

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, JULY 24, 2018**

This Regular Town Board Meeting was opened at 7:31 p.m. Supervisor Day presided and the Deputy Clerk called the roll.

Present were: Supervisor Chris Day  
Councilman Paul Valentine  
Councilman Jerry Bottari

Absent: Councilman Denis Troy  
Councilman Thomas Diviny

Also present were: Amanda Hyland, Supervisor's Confidential Assistant  
Joseph Thomassen, 1st Deputy Clerk/Collector  
Robert Magrino, Deputy Town Attorney  
Teresa Kenny, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Joseph Moran, Commissioner of DEME

Pledge of Allegiance to the Flag of the United States of America: Esta Baitler

Summary of Public Comments:

Esta Baitler, Sparkill, complained about the odors coming from Aluf. A camp in Nyack is being forced to close. She asked the Board for help in keeping it open.

Mike Mandel, Pearl River, on behalf of the Pearl River Parks Committee, thanked the Police, Auxiliary Police and Highway for their assistance with the fireworks. He is very disappointed that there was no public discussion or transparency regarding the Home Rule Declaration (Parkland Alienation) that was voted on in June.

**RESOLUTION NO. 425**

**CLOSE PUBLIC COMMENTS**

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

**RESOLVED**, that the public comments portion is hereby closed.

Ayes: Supervisor Day  
Councilpersons Valentine, Bottari  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 426**

**CONTINUATION OF PH/CODE §6-5  
(CHAPTER 6, BUILDING  
CONSTRUCTION ADMINISTRATION);  
& CODE (CHAPTER 43) §4.11, §4.12 AND  
§4.13 (PERFORMANCE STANDARDS),  
§10.222 (ENFORCEMENT), & §10.323,  
§10.334 & §10.335 (BOARD OF APPEALS)**

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

**RESOLVED** that the Public Hearing, to consider the adoption of a Local Law amending the following provisions of the Code of the Town of Orangetown: (a) §6-5 (Chapter 6, Building Construction Administration), (b) Zoning Code (Chapter 43) §4.11, §4.12 and §4.13 (Performance Standards), (c) Zoning Code (Chapter 43) §10.222 (Enforcement), and (d) Zoning

**RESOLUTION NO. 426 - Continued**

Code (Chapter 43) §10.323, §10.334 and §10.335 (Board of Appeals); was held open at the June 26, 2018, meeting of the Town Board, and continued to this evening and has remained open.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

Correspondence received:

- (1). Report from expert consultant to the Town Board, dated 05/02/2018, entitled “Town Performance Standard for Odors and Odorous Emissions,” by Sander Bonvell, of Earth View Environmental;
- (2). Attorney-client privileged confidential memorandum from the Town Board’s outside legal counsel, dated 04/16/2018, entitled “Proposed Amendments to Performance Standards,” by Christine A. Fazio, Esq. and Karen E. Meara, Esq., of Carter Ledyard & Milburn LLP (not for public disclosure);
- (3). Attorney-client privileged confidential email correspondence from Karen E. Meara, Esq., of Carter Ledyard & Milburn LLP, the Town Board’s outside legal counsel, dated 06/25/2018 (not for public disclosure);
- (4). Part 1 – Project Information – of the State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form (EAF), dated 02/06/2018, prepared and signed by John S. Edwards, Esq., Town Attorney (retired);
- (5). Part 2 and Part 3 – Impact Assessment, and Determination of Significance, respectively – of the SEQRA Short EAF, dated 06/05/2018, prepared and signed by Dennis D. Michaels, Esq., Deputy Town Attorney;

Summary of Public Comments:

Andrew Wiley, Pearl River, asked; has anything change from the original draft; has anything changed from the existing code; and are there any additional costs to the applicant.

Allyson Sullivan, Blauvelt, how long will it take for this be effected; what happens now and will an inspector be able to respond immediately to a complaint.

**RESOLUTION NO. 427**

**CLOSE PH / CODE §6-5 (CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION); & CODE (CHAPTER 43) §4.11, §4.12 AND §4.13 (PERFORMANCE STANDARDS), §10.222 (ENFORCEMENT), & §10.323, §10.334 & §10.335 (BOARD OF APPEALS)**

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

**RESOLVED**, that the public hearing is hereby closed.

Ayes: Supervisor Day  
Councilpersons Valentine, Bottari  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 428**

**LEAD AGENCY / SEQRA DETERMINATION CODE §6-5 (CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION); & CODE (CHAPTER 43) §4.11, §4.12 AND §4.13 (PERFORMANCE STANDARDS), §10.222 (ENFORCEMENT), & §10.323, §10.334 & §10.335 (BOARD OF APPEALS)**

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

**RESOLUTION NO. 428 - Continued**

**RESOLVED** that, in considering adoption of text amendments to: (a) Orangetown Code §6-5 (Chapter 6, Building Construction Administration), (b) Zoning Code (Chapter 43) §4.11, §4.12 and §4.13 (Performance Standards), (c) Zoning Code (Chapter 43) §10.222 (Enforcement), and (d) Zoning Code (Chapter 43) §10.323, §10.334 and §10.335 (Board of Appeals), in accordance with the implementing Regulations of the New York State Environmental Quality Review Act (“SEQRA”), found at Title 6, NYCRR, Part 617, and more than thirty days having elapsed since the Town Board issued its Notice of Intention to Declare itself SEQRA Lead Agency to all Involved Agencies, if any, and not having received any objection to such Notice of Intention, the Town Board hereby Declares itself to be Lead Agency in the environmental quality review of this proposed land use action, as per SEQRA Regulation 6 NYCRR §617.6(b)(5)(v).

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 429**

**ADOPT LOCAL LAW NO. 8, 2018  
AMENDING CODE §6-5 (CHAPTER 6,  
BUILDING CONSTRUCTION  
ADMINISTRATION); AND  
ORANGETOWN ZONING CODE  
(CHAPTER 43) §4.11, §4.12 AND §4.13  
(PERFORMANCE STANDARDS), §10.222  
(ENFORCEMENT), AND §10.323, §10.334  
AND §10.335 (BOARD OF APPEALS)**

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

**WHEREAS**, the Town Board of the Town of Orangetown (“Town” and “Town Board,” respectively) is the duly elected legislative body of the Town, authorized to adopt Local Laws amending the Code of the Town of Orangetown (“Orangetown Code”), including zoning text amendments to the Town’s Zoning Code (Chapter 43 of the Orangetown Code); and

**WHEREAS**, the Town Board has considered the adoption of amendments to Orangetown Code §6-5 (Chapter 6, Building Construction Administration); and to Orangetown Zoning Code (Chapter 43) §4.11, §4.12 and §4.13 (Performance Standards), §10.222 (Enforcement), and §10.323, §10.334 and §10.335 (Board of Appeals), which said Orangetown Code provisions, as herein proposed to be amended (“proposed Local Law”), are set forth below following this Resolution; and,

**WHEREAS**, after notice duly given, and there being no other Involved Agency, by Resolution duly adopted this 26th day of June, 2018, the Town Board assumed the role of Lead Agency, pursuant to the State Environmental Quality Review Act (SEQRA), for environmental review, and, acting in its capacity as such, determined that there will be no potential significant adverse environmental impacts resulting from the Town Board’s adoption of the proposed Local Law; and

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

**WHEREAS**, the Town Planning Board, pursuant to Orangetown Zoning Code §10.5, and the Rockland County Department of Planning, pursuant to NYS General Municipal Law (“GML”) §239-1, et seq., have each reviewed the proposed Local Law; and

**WHEREAS**, the Town Planning Board, by its memorandum to the Town Board, dated 02/28/2018, following due consideration at a public meeting held on the same date, offered no comments regarding the proposed Local Law; and

**RESOLUTION NO. 429 - Continued**

**WHEREAS**, the Rockland County Department of Planning, by its GML §239-1, et seq., review report, dated 03/05/2018, has approved the proposed Local Law.

**NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE TOWN BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED**, that the Town Board hereby adopts the proposed Local Law in the form and substance, as amended herein, as set forth below;

- Ayes: Councilpersons Bottari, Valentine  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

**TOWN OF ORANGETOWN  
LOCAL LAW 8, 2018**

**PROPOSED AMENDMENTS TO CODE OF THE TOWN OF ORANGETOWN:  
CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION, §6-5; AND  
CHAPTER 43, ZONING, §4.1 (PERFORMANCE STANDARDS), §10.2  
(ENFORCEMENT) AND §10.3 (BOARD OF APPEALS)**

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

**Section 1:** Purpose. The Town Board (“Board”) of the Town of Orangetown, New York (“Town” or “Orangetown”) hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to protect the health, safety and welfare of its residents to ensure that properties do not emit, or cause to be emitted, dangerous or objectionable levels of smoke, particulate matter, and odors of such quantity, characteristic or duration which are injurious or objectionable to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. The objective of this local law is to clarify Chapter 43 (Zoning) §4.1, §10.2 and §10.3 of the Code of the Town of Orangetown (“Orangetown Code”), relating to Performance Standards, particularly, but not limited to, emissions, and to make related enforcement, procedural and administrative changes, including changes to Orangetown Code Chapter 6 (Building Construction Administration).

