per foot from lot line.

v) District

RG

Column 2, Group Q Single-family detached dwelling unit ~~and uses in Group B~~
Group Q1 Same as Group B

Column 4, Maximum Floor Area Ratio .20

Column 5, Minimum Lot Area (See Note 16) (square feet/acreage): 3 acres

Column 6, Minimum Lot Width (feet): 150

Column 7, Minimum Street Frontage (see Note 5) (feet): 100

Column 8, Required Front Yard (See Notes 6 and7) (feet): 50

Column 9, Required Side Yard (See Note 2) (feet): 20

Column 10, Total Side Yard (feet): 60

Column 11, Required Rear Yard (See Note 2) (feet): 50

Column 12, Maximum Building Height* (See Note 7): 1 foot

*Maximum height in feet and inches per foot from lot line.

vi) District

CS

Column 2, Group FF All other uses allowed in CS District (See Notes 3 and 13) Except Group B
FF1 Same as Group B

Column 4, Maximum Floor Area Ratio .50

Column 5, Minimum Lot Area (See Note 16) (square feet/acreage): 1 acre

Column 6, Minimum Lot Width (feet): 100

Column 7, Minimum Street Frontage (see Note 5) (feet): 100

Column 8, Required Front Yard (See Notes 6 and7) (feet): 50

Column 9, Required Side Yard (See Note 2) (feet): 20

Column 10, Total Side Yard (feet): 35

Column 11, Required Rear Yard (See Note 2) (feet): 50

Column 12, Maximum Building Height* (See Note 7): 1 foot

*Maximum height in feet and inches per foot from lot line.

vii) District

CC

Column 2, Group JJ All other uses allowed in CC District (See Notes 3 and 13) Except
Group B

JJ1 Same as Group B

Column 4, Maximum Floor Area Ratio .30

Column 5, Minimum Lot Area (See Note 16) (square feet/acreage): 1 acre

Column 6, Minimum Lot Width (feet): 100

Column 7, Minimum Street Frontage (see Note 5) (feet): 100

Column 8, Required Front Yard (See Notes 6 and7) (feet): 50

Column 9, Required Side Yard (See Note 2) (feet): 20

Column 10, Total Side Yard (feet): 35

Column 11, Required Rear Yard (See Note 2) (feet): 50

Column 12, Maximum Building Height (See Note 7): 1 foot

Section 3. Severability Clause: The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 4. This Local Law shall take effect immediately upon filing with the Secretary of State.

Summary of Public Comments (RTBM):

Allyson Sullivan, Blauvelt; Tanya Witek, Tappan; Heather Hurley, Pearl River; Amy Wertheim, Pearl River; Kate Johnson, Blauvelt; and Maria Merrero, Blauvelt, still have health concerns with the noxious toxic odors coming from Aluf Plastics. These odors are in violation of Town Code and affecting our quality of air. The quality of air and life is very important and we have the right to know what is emitted into our air. Our community members are choking and having headaches. Students, at Dominican College, are inhaling the smell of burning plastic, twenty-four hours a day-every day of the week. Aluf has 90-days to enact the Town Code but they should be shut-down until the emissions are fixed. The Town Board needs to do everything possible to make sure Aluf Plastic’s emissions are under control.

Nolan Cook (10 yrs old), S. Orangetown – is scared of breathing polluted air. He asked the Town Board to stop Aluf Plastic from polluting our air.

Heather Hurley, Pearl River; and Amy Wertheim, Pearl River, are disappointed tha the 9/21/16 ZBA meeting was not moved to Town Hall. People were denied access, toilets were backing-up, and the sound system was horrible (could not hear). The ZBA Chairman did not know why Aluf Plastics was before them.

Sam Addino, Orangeburg – environment principles are being compromised. We need to take better care of our air and find solutions to make Orangetown breathable and beautiful again.

Judy Goodrich, Upper Grandview – the County is in negotiations for a license agreement with the Palisades mountain Bikers and the County is waiting for Orangetown’s decision. Has a proposal come before the Town Board?

Mike Mandel, Pearl River – any discussions regarding the mountain bike trail should be discussed at a public meeting. He is glad that the building in Cherry Brook Park is going to be demolished. Landlord Registry mandatory inspections should be done, upon registration or when there is a change of ownership.

Watson Morgan, Blauvelt – Aluf Plastic should pay an emissions fine and the expense for air monitoring and soil testing.

