

**TOWN OF ORANGETOWN REGULAR TOWN MEETING**

**Tuesday July 23, 2019**

This Town Board Meeting was opened at 7:30 PM.

Councilman Denis Troy \_\_\_\_\_\_\_\_\_\_\_\_\_

Councilman Thomas Diviny \_\_\_\_\_\_\_\_\_\_

Councilman Paul Valentine \_\_\_\_\_\_\_\_\_\_

Councilman Jerry Bottari \_\_\_\_\_\_\_\_\_\_\_\_

Supervisor Chris Day\_\_\_\_\_\_\_\_\_\_

***Pledge of Allegiance to the Flag***

**ANNOUNCEMENTS:**

**The Town of Orangetown and The Pearl River Chamber of Commerce will be sponsoring its first seasonal Pearl River Farmer's Market / Open to Public, every Sunday, from 10 a.m. to 3 p.m. / Beginning May 19th continuing through November 24, 2019. The stretch of North William Street (Between Washington Avenue and Central Avenue) will be blocked off and closed to vehicular traffic during the hours of 7:00 a.m. through 4:00 p.m. each Sunday while the Market is open. Locally sourced vendors will be gathering at the market to sell fresh produce and other farmer's market items. The new market place will serve as a healthy and fun meeting place for residents, while also promoting all that downtown Pearl River has to offer. Occasionally, the Market will be accompanied by live music and other amusements.**

**PRESENTATIONS:**

**Kyle John Boyce Memorial Scholarship Committee presenting check to the Town for six (6) Orangetown Summer Day Camp Scholarships this year at $335.00 each for a total of $2,010.00**

**DISCUSSION:** WORKSHOP OF AGENDA ITEMS

**PUBLIC COMMENT:**

* **OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

* **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is now closed.

**AGENDA ITEMS:**

**TOWN BOARD**

* **RESOLUTION TO OPEN PH / TBWS/RTBM OF JULY 23, 2019 AT 8:05 P.M. /**

**PROPOSED ZONE CHANGE / VACANT PROPERTY LOCATED AT CORNER OF MANOR BLVD. AND 268 NORTH MIDDLETOWN ROAD, PR / FROM "CO" to "R-15" RESIDENTIAL ZONING / TAX MAP NO. 69.09-1-38**

RESOLVED, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

* **RESOLUTION TO CLOSE PH / TBWS/RTBM / JULY 23, 2019 / PROPOSED ZONE CHANGE / VACANT PROPERTY LOCARED AT CORNER OF MANOR BLVD. AND 268 NORTH MIDDLETOWN ROAD, PR / FROM "CO" TO "R-15" RESIDENTIAL ZONING / TAX MAP NO. 69.09-1-38**

RESOLVED, that the public hearing is hereby closed.

* **ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. \_\_ OF 2019, AMENDING THE TOWN ZONING LAW TO CHANGE THE ZONING DISTRICT, 268 NORTH MIDDLETOWN ROAD, PEARL RIVER TAX LOT 69.09-1-38 FROM "CC" TO "R-15"**

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of the parcel known as 268 North Middletown Road in the hamlet of Pearl River, tax lot Section 69.09 Block 1 Lot 38 from "CC" to "R-15"; and

WHEREAS, on or about, pursuant to Town Board Resolution 2019-301, the

Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

* **ADOPT LOCAL LAW NO. \_\_\_ of 2019 TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 268 NORTH MIDDLETOWN ROAD, PEARL RIVER, FROM "CO" TO "R-15"**

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, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the parcel known as 268 North

Middletown Road in the hamlet of Pearl River, tax lot 69.09 -1-38 being located in the "CO" (Commercial Office) zoning district, to change the zoning classification of the property to that of "R-15" (Medium Density Residence), a zoning district that already directly abuts the property, and

WHEREAS, by Resolution No. \_\_ of 2019, after notice duly given, and there being no other involved agency, by resolution duly adopted this 23rd day of July, 2019, the Town Board assumed the role of Lead Agency under SEQRA for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town's Zoning Law and determined the issuance of Negative Declaration is appropriate; and

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

WHEREAS, the Board has concluded that the proposed zone change which changes the zoning classification of the subject parcel to a zoning district which already abuts the parcel due to a previous zone change, is consistent with the Town's Comprehensive Plan wherein it indicates on page IV -2 that "encouraging additional residential uses along this roadway would also be beneficial, strengthening the roadway's mixed-use character", and otherwise is in the best interests of the Town and the owner of the parcel, who has requested the change of zoning classification; and