**Section 2:** Orangetown Code Chapter 6 (Building Construction Administration) §6-5 shall be amended, and, as amended shall read as follows:

**§ 6-5 Duties and powers of the Building Inspector.**  
\* \* \*

**B.** The Building Inspector shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

**C.** The Building Inspector shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. The Building Inspector shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from Building Inspectors, or other employees, of the Town of Orangetown’s (hereinafter referred to as “Orangetown”) Office of Building, Zoning and Planning Administration and Enforcement (hereinafter referred to as “OBZPAE”), or from reputable service and inspection bureaus, provided the same are prepared and signed by a qualified professional.

**D.** Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to building construction, the Building Inspector may require the performance of tests in the field, or on-site of private



## **LOCAL LAW 8, 2018 - Continued**

property subject of a building permit application, by qualified professional(s), or by reputable testing laboratories, bureaus or agencies.

**E.** Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to the use, maintenance or occupancy of land or buildings, including, but not limited to, assuring compliance with the Performance Standards set forth in §4.1 of Chapter 43 (Zoning Code) of the Orangetown Code, and/or to assure compliance with the conditions of any applicable Orangetown land use board approval decisions, the Building Inspector may inspect, investigate and/or conduct tests, on-site of private property that is the subject of an open building permit application or a nonresidential use that is subject to the Performance Standards (hereinafter referred to as “industrial user”), which may include, with regard to the Performance Standards, inspecting, investigating and/or conducting tests while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the Performance Standards, are in full operation. For purposes of said inspections, investigations and/or tests, the Building Inspector may engage, employ or retain the services of the Orangetown Department of Environmental Management and Engineering (hereinafter referred to as “DEME”), and/or expert consultants, to the extent, type and/or degree that the Building Inspector, DEME, and/or the expert consultants, deem necessary.

The said inspections, investigations and/or testing, on-site of private property, shall only be conducted (1) with the consent of the property owner, or a person in dominion, control or possession of, or with management or supervisory authority over, the property; or (2) at any reasonable hour if the Building Inspector has a reasonable suspicion, based on specific and articulable facts, taken together with rational inferences from those facts, associated with the particular property, that a violation of, or non-compliance with, the Performance Standards set forth in Zoning Code §4.1, is being committed or is occurring, or has been committed or has occurred; or (3) by execution of a judicially issued search warrant.

**(i).** If, as a result of the Building Inspector’s said inspection, investigation and/or testing, relating to an alleged violation of, or non-compliance with, the Performance Standards (Zoning Code §4.1) on the part of any industrial user, the Building Inspector has reasonable grounds to believe that a violation, or non-compliance, exists, subject to the provisions of Orangetown Zoning Code §4.182 (as may be applicable), the Building Inspector shall notify the Zoning Board of Appeals of the occurrence or existence of such possible violation, or non-compliance, in accordance with Zoning Code §10.335.

**(ii).** If, after public hearing on due notice, in accordance with Zoning Code §4.13, the Zoning Board of Appeals finds that a violation, or noncompliance, occurred or exists, and revokes and rescinds its Performance Standards (Zoning Code §4.1) approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision.

**Section 3:** Orangetown Code Chapter 43 (Zoning) §4.1, Performance Standards, shall be amended, and, as amended shall read as follows:

### **§ 4.1. Performance standards.**

All references herein contained to certain standards which indicate a publisher and date are hereby deemed to mean the latest revised edition of such standard. Where a federal, state, county or local agency promulgates applicable standards which are inconsistent with, or different from, those herein enumerated, the more restrictive standards shall control. Unless otherwise stated, all citations to statutory sections (“§”) are from Chapter 43, the Zoning Code, of the Code of the Town of Orangetown (hereinafter referred to as “Orangetown” and “ZoningCode”).

**4.11.** Applicable to all nonresidential uses. No land or building shall be used or occupied for a nonresidential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, all referred to herein as “dangerous or objectionable elements,” in a manner or amount as to adversely affect the surrounding area. However, any nonresidential use, except those

**LOCAL LAW 8, 2018 - Continued**

expressly prohibited by §4.4, may be undertaken, and maintained, if it conforms to the district regulations, and the regulations of §4.1, performance standards.

**4.12.** Performance standards procedure. Only those uses specified in the Zoning Code Use Table, Columns 2, 3 and 4, are subject to the performance standards procedure of §10.334, requiring the Orangetown Zoning Board of Appeals' (hereinafter referred to as "ZBA") approval in obtaining a building permit or certificate of occupancy, or both (hereinafter referred to as "industrial user"), unless the Building Inspector has reasonable grounds to believe that any other proposed use, including any building or use accessory to a use subject to performance standards procedure, is likely to violate performance standards, in which event the industrial user shall comply with the procedure in §10.334 in obtaining a building permit or certificate of occupancy, unless the ZBA finds that compliance therewith is unnecessary.

**4.13.** Initial, and continued, enforcement provisions.

**(a).** Initial, and continued, compliance with performance standards is required of every new nonresidential use, or change in such use, including, but not limited to, §10.231(c), in all Zoning Districts, as provided in §10.335, for all nonresidential uses that are subject to §4.1. Pursuant, but not necessarily limited, to §4.13, §10.334(c) and §10.335, initial, and continued, compliance with the performance standards (§4.1) is required, and all building permits and certificates of occupancy, issued for a use subject to §4.1, is conditioned, and contingent, upon the industrial user conforming to the performance standards, and the industrial user's paying of the fees, to the Town of Orangetown, for services of Orangetown's own expert consultants deemed reasonable and necessary by Orangetown's Department of Environmental Management and Engineering (hereinafter referred to as "DEME"), Orangetown's Office of Building, Zoning and Planning Administration and Enforcement (hereinafter referred to as "OBZPAE"), and/or the ZBA, for said consultants' inspections, investigations, research, studies, tests, advice and/or reports to determine compliance by the industrial user with the performance standards (§4.1).

**(b).** The industrial user's initial, and continued, compliance with the performance standards

(§4.1) shall include the following:

**(i).** The industrial user's consent to inspections, investigations and/or testing, on the industrial user's site, while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards (§4.1), are in full operation, by OBZPAE, DEME, and/or the Orangetown-retained expert consultants, to the extent, type and/or degree that OBZPAE, DEME, and/or the Orangetown-retained expert consultants, reasonably deem necessary to verify compliance with the applicable performance standards.

**(ii).** The industrial user's full, and complete, compliance with any and all laws, statutes, rules and regulations of the NYS Department of Environmental Conservation and federal Environmental Protection Agency, that also regulate the use that is subject to the performance standards (§4.1).

**(c).** OBZPAE, DEME, and/or the Orangetown-retained expert consultants, shall investigate any alleged violation of, or non-compliance with, the performance standards (§4.1) by the industrial user, as per §4.13(b)(i); and, if there are reasonable grounds to believe that a violation, or non-compliance, exists, OBZPAE, DEME, and/or the Orangetown-retained expert consultant(s), shall notify the ZBA, in writing, of the occurrence, or existence, of a probable violation, or noncompliance, thereof. Upon receiving such notification, the ZBA may further investigate the alleged violation or non-compliance, if the ZBA deems it necessary in its discretion; and, for such further investigation, the ZBA may utilize, or retain, the services of OBZPAE, DEME, and/or the Orangetown-retained expert consultants. Thereafter, after holding a Public Hearing on due notice, including notice to the industrial user (except for posting of signs at the industrial user's subject site, which signs shall not be required), the fees for which Public Hearing shall be paid for by the industrial user, if the ZBA finds that a violation, or noncompliance, occurred or exists, the ZBA may revoke and rescind its performance standards (§4.1) approval decision, and any building permit and/or certificate of occupancy that has been issued, based upon such approval decision, shall also be deemed revoked and rescinded; which shall be in addition to any other legal remedies that the Town of Orangetown may pursue, including, but not necessarily limited to, prosecution of violations in the Orangetown Justice Court pursuant to §10.2 and/or

**LOCAL LAW 8, 2018 - Continued**

§10.6, and/or commencement of a civil action or proceeding in the NYS Supreme Court, pursuant to NYS Town Law §135(1) and/or §268(2).

\* \* \*

**4.163. Smoke.**

**(a).** There shall be no emission and/or discharge to the atmosphere from any chimney, stack, vent or otherwise, of visible black, gray or white smoke other than that caused by steam, of a shade darker than No. 1 on the Ringelmann Smoke Chart for not more than four minutes in any 30 minutes, or exhibiting greater than 20 percent opacity (6-minute average) per EPA Method 9.

**(b).** Exceedance during two consecutive days requires the opacity producer to conduct EPA Method 9 analysis within two business days of occurrence, or evaluate Continuous Opacity Monitoring System(s) (COMS) during the same period. A facility-responsible person must notify the Town within one business day of receiving the assessment results, as well as provide any other credible evidence. The Town will evaluate compliance and determine further action.

**4.164. (a).** Fly ash, dust, fumes, vapors, gases and other forms of air pollution derived from combustion. There shall be no emission and/or discharge which can cause damage to the health of humans or other animals, or vegetation, buildings or structures, or other forms of property, or which can cause excessive soiling. Emissions related to combustion must comply with the standards and regulations set forth in the New York State Department of Environmental Conservation's 6 NYCRR Part 227, Stationary Combustion Installations, as amended and/or supplemented from time to time, as applicable.

**(b).** Ash, dust, fumes, vapors, gases and other forms of air pollution not derived from combustion. There shall be no emission and/or discharge which can cause any damage or injury to the health of humans and other animals, or vegetation, buildings or structures or other forms of property, or which can cause excessive soiling.