Ruth Weber, Upper Grandview Association – the Town Board needs to protect our greenspace without raising taxes. She objects to the Palisades Mountain bikers using the Town parks and trails. She wants the Town Board to consider this carefully and in open forum.

Peter Wade, Blauvelt – the Palisades Mountian bikers constructed a 6-mile loop. Trial biking is an aggressive sport. Emergency responders could be needed, the Town could be held liable and parking could be overloaded. Our parklands are pristine – let’s keep them that way.

Elayne Armaniaco, Blauvelt – transparency and input from the residents are very important. There should always be open discussions regarding any changes to the Town Code and accountably should always come first.

Donald Brenner, speaking as a resident, - Aluf Plastics has to follow certain procedures. They have retained engineers and they have met with the DEC to lay out a mandatory plan, which is due in 30-days and must be implemented, within 60 days. I will try to get Aluf’s permission for the Town to put air monitoring canisters along their property fence line.

RESOLUTION NO. 468

CLOSE PUBLIC COMMENTS

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the public portion is hereby closed.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 469

**SET PUBLIC HEARING/CONTRACT
BLAUVELT VOLUNTEER FIRE
DEPARTMENT FOR 2017**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, that pursuant to Town Law Sect. 184, the Town Board will hold a Public Hearing on October 18, 2016, at 8:15 P.M., to consider a Contract, with the Blauvelt Volunteer

RESOLUTION NO. 469 - Continued

Fire Department, for 2017 fire protection services in and throughout the Blauvelt Fire Protection Fire District, within the Town.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Bottari
Noes: None

RESOLUTION NO. 470

**RESCIND RESOLUTION NO. 453/2016
AND SET NEW PUBLIC HEARING DATE
PROPOSED LOCAL LAW/AMENDING
CHAPTER 43, ADDING ARTICLE XV, TO
THE TOWN CODE ESTABLISHMENT OF
A LANDLORD REGISTRY**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that upon the request of Councilman Diviny, and with the approval of the Town Board, rescind Town Board Resolution #453 of September 13, 2016, and set new date for public hearing on October 18th, 2016 at 8:10 p.m., for proposed local law amending Chapter 43, adding Article XV, to the Code of the Town of Orangetown regarding the establishment of a Landlord Registry.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 471

**STATE GRANT – NEW NY BRIDGE
COMMUNITY BENEFITS FUND
ENHANCED PUBLIC SAFETY &
EMERGENCY INCIDENT
RESPONSE/AMOUNT \$173,000**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, New NY Bridge Project Community Benefit Fund (CBF) provides grants to eligible governmental entities and not-for-profit corporations located in Westchester and Rockland Counties; and

WHEREAS, the Town of Orangetown submitted an application to the CBF for the project known as “Enhanced Public Safety and Emergency Incident Response” in the amount of \$173,000 for the purchase of the following:

- two new police cars;
- two new variable message signs with radar;
- one mobile license plate reader;
- one traffic camera with fiber link at the Route 59/Route 9W interchange;
- two bicycle traffic counters;
- a bicycle traffic planning study; and

WHEREAS, pursuant to the CBF, the NY State Thruway Authority has decided to support the Town's efforts to improve road safety and enhance emergency response in the area of the New NY Bridge through the funding of various emergency/traffic safety equipment purchases and a traffic study (the “Project”) by paying (\$173,000) one hundred seventy-three thousand Dollars from the CBF to the Town as provided for herein (the "Authority Funds"); and

RESOLUTION NO. 471 - Continued

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGETOWN TOWN BOARD

1. That the Town of Orangetown hereby and with gratitude accepts the grant of \$173,000 from the New NY Bridge Community Benefits Fund for the project known as “Enhanced Public Safety and Emergency Incident Response;” and
2. That the Town Supervisor is authorized to act in behalf of the Municipality's governing body in all matters related to the New NY Bridge Community Benefits Fund award. The representative is also authorized to make application, execute the Community Benefits Fund Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to Community Benefits Fund assistance; and

That this Resolution takes effect immediately.