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

WHEREAS, the Town Planning Board, by Memorandum, dated June 26, 2019, following due consideration at a public meeting held on the same date, has indicated that it does not object to the Town Board serving as Lead Agency on the matter and recommended:

-Access to the property should be off of Manor Boulevard

-The front of the house should be oriented toward Manor Boulevard; and

WHEREAS, the Town Board finds that amending the zoning classification of this property will not have a significant impact on traffic or emergency services in the area, and

WHEREAS, the County Department of Planning, by letter review dated July 3, 2019, has recommended modifications as set forth therein, including:

-That the GML Referral Letter dated June 7, 2019 referred to an incorrect zoning classification and wrong tax parcel and if the hearing were improperly noticed, it would have to be re-noticed. The Town Board finds that the hearing notices contained the proper zoning classification and tax lot number, thus obviating the need to re-notice the hearing;

-That if same that if the zone change is approved, then the Town of Orangetown must provide the Rockland County Planning Department with a copy of the resolution so that the updates can be implemented; The Town Board will direct the Town Clerk to send a copy of the resolution to the Rockland County Planning Department;

-That the Town should take a more comprehensive review of the area to determine if any other parcels beyond the subject site should also be changed to R-15; The Town Board has reviewed the zoning of the parcels in the area and finds that the remaining parcels along the eastern side of Middletown Road heading north towards the Route 304 interchange should not be changed based upon current conditions. The subject site is on the corner of Middletown Road and Manor Boulevard, was previously the site of a single family residence, the property to the immediate east on Manor Boulevard, and the remainder of the properties on Manor Boulevard are residential, thus this zone change would be a continuation of Manor Boulevard as a residential street, transitioning to Middletown Road, which has a mix of commercial and limited residential, thus further re-zoning on Middletown Road in the vicinity of the subject location is not called for at this time.

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the referenced parcel known as

268 North Middletown Road, Pearl River, tax lot 69.09/1/38 from "CO" to "R-15" subject to the conditions set forth below.

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

Section 1: 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:

268 North Middletown Road (Tax Map Designation Section 69.09 Block 1 Lot 38) from the "CO" (Commercial Office) zoning district to the "R-15" (Medium Density Residence) zoning district, which metes and bounds description is as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, County of Rockland and State of new York, and more particularly bounded and described as follows: ..

BEGINNING at the intersection of the northerly side of Manor Boulevard with the easterly side of North Middletown Road; running thence along the easterly side of North Middletown Road, North 5 degrees 00' 00" East 100.00 feet to an iron pin and the southerly side of lands now or formerly of Ryan Associates; thence along the southerly line of lands now or formerly of Ryan Associates South 86 degrees 30' 00" East 200 feet to an iron pin and the westerly side of lands now or formerly of Bellew; thence along the westerly side of lands now or formerly of Bellew, South 5 degrees 00' 00" West 100.00 feet to an iron pin set on the northerly side of Manor Boulevard; thence along the northerly side of Manor Boulevard, North 86 degrees 30' 00" West. 200.00 feet to the easterly side of North Middletown Road, the point or place of BEGINNING.

Section 2: It is a specific condition of the grant of this zone change, that any building erected on the property shall have its front entrance facing Manor Boulevard, and any vehicular and/or pedestrian access to the building shall be from Manor Boulevard. There shall be no access from the property directly on to Middletown Road.

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

7 **RESOLUTION TO OPEN CONTINUATION OF PH / TBWS/RTBM OF JULY 23, 2019 AT 8:15 P.M. / PROPOSED ZONE CHANGE FOR 576 ROUTE 303 AND ADJOINING PROPERTIES (BIEBER)**

RESOLVED, that the public hearing is hereby continued.

SUMMARY OF COMMENTS:

* **RESOLUTION TO CONTINUE PH / TBWS/RTBM OF AUGUST 20, 2019 AT 8:05**

**P.M. / PROPOSED ZONE CHANGE FOR 576 ROUTE 303 AND ADJOINING PROPERTIES (BIEBER)**

RESOLVED, that the public hearing is hereby continued to TBWS/RTBM August 20, 2019 at 8:05 P.M.