**(c).** Emissions of air contaminants to the outdoor atmosphere from any process emission source or emission point are restricted in accordance with the New York State Department of Environmental Conservation's 6 NYCRR Part 212, Process Operations, as amended and/or supplemented from time to time, as applicable.

\* \* \*

**4.181. Noise.**

**(a).** The sound-pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values given in Table I in any octave band of frequency, in order to provide an environment free from noise that affects a reasonable person's well-being or use, enjoyment or value of property, or that interferes with a reasonable person's repose of life, or would unreasonably or unnecessarily interfere with public health, safety or welfare.

**(b).** In the event of noise complaints arising from residents, commercial, or other Town inhabitants, the sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conform to specifications published by the equipment manufacturers, and such standards as published by the American National Standards Institute (ANSI), the American Society for Testing and Material, or other contemporary standards-establishing organization accepted in the United States.

**(c).** Unless otherwise resolved with the Town, the owner or operator of the location/source of such elevated, complaint-producing noise, shall prepare and provide a Noise Monitoring Plan to the Town within 10-business days of written notice by the Town, and such Plan shall be implemented within 10-business days of Plan approval by the Town (unless extended by the Town, if the Plan requires the ordering, purchase and/or installation of equipment, but such extension should be no longer than the time period to order, purchase and install such noise mitigation equipment), and the written report of such monitoring shall be provided to the Town within 10-business days following completion of noise monitoring. Failure to meet noise compliance will result in cessation of the offending noise source until compliance is met. The Noise Monitoring Plan will employ "Aweighting" unless another weighting scale is more appropriate based on industry standards, and shall address:

**(i).** The number and location of monitoring sites;

**LOCAL LAW 8, 2018 - Continued**

- (ii). The timing and frequency of surveys;
- (iii). Methods and standards to be followed. This will include methods used to identify and remove measurement results for time periods affected by sound associated with any temporary events or activities (such as noise from non-related construction or other activities), and during periods where wind speeds exceed 5 m/s or the rainfall rate exceeds 6 mm/hour; and
- (iv). Timeframes for monitoring and reporting to the Town in the event they are otherwise than stated in this Performance Standard.

**TABLE I**  
**Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility between the hours of 10:00 p.m. and 7:00 a.m.**

**Frequency Band Cycles per second**

20-75	69
75-150	54
150-300	47
300-600	41
600-1200	37
1200-2400	34
2400-4800	31
4800-10,000	28

Page 7 of 12

**Sound Pressure Level**

**Decibels**

“A-weighted” scale  
(dBA)\*

**Re. 0.002 dyne/cm.**

\* “A-weighted” scale (dBA) is the filtering of sound measurement to account for the perceived loudness of noise not necessarily correlating with sound levels. Sound level meters set to A-weighting minimize low-frequency noise similar to the human ear, Sound intensity is measured in units of decibels, dB.

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given above in Table I.

**TABLE II**  
**Type of Operation of Character of Noise Correction in Decibels**

Daytime operation only	Plus 5
Noise source operates less than 20% of any one hour	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

\* **Apply one of these corrections only.**

**4.182. Odors.**

2

(a). No person, entity or process will emit, or cause or allow to be emitted, objectionable odors or other matter present in the ambient air that, by itself, or in combination with other odors, gases or vapors from the same facility, is offensive, foul, unpleasant or repulsive to olfactory reception to a reasonable person of normal sensibilities, beyond the property borders of the emitting source. Odor(s) will be deemed objectionable when documented assessment by the Town, pursuant to the procedures in this section, shows evidence that the odor likely could, or does, cause injury, detriment, nuisance or annoyance to persons or to the public, based on observations of the odor’s nature, intensity, duration, location, and level of complaint.

(b). Upon documented assessment by the Town, pursuant to the procedures in this section, of the existence of an objectionable odor, the Town will notify the odor producing facility and direct that an Odor Management and Control Plan (hereinafter referred to as “Plan”) be submitted, to



**LOCAL LAW 8, 2018 - Continued**

the Town, that outlines the operational cause of the objectionable odor, and, if available, chemistry of the offending odor(s) and literature evidence of odor thresholds and impacts, methods proposed to mitigate the problem, and the schedule by which the Plan will be implemented and completed. The Town will review the Plan to determine whether it is reasonably calculated to prevent future emissions of objectionable odors to the maximum extent practicable and, on that basis, either approve the Plan, approve the Plan with conditions, or reject the Plan. The Town may seek the advice of, and retain, consultant(s) with expertise on odor detection to assess whether the Plan meets the required standard. In the event that the Town finds that the Plan does not provide sufficient information to make the required determination, the Town may request supplemental information from the odor-producing facility.

**(i).** If an Odor Management and Control Plan is not submitted by the odor producing facility within ten business days of the Town's notification and direction to the odor-producing facility to submit a Plan, as described in this §4.182(b), or within any extended period of time agreed or consented to by the Town, or if a submitted Plan is rejected by the Town, then the Town shall have all remedies prescribed in §4.13.

**(ii).** If an Odor Management and Control Plan is approved, or approved with conditions, by the Town, then, upon such approval, implementation of the Plan by the odor-producing facility shall be a condition of any active and open Building Permit(s) and the eventual Certificate(s) of Occupancy relating to same; or, if there are no active and open Building Permit(s), then implementation of the Plan shall be incorporated, automatically and by operation of law, into the most recent subsisting Certificate(s) of Occupancy.

**(c).** To enforce this Performance Standard, objectionable odors will be considered detected when:

- (i).** A Town inspector/code enforcement officer documents an objectionable odor that, by its nature, intensity, duration, location, and level of complaint, is, at least minimally, a nuisance or annoyance to persons or to the public; or
- (ii).** the Town receives initially five (5) or more complaints from individuals, households or businesses within seven (7) days, or fifteen (15) or more complaints within a 30-day period, and the odor issue is verified by the Town as per the final paragraph in this §4.182(c)(ii) below. The Town's odor complaint records will include:
  - (a)** name, address, email and phone number of complainant,
  - (b)** time and date of submission of complaint to the Town,
  - (c)** description of nuisance odor,
  - (d)** estimated location or source of complaint, and
  - (e)** if possible, prevailing wind or weather conditions observed.

The Town's odor complaint verification shall be satisfied if one (1) volume of the odorous air has been diluted with up to five (5) volumes of odor-free air and the odor is still perceptible, as measured by the Town through the use of olfactometer field instruments, devices, or methods calibrated to detect odors at the same levels as perceptible to a reasonable person of average sensibilities.

**Section 4:** Orangetown Code Chapter 43 (Zoning) §10.2, Enforcement, shall be amended, and, as amended shall read as follows:

**10.222.** Permits granted only in conformance with regulations.

**A.** No permit shall be issued unless the proposed construction and use are in full conformity with all the provisions of this Zoning Code, and all other applicable land use and/or building statutes, codes, laws, ordinances or regulations. Any permit issued in violation of the provisions of this Zoning Code shall be null and void, and of no effect, without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken, or use established, pursuant to any such permit shall be unlawful.

**B.** After the effective date of this Zoning Code, division of any parcel of land shall conform to all the applicable bulk regulations, except as permitted under §5.21 of this Code.

**C.** The Inspector may revoke a permit theretofore issued, and approved, in the following instances:



**LOCAL LAW 8, 2018 - Continued**

- (i) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans, drawings, plat or specifications on which the permit was based;
- (ii) where he finds that the permit was issued in error, and should not have been issued in accordance with the applicable law(s);
- (iii) where he finds that the work performed under the permit is not being conducted in accordance with the provisions of the application, plans, drawings, plat or specifications;
- (iv) where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Inspector; or
- (v) where he finds that the conditions of any applicable Orangetown land use board approval decisions have not been complied with.

**D.** Whenever the Inspector has reasonable grounds to believe that work on any land, building or structure is being conducted in violation of the provisions of any applicable land use and/or building statutes, codes, laws, ordinances or regulations, or not in conformity with the provisions of an application, plans, drawings, plat or specifications, or the conditions of any applicable Orangetown land use board approval decisions, on the basis of which a permit was issued, or in an unsafe and dangerous manner, the Inspector shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work, and suspend all building activities, until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by U.S. Postal Service First Class Mail.

**E.** If, after holding a Public Hearing on due notice, in accordance with Zoning Code §4.13, the Orangetown Zoning Board of Appeals finds that a violation of, or non-compliance with, the Performance Standards (Zoning Code §4.1) occurred or exists, and revokes and rescinds its Performance Standards approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision, in accordance with Zoning Code §4.13(b)(iii).

**Section 5:** Orangetown Code Chapter 43 (Zoning) §10.3, Board of Appeals, shall be amended, and, as amended shall read as follows:

**10.323.** Findings and conclusions. After such public hearings, the Orangetown Zoning Board of Appeals (hereinafter referred to as "ZBA") shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the grant or denial of the relief sought. As to any proposed use, such findings of fact and conclusions shall be made concerning such use, as described and represented by the applicant. In addition, the ZBA shall, in appropriate cases, impose additional conditions and safeguards in granting a special permit or variance, or in approving an application requesting approval of conformance to the performance standards (Zoning Code §4.1), in harmony with the general purpose and intent of the Zoning Code, and to ensure that such use is established and maintained in conformity with the special findings, and the additional requirements and conditions, upon which such permit, variance(s) or approval of conformance to performance standards (Zoning Code §4.1), is granted.