Ayes: Supervisor Stewart
Councilpersons Bottari, Troy, Diviny, Valentine

Noes: None

RESOLUTION NO. 472

**NORTH MIDDLETOWN RD.
SIDEWALK PROJECT / ASSUME
LEAD AGENCY STATUS UNDER
SEQRA, AND ADOPT NEGATIVE
DECLARATION**

Councilman Diviny offered the following resolution, which was seconded by Supervisor Stewart and was unanimously adopted:

WHEREAS, the Town has made application for, and been awarded, the sum of \$1,899,859.00 in Transportation Enhancement Program (“TEP”) funds, on a 75% [TEP] / 25% [Town] matching basis, for the payment of the costs associated with the North Middletown Road Pedestrian Link Project, through which the Town will improve pedestrian safety along North Middletown Road by the installation of new sidewalks, center islands and other, related pedestrian safety features; and

WHEREAS, the acquisition and expenditure of such monies, and the construction of the proposed project in the manner contemplated, are actions subject to review under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on August 16, 2016, at a Regular Meeting of the Town Board, duly noticed and conducted in accordance with law, the Town Board by Resolution No. 394 of 2016, made the preliminary determination that the proposed action is an Unlisted action subject to review under SEQRA, declared its intention to act as lead agency for purpose of coordinated environmental review, and directed that notice of its intention to so act be circulated amongst various potential involved and/or interested agencies; and

WHEREAS, more than 30-days have passed since the said circulation and no agency has objected to the Town Board assuming the role of lead agency,

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Sections 617.6(b) and (c) of the N.Y.C.R.R., (i) the Town Board hereby assumes the role of lead agency in connection with the environmental review of the proposed change of zone; and (ii) declares such action to be an “Unlisted action” under SEQRA for the purpose of such review; and

BE IT FURTHER RESOLVED, acting in its capacity as lead agency for environmental review, and having taken a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the funding and construction/implementation of the North Middletown Rd. Pedestrian Link sidewalk project, a project that will improve pedestrian safety along North Middletown Road and Central Avenue, in Pearl River, New York, and which is being funded on

RESOLUTION 472 – Continued

a matching basis as part of the Transportation Enhancement Program (“TEP”), with 75% of the funding therefor from the TEP and 25% matching funds from the Town of Orangetown.

Therefore, for the aforesaid reasons, and others as set forth, the Town Board adopts the Negative Declaration annexed hereto (Exhibit 9-G-16) and authorizes the Town Supervisor or his designated agent to endorse the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as lead agency.

Ayes: Councilperson Diviny, Supervisor Stewart
Councilpersons Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 473

TAX CERTIORARI/PARADISE HARBOR CONDOMINIUM (75.55-1-1.4/51-1.4/417)

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Order & Judgment regarding the tax certiorari proceeding *Paradise Harbor Condominium v. Orangetown, Town of, et al.*, Tax Map designation 75.55-1-1.4/51-1.4/417, (Gair Street, Piermont) for the tax assessment year 2015, for a total refund by the County of \$6,861, a total refund by the Town of \$3,449 and a total refund by the South Orangetown Central School District of \$34,023. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town (and Rockland County Finance Dept.).

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 474

TAX CERTIORARI/STIPE REALTY CORP (69.17-1-8)

Councilman Troy offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign Stipulation and Order and Judgment Reducing Assessments regarding the tax certiorari proceeding *Stipe Realty Corp. v. Orangetown, Town of, et al.*, Tax Map designation 69.17-1-8, (40 S. Middletown Road, PR) for the tax assessment years 2012 through 2016, for a total refund by the County of \$3,207, a total refund by the Town of \$6,746 and a total refund by the Pearl River School District of \$32,084. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town (and Rockland County Finance Dept.).

Ayes: Councilpersons Troy, Bottari, Diviny, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 475

LEASE AGREEMENT /GOOSETOWN COMMUNICATIONS, INC. POLICE/AVTEC RADIO SYSTEM

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLUTION NO. 475 - Continued

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a SIXTY (60) MONTH lease, on behalf of the Town, as proposed and written, with GOOSETOWN COMMUNICATIONS, INC. for the installation, maintenance and furnishing of Avtec Radio System equipment consisting of a console, cpu, work stations, etc., for a sum of THREE THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$3,250.00) DOLLARS per month.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Bottari
Noes: None

RESOLUTION NO. 476

**APPOINT TERRENCE J.
AMBROSE/POLICE OFFICER**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that upon the recommendation of the Chief of Police, Terrence J. Ambrose, from Rockland County Civil Service List # 12100/61-134, is hereby appointed to position of "Police Officer/Resident of the Town of Orangetown/Permanent effective September 28, 2016, at a salary consistent with the labor agreement between the Town of Orangetown and Orangetown PBA.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

RESOLUTION NO. 477

**APPOINT RYAN S. EIRAND/POLICE
OFFICER**

Councilman Valentine offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that upon the recommendation of the Chief of Police, Ryan S. Eirand, from Rockland County Civil Service List # 12100/61-134, is hereby appointed to position of "Police Officer/Resident of the Town of Orangetown/Permanent effective September 28, 2016, at a salary consistent with the labor agreement between the Town of Orangetown and Orangetown PBA.