* **RESOLUTION TO ACCEPT PETITION / REQUEST FOR ZONE CHANGE AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW FOR SEQRA REVIEW, AMENDING TOWN ZONING MAP FOR 636 GREENBUSH ROAD / BLAUVELT, NEW YORK / TAX LOT 65.15/1/1**

WHEREAS, the Ryerson Farms, LLC contract purchaser of the premises located on the west side of Greenbush Road and East of NYS Route 303, known as 636 Greenbush Road, Blauvelt, New York, identified as tax lot section 65.15 Block 1 Lot 1 being located in the "LO" (Laboratory-Office) zoning district and "R-40"

(Low Density Residence), has petitioned the Town Board to change the zoning classification of the property to that of "MFR" (Multi-Family Residence), and

WHEREAS, upon preliminary review of the proposed subdivision map, the Town Board is willing to consider the Petition, because the property is located in the vicinity of other residential zoning and uses, and has unique characteristics such that consideration of a change in zoning classification is appropriate; 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;
* New York State Department of Transportation;
* Rockland County Department of Planning;
* Rockland County Highway Department;
* Rockland County Drainage Agency;
* Town of Clarkstown;

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

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

PROPOSED LOCAL LAW:

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

Section 1: 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 properties:

636 Greenbush Road, Blauvelt, New York, identified as tax lot section 65.15 Block 1 Lot 1 being located in the "LO" (Laboratory-Office) zoning district and "R-40" (Low Density Residence), to that of "MFR" (Multi-Family Residence)

All that certain lot, piece or parcel of land, situate, lying and being in the Town of Orangeburg, County of Rockland and State of New York and being more accurately bounded and described as follows:

(See Attachment Schedule “A”)

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

10 **RESOLUTION TO SET PUBLIC HEARING DATE / SEPTEMBER 3, 2019 AT 8:05**

**P.M. / PROPOSED ZONE CHANGE RYERSON ESTATES/636 GREENBUSH ROAD, BLAUVELT NEW YORK**

RESOLVED that the Town Board will hold a public hearing on September 3, 2019 at 8:05 p.m., on a proposed Local Law, as follows, amending Chapter 43 § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 636 Greenbush Road, Blauvelt, New York, identified as tax lot section 65.15 Block 1 Lot 1, in the hamlet of Blauvelt from "LO" (Laboratory Office) and "R-40" (Low Density Residence) to "MFR" (Multi Family Residence).

1. **RESOLUTION TO REAPPOINT / FRED CHADWICK / MEMBER / ORANGETOWN SANITATION COMMISSION / FIVE YEAR TERM / 2019 - 2024**

RESOLVED, that upon the approval of the Town Board, reappoint Fred Chadwick, as a member to the Orangetown Sanitation Commission, for a five (5) year term, effective June 1, 2019 through December 31, 2024.

1. **RESOLUTION TO REAPPOINT CHRISTOPHER HUBER / MEMBER OF THE SANITATION COMMISSION / FIVE YEAR TERM / 2019 - 2024**

RESOLVED, that upon the approval of the Town Board, reappoint Christopher Huber, as a Member of the Orangetown Sanitation Commission, for a (5) five year term, effective July 23, 2019 through July 23, 2024.

1. **RESOLUTION TO SET PUBLIC HEARING DATE / SEPTEMBER 3, 2019 AT 8:15**

**P.M. / PROPOSED TRANSIT ORIENTED DEVELOPMENT (TOD) ZONING ORDINANCE / PEARL RIVER, NEW YORK**

RESOLVED, that the Town Board will hold a public hearing on September 3, 2019 at 8:15 p.m., regarding the proposed TOD zoning ordinance for Pearl River, New York.

14 **MEMORIALIZING RESOLUTION OPPOSING NEW TAPPAN ZEE**

**BRIDGE TOLL INCREASES**

WHEREAS, the new Tappan Zee Bridge terminates within the Town of Orangetown, and

WHEREAS, many residents within the Town of Orangetown rely on the bridge and its predecessor to commute to their jobs, and

WHEREAS, Orangetown, and Rockland County generally, are substantially underserved in terms of public transportation alternatives to vehicular travel, making us more reliant on the brdge, and

WHEREAS, businesses in Orangetown and Rockland County depend on visitors from the eastern side of the Hudson for substantial revenue, and

WHEREAS, the current toll on the bridge is $5 cash for all passenger vehicles, and