\* \* \*

**10.334.** Permit for a use subject to performance standards procedure.

**(a) Application.** An application for a permit for a use subject to performance standards procedure shall be submitted to the Inspector in quadruplicate on a form prescribed by the Zoning Board of Appeals (hereinafter referred to as "ZBA"), which shall include, but not be limited to, a Resume of Operations, on a form prescribed by the ZBA, which shall be prepared, and signed, by a person who is qualified to answer the questions and submit documentation on behalf of the applicant; and shall be referred by the Inspector to the ZBA. The ZBA may reject the Resume of Operations if the ZBA determines that it has not been prepared, and signed, by a qualified person, regarding which the ZBA may engage or retain expert consultants to advise the ZBA with respect to the qualifications of the preparer/signatory, the fees of which consultants shall be paid by the applicant. The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, operations,

**LOCAL LAW 8, 2018 - Continued**

products and specifications for the mechanism and techniques to be used in restricting the emission of dangerous and objectionable elements referred to in §4.1, in accordance with rules prescribed by the ZBA specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential, if requested by the applicant. The fee for such application shall include the anticipated estimated costs of the ZBA's expert consultants' reports required to process it, described in Subsection (b) below.

**(b) Report by expert consultants.** If the ZBA has any reasonable doubt as to the likelihood of conformance to the performance standards, the ZBA shall refer the application, for investigation and report, to one or more expert consultants selected by the ZBA as qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in §4.1, in accordance with §4.13.

**(c) Decision of the Board of Appeals.** At the next regular meeting of the ZBA, but in no event more than 62 days after the ZBA has received the aforesaid expert consultants' report(s) and after the closing of the Public Hearing, or within such further period as agreed to by the applicant and ZBA, the ZBA shall decide whether the proposed use will conform to the applicable performance standards. Such decision of the ZBA shall be in written form, which shall be immediately filed in the office of the Orangetown Town Clerk and shall be a public record. Any permit or certificate of occupancy issued by the Inspector shall be conditioned on, among other things, the applicant's completed buildings, structures, installations, machinery, equipment and appurtenances, in operation, conforming to the applicable performance standards, and the applicant's paying the fees for services of the expert consultant, or consultants, deemed reasonable and necessary by the ZBA for advice as to whether or not the applicant's completed buildings, structures, installations, machinery, equipment and appurtenances will, in operation, conform to the applicable performance standards.

**10.335. Continued enforcement.**

**A.** The Inspector shall investigate any alleged violation of, or non-compliance with, the performance standards (Zoning Code §4.1) on the part of any nonresidential use subject to the performance standards (hereinafter referred to as "industrial user"); and, if there are reasonable grounds to believe that a violation, or non-compliance, exists, the Inspector shall notify the ZBA of the occurrence or existence of such possible violation or non-compliance. The ZBA shall investigate the alleged violation, or non-compliance, in accordance with Zoning Code §4.13, and for such investigation may engage or retain qualified experts. If, after public hearing on due notice, in accordance with Zoning Code §4.13, the ZBA finds that a violation, or non-compliance, occurred or exists, a copy of said findings shall be forwarded to the Inspector; and, in addition thereto, the ZBA may revoke and rescind its performance standards (Zoning Code §4.1) approval decision, and any building permit and/or certificate of occupancy that has been issued, based upon such approval decision, shall also be deemed revoked and rescinded. The services of any qualified experts, retained or engaged by the ZBA to investigate and report regarding an alleged violation of, or non-compliance with, the performance standards, in accordance with Zoning Code §4.13, shall be paid for by the industrial user, if a violation, or non-compliance, is found by the ZBA.

**B. (i).** Each and every year, beginning on a date that is between eleven and twelve months after the issuance of a certificate of occupancy that was issued pursuant to Zoning Code §4.1, every industrial user shall submit an affidavit to the Inspector, sworn to and signed, under oath, by a qualified professional, attesting that the operations, processes and methods, and the completed buildings, structures, installations, machinery, equipment and appurtenances, that were approved by the ZBA as part of a performance standards application, have not been altered, modified or changed, in any manner whatsoever, other than routine maintenance. If the Inspector determines that the said affidavit has not been executed by a qualified professional, the Inspector may reject the affidavit, or may engage or retain expert consultants to advise the Inspector with respect to the qualifications of the signatory, the fees of which consultants shall be paid by the industrial user.

**LOCAL LAW 8, 2018 - Continued**

**(ii).** If the operations, processes or methods, or the completed buildings, structures, installations, machinery, equipment or appurtenances, that were approved by the ZBA as part of a performance standards application, have been altered, modified or changed, in any manner whatsoever, other than routine maintenance, then the industrial user shall submit, to the Inspector, a new Resume of Operations, in form and substance as described in §10.334(a); and, in addition, the industrial user shall apply for performance standards approval, as per Zoning Code §4.1, if determined to be necessary by the Inspector. In making such determination, the Inspector may engage or retain expert consultants to advise the Inspector with respect to such alterations, modifications or changes, the fees of which consultants shall be paid by the industrial user.

**Section 6:** This local law shall become effective immediately upon filing with the New York State Secretary of State.

**RESOLUTION NO. 430**

**OPEN PH / CHAPTER 39 - §39-38 / TOWING OF VEHICLES / POSTED PARADE, STREET FAIR OR SPECIAL EVENT ROUTES”**

Councilman Valentine 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 39 of the Town Code, to add a new Section 39-38 entitled “Towing of vehicles on posted parade, street fair or special event routes” is hereby opened.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

The Affidavit of Publication, the Notice of Posting and Comments from outside agencies (if any) are labeled Exhibit 07-C-18 and made a part of these minutes.

Summary of Public Comments:

Andrew Wiley, Pearl River, What is a Special Event Route and what is the process?

**RESOLUTION NO. 431**

**CLOSE PH / AMENDING CHAPTER 39 §39-38 / TOWING OF VEHICLES - POSTED PARADE, STREET FAIR OR SPECIAL EVENT ROUTES”**

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

**RESOLVED**, that the public hearing on a proposed local law, amending Chapter 39 of the Town Code, to add a new Section 39-38 is hereby closed.

- Ayes: Supervisor Day  
Councilpersons Valentine, Bottari
- Noes: None
- Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 432**

**LEAD AGENCY / SEQRA DETERMINATION / AMENDING CHAPTER 39 §39-38 / TOWING OF VEHICLES / POSTED PARADE, STREET FAIR OR SPECIAL EVENT ROUTES”**

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

**RESOLUTION NO. 432 - Continued**

**RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law, amending Chapter 39 of the Town Code, entitled “Vehicle and Traffic” to add a new Section 39-38; and further determines 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 Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 433**

**ADOPT LOCAL LAW NO. 9, 2018  
AMENDING CHAPTER 39 §39-38 /  
TOWING OF VEHICLES / POSTED  
PARADE, STREET FAIR OR SPECIAL  
EVENT ROUTES”**

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

**RESOLVED**, that the Town Board hereby adopts Local Law No. 9 of 2018, amending Chapter 39 of the Town Code, entitled “Vehicle and Traffic” to add a new Section 39-38 entitled: “Towing of vehicles on posted parade, street fair or special event routes”.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**TOWN OF ORANGETOWN  
LOCAL LAW 9, 2018  
AMENDING CHAPTER 39, VEHICLE AND TRAFFIC  
TOWING OF VEHICLES**

Be it enacted by the Town Board of the Town of Orangetown that Chapter 39 of the Code of the Town of Orangetown entitled “Vehicles and Traffic (Local Law No. 2 of 2009), is hereby amended to add a new Section 39-38 as follows:

§39-38 Towing of vehicles on posted parade, street fair or special event routes.

Any vehicle found in an area temporarily posed by the Orangetown Police Department as being a no-parking zone due to a parade, street fair or other special event authorized by the Town Board shall be subject to towing pursuant to the provisions of this Chapter, if:

- A. The notice prohibiting parking is prominently posted, in view o the affected parking area;
- B. The notice indicates when parking is prohibited, showing both the date and time period affected; and
- C. The notice is posted at least 24 hours before the no-parking period begins.

**RESOLUTION NO. 434**

**CONTINUATION OF PH / THE  
POINTE AT LAKE TAPPAN / BNE  
REAL ESTATE GROUP PROPOSED  
ZONING CODE ORDINANCE  
AMENDMENT / “OP” TO A “PAC”  
DISTRICT / 73.10 – 1 - 5 18-2113C-4**

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

**RESOLUTION NO. 434 – Continued**

**RESOLVED**, that the public hearing on a proposed zoning code ordinance amendment, The Pointe at Lake Tappan / BNE Real Estate Group / "OP" to a "PAC" District / Section 73., Block 1, Lot 5 18-2113C-4, is hereby opened.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

Summary of Public Comments:

John Donovan, the Club, is this for seniors and what is the minimum age.  
 Barbara Delo, Blauvelt, concerned about more development affecting increase in traffic, residents’ safety and open space.  
 Anita Alpucci, the Club, concerned about increase of traffic on S. Blue Hill Road. It is very difficult in exiting the Club.  
 Andrew Wiley, Pearl River, concerned that revised documents are not being circulated and not having more than three Board members.