Ayes: Councilpersons Valentine, Diviny, Troy, Bottari
Supervisor Stewart
Noes: None

RESOLUTION NO. 478

**NOMINATE ALEXANDROS C.
TSIRONIS (PROVISIONAL)
COMPLETE NEXT PHASE OF CIVIL
SERVICE TESTING PROCESS -
INFORMATION SERVICES AND
RECORDS MANAGEMENT
SPECIALIST (POLICE DEPT)**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that upon the recommendation of the Chief of Police, Alexandros C. Tsironis provisional employee, from Rockland County Civil Service list #16051, is hereby nominated to complete the next phase of civil service testing process needed to receive a

RESOLUTION NO. 478 – Continued

permanent appointment to the title of “Information Services and Records Management Specialist (Police Department). Mr. Tsinonis’s salary will continue to be consistent with the provisions of the labor agreement between the Town of Orangetown and Orangetown CSEA.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

RESOLUTION NO. 479

**CONTRACT/NYACK HOSPITAL
(EMPLOYEE ASSISTANCE
PROGRAM)**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, the Supervisor is hereby authorized to sign the annual contract with Nyack Hospital EAP (Employee Assistance Program) beginning October 1, 2016, and ending September 30, 2017, at a cost of \$10,920.00.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 480

**AID/BLAUVELT LIONS
CLUB/APPLEFEST 2016**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board, the rental of 2 port-o-john units (1 Regular, 1 ADA Compliant); and authorize the Highway Department to lend assistance, which includes the use of garbage cans and recycling kiosks for the Blauvelt Lions 13th Annual APPLEFEST, in Piermont, on Sunday, September 25, 2016, from 6:00 A.M. to 6:00 P.M..

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

RESOLUTION NO. 481

**AID/PEARL RIVER LIONS
CLUB/ANNUAL FLEA MARKET &
CRAFT FAIR**

Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, that the Town Board hereby authorizes the Highway and Parks Departments to lend assistance, which includes the use of garbage pails, a roll off dumpster and 4 port-o-john units (3 Regular and 1 ADA Compliant) for Pearl River Lions Club Annual Flea Market & Craft Fair on Saturday, October 15, 2016, from 9 am. to 5 pm.

Ayes: Councilpersons Diviny, Valentine, Troy, Bottari
Supervisor Stewart
Noes: None

RESOLUTION NO. 482

AID/TEAM KJ DUATHLON

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLUTION NO. 482 – Continued

RESOLVED, that the Town Board hereby authorizes the Highway and Police Departments to lend assistance, which includes the use of barricades, cones, barrels and police presence for the TEAM KJ DUATHLON, on Sunday, October 9th, 2016, from 7 am to 12 pm.

Ayes: Councilpersons Diviny, Troy, Valentine, Bottari
Supervisor Stewart

Noes: None

RESOLUTION NO. 483

**AUTHORIZE BROOKER
ENGINEERING/ PERFORM CHERRY
BROOK FLOOD MITIGATION
SURVEY AND FLOOD CONTROL
DESIGN SERVICES (EAST CENTRAL
AVENUE TO GEORGE STREET,
PEARL RIVER)**

Councilman Diviny offered the following resolution, which was seconded by Supervisor Stewart and was unanimously adopted:

RESOLVED, that upon the recommendation of the Superintendent of Highways, Brooker Engineering is hereby authorized to perform Cherry Brook Flood Mitigation survey and flood control design services (from East Central Avenue to George Avenue, Pearl River) in an amount not to exceed \$12,500.

Ayes: Councilperson Diviny, Supervisor Stewart
Councilpersons Troy, Valentine, Bottari

Noes: None

RESOLUTION NO. 484

**AWARD BID/THERMOPLASTIC
DECORATIVE HIGHWAY TRAFFIC
PAVEMENT SURFACING YONKERS
PAVING CONCEPTS /HIGHWAY**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the purchase of Pre-Formed Imprinted Thermoplastic Decorative Highway Traffic Pavement Surfacing and installation services, which were received and publicly opened on September 15, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 9-H-16, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Yonkers Paving Concepts, the only qualified bidder, in the amount of \$24.45 per square foot, not to exceed 5,000 square feet.