WHEREAS, the NYS Thruway Authority is considering a potential increase in toll prices for the crossing through its Tolls Advisory Panel,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby calls upon the NYS Thruway Authority and its Tolls Advisory Panel to keep the toll on the new bridge at the same level as it is currently for all travelers, and

BE IT FURTHER RESOLVED, that should the Tolls Advisory Panel recommend an increase, they also recommend that residents of Rockland and Westchester Counties be given a separate, lower toll, set equal to the current toll on the bridge, in order to facilitate economic activity and commuting within the Lower Hudson Valley, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the NYS Thruway Authority Executive Director Matthew J. Driscoll, all members of Tolls Advisory Panel (Robert Megna, Heather Briccetti, and Mario Cilento), and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

**TOWN ATTORNEY**

1. **RESOLUTION FOR APPROVAL OF 2019 CERTIFICATE OF SEWER REGISTRATION**

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 2019 Sewer Work is approved to:

King Excavating LLC, 113 Lake Road, Valley Cottage, NY 10989, Tel.: 845-406-291

**HIGHWAY / POLICE**

1. **RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 TAPPAN COLONIAL DAY / DEWINDT HOUSE / TAPPAN / SATURDAY, SEPTEMBER 28**

RESOLVED, upon the recommendation from the Superintendent of Highways and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of six (6) metal, recycling kiosks from the Highway Department and No Parking Signs from the Police Department, for Tappan's 2019 Colonial Day to be held on Saturday, September 28, 2019, from 8 am to 6 pm at the Dewindt house.

**PARKS AND RECREATION**

1. **RESOLUTION TO APPROVE / 2019 - 2020 RENEWAL AGREEMENT /**

**JOHNSON CONTROLS INC. / HVAC AND MECHANICAL SERVICES / TOWN HALL BUILDINGS**

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, pursuant to Town Board Resolution 2018-461, the Town Board approved extending the Agreement for a one year term as provided for in the Agreement and Request for Proposals for the period of August 1, 2018 through July 31, 2019 and

WHEREAS, the Town and Johnson Controls Inc. have mutually agreed to extend their current agreement for HVAC BMS Services for the period of August 1, 2019 through July 31, 2020 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 previously approved Maintenance Agreement for HVAC & Mechanical Services in Town Hall with Johnson Controls Inc. of Hawthorne, NY under the same terms and conditions, for the period August 1, 2019 through July 31, 2020.

1. **RESOLUTION TO ACCEPT DONATION / MEMORIAL BENCH / CICALO / LOCATION TBD**

RESOLVED, that the Town Board hereby accepts with gratitude the donation of a memorial bench to be placed in a location to be determined. The inscription upon the bench will read: "In Memory of Catherine Cicalo".

1. **RESOLUTION TO ACCEPT / DONATION OF $2,010.00 FOR TOWN OF ORANGETOWN DAY CAMP SCHOLARSHIPS / KYLE JOHN BOYCE MEMORIAL SCHOLARSHIP FUND**

RESOLVED, the Town Board hereby accepts with gratitude the donation of a check in the sum of $2,010.00 by members of the Kyle John Boyce Memorial Scholarship Fund to fund 6 individual day camp scholarships for the 2019 Town of Orangetown, Parks and Recreation Department's Summer Day Camp Program at the German Masonic Grounds.

**HIGHWAY / PARKS / POLICE**

1. **RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 CEOL MOR BAGPIPES & DRUMS COMPETITION / ROCKLAND COUNTY GAA FIELD / ORANGEBURG / SATURDAY, AUGUST 3**

RESOLVED, upon the recommendation from the Superintendent of Highways, Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of thirty (30) barrels & a dumpster from the Highway Department, the use of the OMM Soccer Complex & SOLL Baseball Complex for additional parking from the Parks Department and Auxiliary Police Officers from Police Department, for the GAA Bagpipes & Drums Competition to be held on Saturday, August 3, 2019, from 9 am to 8 pm at the Rockland County GAA Field.

**AUDIT**

1. **PAY VOUCHERS**

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants for a total of $1,390,905.64.

**ADJOURNMENTS**

1. **RESOLUTION TO RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at \_\_\_\_ pm, the Town Board re-entered the Regular Town Board

Meeting and adjourned in memory of:

Joseph Mandile, former retired employee of our Parks Department and US Navy Veteran who served during the Vietnam War