**RESOLUTION NO. 435**

**CLOSE PH / THE POINTE AT LAKE TAPPAN PHASE II PROPOSED ZONING CODE ORDINANCE AMENDMENT / “OP” TO A “PAC” DISTRICT / BNE REAL ESTATE GROUP / 73.10 – 1 - 5 18-2113C-4**

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

**RESOLVED**, that the public hearing on a proposed zoning code ordinance amendment, The Pointe at Lake Tappan / BNE Real Estate Group / "OP" to a "PAC" District / Section 73., Block 1, Lot 5 18-2113C-4, is hereby closed.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 436**

**SEQRA NEGATIVE DECLARATION / THE POINTE AT LAKE TAPPAN PHASE II PROPOSED ZONING CODE ORDINANCE AMENDMENT / “OP” TO A “PAC” DISTRICT / BNE REAL ESTATE GROUP / 73.10 – 1 - 5 18-2113C-4**

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

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

WHEREAS, by Petition dated as of April, 2018 and accompanying application, Millenium Management-Pearl River I, LLC and Pearl River ARC, LLC as owners of property located in the Hamlet of Pearl River, located at on the south side of Veterans Memorial Drive, east of the existing Blue Hill Office complex and west of the existing Pointe at Lake Tappan (aka The Club at Pearl River) sbl 73.10-1-5 formally petitioned the Town Board to change the zoning classification of the said property from Office Park (“OP”) to Planned Adult Community (“PAC”) in accordance with the provisions of Local Law No. 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a “floating” district; and



**RESOLUTION NO. 436 - Continued**

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

WHEREAS, more than thirty (30) calendar days have passed since the Town declared its intent to be Lead Agency for environmental review, and no other involved agency has expressed a desire or intent to act as Lead Agency, or otherwise has sought to contest the Town Board's authority to act in that capacity with respect to the referenced action, the Town Board has assumed the role of Lead Agency for environmental review; and

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

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

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**TOWN OF ORANGETOWN  
STATE ENVIRONMENTAL QUALITY REVIEW  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

**July 2018**

**Lead Agency :**

The Town Board of the Town of Orangetown  
Orangetown Town Hall  
26 Orangeburg Road  
Orangeburg, New York 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

**Title of Action :**

Amendment to Town Zoning Law and Zoning Map / Zone Change Application from OP (Office Park) to PAC (Planned Adult Community).

**NEGATIVE DECLARATION - Continued**

**SEQR Status :**  
Type I

**Description of the Action :**

The action consists of a proposed change to the Zoning Law and Zoning Map of the Town of Orangetown, affecting currently vacant land situated on 25.87 acres ± on the south side of Veterans Memorial Drive in Pearl River, east of the existing Blue Hill office complex and west of the existing PAC property known as The Pointe at Lake Tappan I (aka the Club at Pearl River). The land is currently wooded and undeveloped.

**Location:**

The proposed action affects property located in the Hamlet of Pearl River, located on the south side of Veterans Memorial Drive in Pearl River, east of the existing Blue Hill office complex and west of the existing PAC property known as The Pointe at Lake Tappan I (aka the Club at Pearl River) and shown on the Tax Map of the Town of Orangetown as SBL 73.10-1-5.

**REASONS SUPPORTING THIS DETERMINATION**

**I. Information Reviewed and Relied Upon**

In making its determination, the Town Board, acting in its capacity as Lead Agency, considered the following:

- (1) The Petition of the Owner, including :
  - ❖ a project description and Conceptual Site Plan;
  - ❖ Vicinity and zoning map
  - ❖ traffic report from Klein Traffic Consulting, LLC dated April 10, 2018 ;
  - ❖ tax map
- (2) Full Environmental Assessment Forms;
- (3) The comments of the Rockland County Planning Department pursuant to GML § 239, dated July 23, 2018;

The Board further considered the testimony and comments given at the public hearing on the proposed zone change, including that of the Project Sponsor and certain real estate and design consultants, as well as comments from members of the public both in support and in opposition.

**II. Familiarity with the Site**

The members of the Town Board, in general terms, are also each personally familiar with the location of the proposed development, including its proximity to the nearby roadways as well as other development in the area.

**III. Potential Impacts Ultimately Determined Not to Be Significant**

The Board found that the property is currently undisturbed; however, the construction of the project as proposed will not create a significant negative environmental impact. The gross lot area is approximately 25.87 acres, approximately 15.16 of which will be open space.

**1. IV. Other Potential Impacts Considered and Determined Not to Be Significant**

The Board has also considered the following issues and potential impacts, and has concluded that neither individually nor cumulatively will they have a significant impact on the environment:

## NEGATIVE DECLARATION – Continued

- ***Agricultural Land Resources***

There are no anticipated impacts on agricultural lands.

- **Aesthetic Resources**

Detailed designs for the senior units will be reviewed as part of the site plan process. The illustrative site plan submitted at this stage, however, show five apartment buildings. On appearance, the exterior portions of the existing building are aesthetically pleasing, having no adverse impact on the aesthetics of the surrounding area.

- ***Historic and Archaeological Resources***

See Full EAF, including Part III, annexed hereto.

- ***Critical Environmental Areas (CEAs)***

There are no significant anticipated impacts on any CEA.

- ***Energy***

There are no anticipated significant impacts the community's sources of fuel or energy supply.

- ***Public Health***

There are no anticipated significant impacts on the public health.

- ***Air Quality and Noise Levels***

The proposed actions are not expected to have a significant impact on local air quality or noise levels.

- ***Human Health***

The proposed actions will not create a hazard to human health.

### **V. Existing and/or Approved PAC Developments of Adjacent and Nearby Lands**

The Town Board, as part of its environmental review of the proposed action, has also considered and evaluated the action, and its potential impacts, in the light of other pending, or previously approved, applications for PAC zone changes, and has determined that (i) given the location of the proposed action, (ii) its location in referenced to mass transit and other amenities desirable to an active adult population; and (iii) to a lesser degree, but nonetheless significant, the rental component of the proposed project, the approval of this action will not conflict with or adversely affect other such developments, or result in a saturation of PAC market.

---

In summary, after evaluating all of the potential environmental impacts relating to the proposed actions, the Town Board concludes that there will be no significant environmental effect caused thereby

**RESOLUTION NO. 437**

**ADOPT LOCAL LAW NO. 10 OF 2018,  
THE POINTE AT LAKE TAPPAN  
PHASE II PROPOSED ZONING CODE  
ORDINANCE AMENDMENT / “OP” TO  
A “PAC” DISTRICT / BNE REAL  
ESTATE GROUP / 73.10 – 1 - 5 18-  
2113C-4**

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

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

**WHEREAS**, by Petition and accompanying application dated April, 2018, Millenium Management – Pearl River I, LLC and Pearl River ARC, LLC , as owners of the property located in the Hamlet of Pearl River, on the South side of Veterans Memorial Drive, East of the Existing Blue Hill Office Complex and West of the existing Pointe at Lake Tappan property (AKA The Club at Pearl River), and shown on the Tax Map of the Town of Orangetown as SBL 73.10 – 1 – 5 formally petitioned the Town Board to change the zoning classification of the said property from Office-Park (“OP”) to Planned Adult Community (“PAC”) in accordance with the provisions of Local Law No 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a “floating” district; and

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

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

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

- (1) The application of the Petitioner / Petitioner, including a project description and Illustrative Site Plan;
  - (2) A Traffic Engineering Evaluation prepared by Klein Traffic Consulting, LLC dated April 10, 2018;
  - (3) A Demographic Analysis Report, prepared by On-Site Sales & Marketing, LLC dated April 18, 2018;
  - (4) A Tax Assessment analysis from Brian Kenney, Town of Orangetown Tax Assessor, dated March 27, 2018;
  - (5) Housing Plans detailing the types and number of units, including square footage, number of bedrooms and approximate rental costs. its.
  - (6) The Full Environmental Assessment Form for the action, consisting of :
    - o Part 1, prepared by the Diego Villarreale, PE
    - o Part 2, prepared by Diego Villerreale, PE, and reviewed by Jane Slavin, Director of the Office of Building Zoning Planning Administration and Enforcement, and by the Town Board as Lead Agency;
    - o Part 3, prepared by the \_\_\_\_\_ and by the Town Board as Lead Agency;
  - (7) The comments of the Rockland County Planning Department pursuant to GML § 239, dated \_\_\_\_\_;
  - (13) The comments of the Town of Orangetown Planning Board dated \_\_\_\_\_;
- and,

**RESOLUTION NO. 437 - Continued**

**WHEREAS**, following notice duly and properly given, a public hearing was conducted on the Petition, at which the Petitioner provided testimony from several consultants and experts regarding various aspects of the senior housing project proposed for the site under consideration, including consultants on traffic, demographics, market absorption and taxes, and at which members of the public spoke almost uniformly in favor of the proposed zone change; and

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

**NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED**, that the Town Board hereby adopts Local Law No.10, amending the Town’s zoning map and zoning law to change the zoning classification from OP to PAC certain property located in the Hamlet of Pearl River, on the South side of Veterans Memorial Drive, East of the Existing Blue Hill Office Complex and West of the existing Pointe II (aka The Club at Pearl River) said property shown on the Tax Map of the Town of Orangetown as Section 73.10 Block 1 and Lot, 5 and more fully described and set forth on Schedule “A” annexed to and made a part of this Resolution.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

Specific Findings Relating to the Instant Petition

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

Marketability of the Proposed Units

Based on the market studies conducted by the Petitioner and by the Town, it appears that while there have been several PAC zone changes in the Town, there remains a need for housing stock, meeting the specific needs and concerns of those in the 55 and older active adult age group both within the Town of Orangetown specifically, and within the County of Rockland general. The Pointe at Lake Tappan Phase I aka The Club at Pearl River is very popular and has no vacancies. The need and popularity for these units is enhanced in that they are rental units.