Ayes: Supervisor Stewart
Councilpersons Bottari, Troy, Diviny, Valentine

Noes: None

RESOLUTION NO. 485

**AWARD BID/ STAMPED ASPHALT
AND COLORED SURFACE
TREATMENT APPLICATION AND
INSTALLATION SERVICES
YONKERS PAVING CONCEPTS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the purchase of Stamped Asphalt and Colored Surface Treatment Application and Installation

RESOLUTION NO. 485 - Continued

services, which were received and publicly opened on September 15, 2006; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 9-I-16, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, this bid, in the amount of \$15.25 per square foot, not to exceed 5,000 square feet and the purchase of Colored Surface Treatment Application and Installation services in the amount of \$5.04 per square foot, not to exceed 2,000 square feet is hereby awarded to Yonkers Paving Concepts, the only qualified bidder.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Bottari
Noes: None

RESOLUTION NO. 486

APPROVE/SURPLUS EQUIPMENT/ IT

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, upon the recommendation of Director of Automated Services, declare the following surplus equipment available for auction:

Make/Model	Qty
Yealink T-22	6
Yealink T-26	2
Yealink T-28	39

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 487

SALARIES INCREASE/ELECTED OFFICIALS (TOWN BOARD MEMBERS TWO JUDGES/TOWN CLERK/TAX RECEIVER/TOWN SUPERVISOR AND HIGHWAY SUPERINTENDENT)

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS, the duties and responsibilities of elected office requires substantial time and skill; and

WHEREAS, the salaries of the Town's elected officials have not increased since the "great recession", are well below the salaries of their peers in neighboring towns, and the Town budget has consistently been under the NYS Tax Levy Cap for the last 5 years; and

WHEREAS, contractual employees have seen a steady growth in compensation; and

WHEREAS, it is in the overall public interest to attract and retain outstanding elected leaders,

NOW, THEREFORE, BE IT RESOLVED that the Town Board directs the Supervisor to include salary increases for all elected officials in the Notice of Public Hearing on the 2017 budget, to take place on November 1st, 2016, including \$4000 for part time elected officials (four Town Council members and two Judges), and \$5000 for full time elected officials (Town Clerk, Receiver of Taxes, Town Supervisor, and \$6,500 for the Highway Superintendent).

Ayes: Councilpersons Troy, Valentine, Diviny, Bottari
Supervisor Stewart
Noes: None

RESOLUTION NO. 488

**AGREEMENT/EXTENSION LOCHNER
ENGINEERING CONSTRUCTION
INSPECTION SERVICES/ROUTE 340
SIDEWALK PROJECT**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, the Town Board hereby authorizes James J. Dean, Superintendent of Highways, to sign an Agreement Extension with Lochner Engineering for Construction Inspection Services on the Route 340 Sidewalk Project in the amount of \$116,000.00.

Ayes: Supervisor Stewart
Councilpersons Bottari, Troy, Diviny, Valentine
Noes: None

RESOLUTION NO. 489

**SHOWMOBILE/NYACK CHAMBER OF
COMMERCE/HALLOWEEN PARADE**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board, Use of the Showmobile by the Nyack Chamber of Commerce for their HALLOWEEN PARADE on Saturday, October 29, 2016 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 490

PAY VOUCHERS

Councilman Troy offered the following resolution, which was seconded by Supervisor Stewart and was unanimously adopted:

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,629,205.90.

Ayes: Councilperson Troy, Supervisor Stewart
Councilpersons Diviny, Valentine, Bottari
Noes: None

RESOLUTION NO. 491

ADJOURNED/MEMORY

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, at 10:10 pm, the Town Board adjourned in memory of Veronica Blaine, Blauvelt and member of the Senior Citizens Committee; Reverend Jim Johnson, former Pastor of the Tappan Reformed Church; Thomas H. Hutchinson, Pearl River and U.S. Navy Veteran; Helen Joan McLaughlin, New City/family from Blauvelt; Michael (Mike) Rotundo, Piermont; and Leo Beiderman, Pearl River and member of NYS Army National Guard.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Bottari
Noes: None