The Hollows at Blue Hill, which is located just across Veteran’s Memorial Drive in the vicinity of this project are condominium units. The desire for rental units is evident by the fully rented Club at Pearl River and waiting list therefor.

There is considerable demand for this specific project that will provide active adult housing for persons in the moderate to higher income or means range. In light of both the expressed interest in the project, and the obvious under supply of senior housing in the area, coupled further with the price structure proposed by the developer, the 104 senior housing units proposed for the site appear to be very marketable.

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

Based on the findings set forth above, relating to the number of eligible prospective purchasers throughout the Town and surrounding areas, and the demonstrated need for active adult housing in the relevant market area, the Town Board concludes that the approval of the instant zoning amendment, permitting the construction of up to 104 senior housing units will not saturate the neighborhood in which the site is located.

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

The proposed residential development will be age restricted and consist of rental units housed in a gated community to be managed by the developer which will be responsible for maintaining all



**RESOLUTION NO. 437 - Continued**

of the common areas, including designated recreation areas and internal roadways and open space.

As shown on the architectural renderings and floor plans of the Petitioner's Architect presented on the public hearing, the proposed adult community will consist of 104 apartment units located in 5 apartment buildings and will include a separate clubhouse with a pool. There will be 15 acres of open space.

There will be 11 different types of units, with approximately 15 1 bedroom units and 86 two bedroom units. The projected rental price for the one bedroom units is \$1,900.00; for the two bedroom units, the proposed rental price is \$2,400.00.

The buildings will be situated with an entrance on to Blue Hill Plaza Road and emergency access only to Veterans Memorial Drive

Additionally, there will be a recreation center located on site, consisting of a 5,838 sq. ft. club house, a swimming pool and other spot recreation areas, as well as 11,000+ sq. ft. of indoor/outdoor recreation areas. Walkways/sidewalks throughout the project will provide yet an additional recreation amenity.

The interior road system will be private and built in accordance with Orangetown Road and Street specifications. The roadway, accessed through a gate house for security reasons, will wind through the community so as to preserve the wetland areas and steep slope areas. Access to the interior road system will be via Blue Hill Plaza Road, which already has a traffic light for traffic control.

The project design will meet -- indeed, far exceed -- the off-street parking requirements applicable to the PAC zone, providing 244 off-street parking spaces, or 2.23 spaces per unit, as compared with a code requirement of 1.75 spaces per unit.

The location of the site further meets the needs of the senior community in that it is located relatively close to the downtown Pearl River, and the business corridor along Middletown Road. There is bus transportation available for those who do not have private means of travel.

The Town Board further finds, based on the traffic studies conducted not only by the Petitioner, but by others, as well, in connection with other unrelated projects, including studies undertaken in connection with projects proposed for nearby Town owned lands, that the road system in and about the site will accommodate any traffic volume that may be generated by the project proposed for these premises.

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

The proposed senior housing community is an appropriate use for the premises sought to be re-zoned. Although the site is adjacent to lands developed for office and other OP uses, it is also located next to Phase I of the Pointe at Lake Tappan and the Hollows at Blue Hill as well as two assisted living facilities and single family homes, as well as a major hotel and middle school. The Town Board finds, consistent with its Town-wide Comprehensive Plan, that the contemplated planned adult housing use is consistent with the uses otherwise existing and permitted in the area, and is otherwise compatible with the existing development in the area.

The Petitioner, in accordance with the requirements of the Local Law 1 of 2004, has presented to the Town Board an Illustrative or Concept Site Plan, prepared by Jay Greenwell, PLS, LLC. The Concept Plan shows a gated community of 104 dwelling units laid out in five buildings throughout the site. The Concept Plan further shows amenities as previously noted, with an overall design and architectural layout which preserves a significant amount of undisturbed open space, supplementing that open space with additional landscaping so as to mitigate any adverse visual impact from the surrounding viewpoints.

**Maximum Unit Count**

By reason of the proposed layout, the Town Board further establishes 104 units as the maximum number of units permitted on the site, which units shall consist of at least 75% two bedroom units as set forth in §4.64, to be disbursed throughout the project as required by the Planning Board.

**RESOLUTION NO. 437 - Continued**

The Town Board further finds that the illustrative site plan reflects a suitable mix of open space and senior housing development as contemplated under the PAC Law (Local law No. 1 of 2004).

Other Findings and Conditions

• Recreation Contribution

The Petitioner, as part of its proposal, has further offered to make a contribution toward the recreation needs of the Town in the sum \$162,500 to be paid following the grant of final site development plan approval by the Town Planning Board for the PAC development and before the signing of the site plan by the Clerk to the Planning Board.

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

• Site Development Plan and Other Required Municipal Approvals

The adoption of this resolution granting the requested zoning amendment from OP to PAC based upon the illustrative site plan and related materials is not intended to, nor shall it be interpreted to, circumvent or usurp the authority of the Planning Board or of any other land use board having authority over site specific details. Pursuant to §4.6 (D), the Town Board reserves the right to review any proposed site development plan before preliminary approval by the Planning Board to determine whether, in the judgment of the Town Board, the proposed plan does not substantially deviate from the final concept plan that was reviewed and approved herein.

• Age Limitations Under the PAC Designation

As required by § 4.6.5 of Local Law No.1 of 2004, occupancy of the units to be developed on the site as a result of this zoning amendment, at the time of initial conveyance, and thereafter, shall be restricted to persons fifty-five (55) years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 18 years of age shall not be permanent residents under any circumstances.

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

Rockland County Planning Department Conditions

The Town Board has received, and has considered, the General Municipal Law § 239 L & M review submitted by the Rockland County Department of Planning and responds to its comments and conditions as follows:

**TOWN OF ORANGETOWN  
LOCAL LAW 10, 2018  
THE POINTE AT LAKE TAPPAN PHASE II  
PROPOSED ZONING CODE ORDINANCE AMENDMENT / “OP” TO A “PAC”  
BNE REAL ESTATE GROUP / 73.10 – 1 - 5 18-2113C-4**

BE IT ENACTED TOVW!! Board of the Town of Orangetown as follows:

*Section I:* The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following property from OP to PAC:

**LOCAL LAW 10, 2018 - Continued**

The property located in the hamlet of pearl river on the south side of Veterans Memorial Drive, east of the existing Blue Hill office complex and west of the existing Pointe at Lake Tappan, and shown on the tax map of the Town of Orangetown as Section, Block and Lot 73.10 -1- 5.18-2113C-4

Schedule A Description

A parcel of land in the Town of Orangetown, County of Rockland, and State of New York, being Lot on a map titled "Pearl River, LLC 3 Lot Subdivision" prepared by Henningson, Durham, & Richardson, Architecture and Engineering, P.C. in Association with HDR Engineering, Inc., surveyed by Maser Consulting, dated August 23, 2006, and filed in the Rockland County Clerk's Office as Map No. 7884, and also being a portion of Lot 2 as shown on a map titled "Subdivision of Property for Blue Hill Plaza, Inc." prepared by Atzl & Scatassa, Associates P.C.' dated September 6, 1984 and filed in the Rockland County Clerk's Office as Map No. 5700, more particularly bounded and described as follows:

BEGINNING at a point along the southerly line of Veterans Memorial Drive at its point of intersection with the division line between the herein described parcel of land on the west and Lot C as shown on said Map No. 7784 on the east;

Thence along said division line the following seven courses and distances;

1. South 22 degrees 24 minutes 51 seconds West, 76.44 feet; *I*
2. Southwesterly along the arc of a curve to the right having a radius of 150,00 feet, a central angle of 89 degrees 32 minutes 46 seconds and an arc length of 234.43 feet;
3. North 68 degrees 02 minutes 23 seconds West, 46.20 feet;
4. South 35 degrees 51 minutes 46 seconds West, 565.12 feet;
5. South 28 degrees 51 minutes 24 seconds West, 240.22 feet;
6. South 03 degrees 11 minutes 24 seconds West, 277.98 feet;
7. South 25 degrees 44 minutes 09 seconds East, 252.39 feet to a division line between the herein described parcel of land on the west and lands now or formerly of Corwick Realty Corporation on the east;

Thence along said division line, South 17 degrees 22 minutes 01 seconds West, 274.04 feet to the division line between the herein described parcel of land on the northeast and Lot A as shown on the aforesaid Map No. 7884 on the southwest;

Thence along said division line the following three courses and distances;

1. North 29 degrees 32 minutes 26 seconds West, 737.57 feet;
2. North 05 degrees 06 minutes 18 seconds West, 529.24 feet;
3. North 40 degrees 19 minutes 44 seconds West, 708.47 feet to a division line between the herein described parcel of land on the southeast and Lot I as shown on the aforesaid Map No 5700 on the northwest;

Thence along said division line the following three courses and distances;

1. North 49 degrees 38 minutes 45 seconds East, 591.15 feet;
2. South 40 degrees 21 minutes 15 seconds East, 100.00 feet;
3. North 49 degrees 38 minutes 45 seconds East, 99.88 feet to the aforesaid southerly line of Veterans Memorial Drive;

Thence along said southerly line of Veterans Memorial Drive southeasterly along the arc of a curve to the left having a radius of 1947.46 feet, a central angle of 21 degrees 22 minutes 57 seconds and an arc length of 726.79 feet and South 67 degrees 35 minutes 24 seconds East, 302:71 feet to the POINT OF BEGINNING .'

*Section 2:* This law shall take effect immediately upon :filing with the Secretary of State.

**RESOLUTION NO. 438**

**SET PUBLIC HEARING DATE / ZONING  
MAP CHANGE / HNA PALISADES  
PREMIER CONFERENCE CENTER / 334  
ROUTE 9W, PALISADES / FROM "LO"  
TO "OP" / 78.13-1-1**

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

**RESOLVED.** that the Town Board will hold a public hearing on September 4, 2018, at 8:05 p.m., on a proposed Local Law, on application of HNA Training Center, LLC amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel located at 334 Route 9W, Palisades, Tax Map 78.13-1-1 in the hamlet of Palisades from “LO” to “OP”.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 439**

**ACCEPT PETITION / DIRECT  
CIRCULATION / INTENT TO  
DECLARE LEAD AGENCY / SEQRA  
DETERMINATION / ZONE CHANGE /  
HNA PALISADES PREMIER  
CONFERENCE CENTER / 334 ROUTE  
9W, PALISADES / "LO" TO "OP" /  
78.13-1-1**

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

**WHEREAS,** the owner of premises located at 334 Rout 9W, in the hamlet of Palisades, Tax Lot 78.13, Block 1, Lot 1 being located in the “LO” (Laboratory Office) zoning district, has petitioned the Town Board to change the zoning classification of the property to the “OP” (Office Park), zoning district; and

**WHEREAS,** upon preliminary review, the Town Board is favorably disposed to such a change, because the current use of the property is as an executive conference facility via a special permit previously issued by the Town Board and the applicant wishes to expand its operation to a hotel use, which is not permitted in the LO zoning district but is permitted in the OP zoning district; and

**WHEREAS,** the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

**WHEREAS,** upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board’s request by the Office of Building, Zoning, Planning and Administration and Enforcement, 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
3. The following are involved or interested or involved agencies in the review process:
  - Orangetown Planning Board;
  - Rockland County Department of Planning;
  - Rockland County Highway Department;
  - New York State Department of Transportation

**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

**RESOLUTION NO. 439 – Continued**

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 Petition and a proposed Local Law, amending the Town Zoning Map, 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.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 440**

**SCHOOL RESOURCE OFFICIER (SRO)  
AGREEMENTS / PEARL RIVER  
SCHOOL & SOUTH ORANGETOWN  
SCHOOL DISTRICTS**

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

**WHEREAS**, the Pearl River School District (PRSD) and the South Orangetown School District (SOSD) have each requested that the Town Police Department assign of a School Resource Officer (SRO) to each school district, and

**WHEREAS**, PRSD and the SOSD have agreed that, as a condition of such assignment, to reimburse to the Town a portion of the cost to the Town for the services of such assignments subject to formal written agreement between the parties and the districts, and

**WHEREAS**, each agreement is a separate and distinct agreement, and

**WHEREAS**, the Town of Orangetown and the PRSD and SOSD are authorized to enter into these separate agreements pursuant to Section 119-0 of the General Municipal Law,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Town to enter into an agreement with the PRSD, which has been prepared, reviewed and approved by the Town Attorney’s Office, whereby the Town agrees to assign an SRO to the PRSD on a yearly basis commencing with the 2018/19 school year, subject to mutual agreement for renewal each year, under the terms and conditions as set forth in the agreement, and the PRSD shall reimburse the Town in accordance with the terms of the agreement for each year that an SRO is assigned to the PRSD and

**BE IT FURTHER RESOLVED**, that the Town Board hereby agrees to enter into an agreement with the SOSD, which has been prepared, reviewed and approved by the Town Attorney’s Office, whereby the Town agrees to assign an SRO to the SOSD on a yearly basis commencing with the 2018/19 school year, subject to mutual agreement for renewal each year, under the terms and conditions as set forth in the agreement, and the PRSD shall reimburse the Town in accordance with the terms of the agreement for each year that an SRO is assigned to the PRSD pursuant to the agreement and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Supervisor or his designee to execute the agreements with each district under the terms and conditions as set forth therein on behalf of the Town of Orangetown and



**RESOLUTION NO. 440 - Continued**

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Chief of Police to execute the agreements with each district on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 441**

**USE OF LAND / HUNT ROAD,  
ORANGEBURG (FORMER SEWER PUMP  
STATION SITE) / PEARL RIVER FIRE  
DISTRICT / FIRE TRAINING**

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

**RESOLVED**, that the Town Board hereby approves a License Agreement between the Town and the Pearl River Fire District for the use of the presently Town owned property known as the “Hunt Road Pump Station”, located at 110 Hunt Road, Pearl River (the “Licensed Premises”) by the Pearl River Fire District for training operations limited to rescue equipment used in auto accidents for a one year trial period; and

**BE IT FURTHER RESOLVED**, that the Supervisor or his designated representative shall be authorized to execute such Agreement.

A copy of the said License Agreement approved hereby, with provisions for insurance, indemnification and property damage in favor of the Town, and otherwise as approved by the Town Attorney, is incorporated herein by reference.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 442**

**OUTSIDE LEGAL COUNSEL / CUDDY  
& FEDER, LLP /SALE OF CELL  
TOWER SPACE / HIGHWAY DEPT**

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

**RESOLVED**, that the Town Board hereby approves the Retainer Agreement with Cuddy & Feder, LLP. for legal services with respect to the potential assignment of lease and/or sale of Town owned wireless facilities, including the retainer in the amount of \$5000.00, and authorizes First Deputy Town Attorney Teresa M. Kenny to sign the agreement on behalf of the Town.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 443**

**NYS / CONSOLIDATED FUNDING  
APPLICATION / ESD GRANT FUNDS  
INFRASTRUCTURAL UPGRADES TO  
FORMER RPC CAMPUS**

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

**RESOLVED**, upon the recommendation of the Town Supervisor, a CFA grant application entitled, "ESD Grant Funds" shall be submitted by the Town with the intent to secure

**RESOLUTION NO. 443 – Continued**

additional State funding in relation to a potential construction project for infrastructural upgrades at the former RPC campus.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 444**

**AMEND / CURRENT AGREEMENT  
1547 CRITICAL SYSTEMS REALTY  
PROVIDE INTERNET ACCESS AT  
THE DATA CENTER FACILITY**

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

**RESOLVED**, upon the recommendation of the director of automated systems, that the town board hereby authorizes an amendment to the current agreement with 1547 critical systems realty, dated July 25, 2018 to provide internet access at the data center facility at a one-time charge of \$250.00 and a monthly charge of \$140.00 for a term of 24-months.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 445**

**APPOINT RIMA DELVECCHIO  
SENIOR ACCOUNT CLERK / FROM  
EL#18021**

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

**RESOLVED**, that the Town Board hereby appoints Rima DelVecchio to the position of Senior Account Clerk in the Town Clerk's Office, permanent, from Rockland County EL #18021 (PROM), effective 07/17/2018, no change in salary.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 446**

**2018 CERTIFICATE OF SEWER  
REGISTRATION**

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

**RESOLVED**, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2018 Sewer Work is approved to:

Petillo, Inc., 167 Flanders Netcong Road, Flanders, NJ 07836.  
United Sewer & Drain Service Corp., P.O. Box 123, Slate Hill, NY 10973

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 447**

**APPOINT ASSISTANT BUILDING INSPECTOR/DOMINIC MIANO / LESS THAN FULL TIME POSITION**

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

**RESOLVED**, that the Town Board hereby appoints Dominic Miano, less than full time position, Assistant Building Inspector, effective July 25, 2018.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 448**

**AID / 2018 COLONIAL DAY, TAPPAN**

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

**RESOLVED**, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance which includes the use of (6) recycling kiosks from the Highway Department & no parking signs from the Police Department, for Colonial Day in Tappan, to be held on Saturday, September 29, 2018, from 8 am to 6 pm.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 449**

**AID / 2018 SLIDE THE CITY**

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

**RESOLVED**, upon completion of all necessary permits and paperwork and the Town Attorney’s acceptance of insurance documentation naming Town of Orangetown as additionally insured, that the Town Board hereby authorizes the Town of Orangetown Departments to lend assistance which includes the use of trash cans, barricades, message board and detour signs from the Highway Department, the Show Mobile and port-o-johns from the Parks Dept., and police detail from the Police Department for the Slide the City Event to be held in Downtown Pearl River at E. Central Avenue, from N. Henry Street to N. William Street on Saturday, August 11, 2018, from 4:30am to 8pm. The Town is to be reimbursed \$15,781.00 by the hosting company for labor and overtime performed by Highway Department and Police Department employees relative to the Slide Event.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 450**

**AID / ROCKLAND COUNTY GAELIC ATHLETIC ASSOCIATION / 2018 BAGPIPE & DRUMS**

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

**RESOLUTION NO. 450 – Continued**

**RESOLVED**, upon the recommendation of the Superintendent of Highways, Chief of Police and Superintendent of Parks & Recreation, the Town Board hereby authorizes the Town of Orangetown Highway, Police and Parks & Recreation Department to lend assistance which includes the use of a dumpster, barricades, auxiliary police and parking, for the Rockland County Gaelic Athletic Association Bagpipe & Drums Competition to be held on Saturday, August 4, 2018.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO.451**

**PERMISSION GRANTED / MICHAEL DONAHUE / 26TH ANNUAL RELEAF CONFERENCE / HIGHWAY**

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

**RESOLVED**, upon the recommendation of the Superintendent of Highways, the Town Board hereby approves Michael Donahue, HMS I, to attend the 26th Annual Releaf Conference, from July 26-28, 2018, in Rochester, NY, to be charged to account # D - 5140441 in the amount \$271.00.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 452**

**AID / 2018 PEARL RIVER DAY**

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

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of trash cans, barricades, message board & detour signs, for Pearl River Day Festival to be held on Saturday, October 6, 2018, from 7 am to 9 pm.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 453**

**AID / 2018 PEARL RIVER CAR SHOW**

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

**RESOLVED**, upon the recommendation from the Superintendent of Highways that the Town Board hereby authorizes the Town of Orangetown Highway & Parks Departments to lend assistance which includes trash cans from the Highway Department & two port-o-johns from the Parks Department for the Pearl River Car Show to be held on Saturday & Sunday, September 15 & 16 (rain date: 9/22 & 9/23) from 6 am to 6 pm.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 454**

**AID / PEARL RIVER SCHOOL DISTRICT**

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

**RESOLUTION NO. 454 – Continued**

**RESOLVED**, upon the recommendation of the Superintendent of Highways, the Town Board authorizes the Town of Orangetown Highway Department to lend assistance to the Pearl River School District, by use of dumpsters for the disposal of green waste material at Pearl River High School.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 455**

**AID / 2018 HALLOWEEN PARADE  
NYACK CHAMBER OF COMMERCE**

Councilman Valentine offered the following resolution, which was seconded by Councilman Bottari 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 use of the Showmobile by the Nyack Chamber of Commerce for their Halloween Parade on Saturday, October 27, 2018 (rain date, October 28th) at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 456**

**AID / 2018 PEARL RIVER DAY /  
PEARL RIVER CHAMBER OF  
COMMERCE**

Councilman Bottari offered the following resolution, which was seconded by Councilman Valentine 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 use of the Showmobile at a rental cost of \$400.00 Pearl River Chamber of Commerce for their Pearl River Day on Saturday, October 6, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured; and

**BE IT FURTHER RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks & Recreation has forwarded for approval by the Town Board, the rental of 6 porta-johns (5 regular units, 1 ADA compliant units) for the Pearl River Chamber of Commerce Pearl River Day on Saturday, October 6, 2018.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 457**

**AID / 2018 FIRE IN THE SKY /  
DOMINICAN COLLEGE**

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

**RESOLVED**, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$400.00 by Dominican College for their Fire in the Sky event on Saturday,



**RESOLUTION NO. 457 – Continued**

September 22, 2018, with the organization providing a certificate of insurance, listing the Town of Orangetown as additionally insured.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 458**

**AID / VILLAGE OF NYACK / 2018  
GREAT GET- TOGETHER**

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

**RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks & Recreation has forwarded for approval by the Town Board, the rental of 8 porto-johns (6 regular units, 2 ADA compliant units) for the Village of Nyack's Great Nyack Get-Together on Saturday, September 15, 2018.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 459**

**AID / 2018 ROCKLAND COUNTY  
VOLUNTEER FIREFIGHTER'S  
PARADE / PIERMONT FIRE DEPT**

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

**RESOLVED**, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$400.00 by the Piermont Fire Department for the Rockland County Volunteer Firefighter's Parade on Saturday, September 8, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 460**

**ACCEPT DONATION / MEMORIAL  
BENCH // HONORING KATHLEEN &  
KEVIN WHELAN**

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

**RESOLVED**, upon the recommendation of the Superintendent of Parks and recreation, accept with gratitude, the donation of one memorial bench to be placed along the Blauvelt section of the J.B.C. Rail Trail. Engraving upon the bench will read "In Loving Memory of Kathleen & Kevin Whelan."

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 461**

**AGREEMENT EXTENSION/ JOHNSON  
CONTROLS INC. / HVAC &  
MECHANICAL SERVICES / TOWN  
HALL**

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

**WHEREAS**, pursuant to Town Board resolution 2016-368 the Town entered into an agreement with Johnson Controls Inc, for HVAC and Mechanical Services in Town Hall for the period of August 1, 2016 through July 31, 2018, which contained an option to extend the agreement under the same terms and conditions and

**WHEREAS**, the Town and Johnson Controls Inc. have mutually agreed to extend their current agreement for HVAC & Mechanical Services for the period of August 1, 2018 through July 31, 2019 as authorized by the existing agreement,

**NOW THEREFORE BE IT RESOLVED**, upon the recommendation of the Superintendent of Parks and Recreation, authorize the extension of the 2018 - 2019 agreement or HVAC & Mechanical Services in Town Hall with Johnson Controls Inc. of Hawthorne, NY under the same terms and conditions.

- Ayes: Councilpersons Valentine, Bottari  
Supervisor Day
- Noes: None
- Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 462**

**ACCEPT RESIGNATION /  
RETIREMENT EMPLOYEES / 2018  
RETIREMENT INCENTIVE**

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

**WHEREAS**, the following employees have opted for the Retirement Incentive being offered by the Town,

**RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Pete Lovett**, MEO II, DEME, effective July 28, 2018; and

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Guy DeVincenzo**, Deputy Commissioner of Department of Environmental Management & Engineering, effective August 1, 2018, and

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Rosemarie Fornario**, Secretarial Assistant II, Supervisor / Finance, effective August 17, 2018.; and

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Veronica Cummings**, Police Radio Dispatcher (CAD), effective August 18, 2018; and

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **William Bodenstab**, Welder & Body Repairer, Highway Department, effective August 24, 2018; and

**BE IT FURTHER RESOLVED**, the Town Board accepts with regret the resignation / retirement of **Lauro Antonutti**, MEO II, Highway, effective August 24, 2018; and

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Judith Smith**, Recreation Information Clerk Typist, Parks & Recreation, effective August 30, 2018; and

**RESOLUTION NO. 462 – Continued**

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Robert Yezarsky**, Maintenance Mechanic II, Building Maintenance, effective August 30, 2018; and

**BE IT FURTHER RESOLVED**, that the Town Board accepts with regret the resignation / retirement of **Joanne Ogilvie**, Account Clerk Typist, Parks & Recreation, effective August 30, 2018; and

**BE IT FURTHER RESOLVED**, that the Town Board accept with regret the resignation / retirement of **Robert Murphy**, Automotive Mechanic I, Department of Environmental Management & Engineering, effective August 30,2018; and

**BE IT FURTHER RESOLVED** that the Town Board accepts with regret the resignation/retirement of **Beatrice Troy**, Receptionist, Supervisor’s Office, effective August 30, 2018.

Ayes: Supervisor Day  
Councilpersons Valentine, Bottari  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 463**

**PAY VOUCHERS**

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

**RESOLVED**, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers for six (6) warrants for a total amount of \$2,101,674.99.

Ayes: Councilpersons Bottari, Valentine  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 464**

**REGULATORY 5-YEAR UPDATE  
ROCKLAND COUNTY MULTI-  
JURISDICTIONAL HAZARD  
MITIGATION PLAN (HMP) PROJECT**

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

**WHEREAS**, The Disaster Mitigation Act of 2000 (DMA 2000) (P.L. 106-390) provides an opportunity for States, Tribes, and local governments to take a new and revitalized approach to mitigation planning; and

**WHEREAS**, DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) by repealing the previous Mitigation Planning section and emphasizes the need for State, Tribal, and local entities to closely coordinate mitigation planning and implementation efforts; and

**WHEREAS**, the Town of Orangetown, in partnership with the County of Rockland and with the assistance of Tetra-Tech Corporation, has gathered information and prepared the Rockland County Multi-Jurisdictional Hazard Mitigation Plan; and

**WHEREAS**, The Rockland County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Town of Orangetown has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

**WHEREAS**, the Town of Orangetown has reviewed the Plan and affirms that sections pertaining to the Town will be updated no less than every five years;

**RESOLUTION NO. 464 – Continued**

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Orangetown adopts the Rockland County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 465**

**AID / 2018 ROCKLAND CRAFT BEER WEEK / GENTLE GIANT BREWING COMPANY**

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

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway, Police & Building Departments (OBZPAE) to lend assistance which includes the use of lighted barricades from the Highway Department, (2) parking spaces sectioned off from the Police Department & (5) tables with chairs approved by the Planning Board to be placed on the sidewalk (plan attached), for the Rockland County Craft Beer Week, to be held at the Gentle Giant Brewing Company, located at 7 North Main Street, Pearl River, on Saturday, July 28,2018, from 12 noon to midnight.

Ayes: Councilpersons Valentine, Bottari  
Supervisor Day  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 466**

**ENTER EXECUTIVE SESSION PERSONNEL MATTERS**

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Valentine and Bottari, Joseph Thomassen, Robert Magrino, Teresa Kenny, and Jeff Bencik.

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

**RESOLVED**, at 8:50 pm, the Town Board entered Executive Session to discuss multiple personnel matter. Supervisor Day said there will be no further votes.

Ayes: Supervisor Day  
Councilpersons Valentine, Bottari  
Noes: None  
Absent: Councilpersons Troy, Diviny

**RESOLUTION NO. 467**

**RE-ENTERED RTBM/ADJOURNED**

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

**RESOLVED**, at 10:03 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Sanford (Sandy) Lent, Pearl River, brother of former Town Clerk, Charlotte Madigan.

Ayes: Supervisor Day  
Councilpersons Valentine, Bottari  
Noes: None  
Absent: Councilpersons Troy, Diviny

**Joseph Thomassen, Deputy Clerk**