



**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday December 17, 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 will be sponsoring a Holiday Coat Drive along with the other four Towns. The program runs now, through December 23rd and the Towns will be competing against each other to collect the most coats. We are collecting coats for children and adults alike and they can be dropped off in the bin inside the entrance of Town Hall. At the end of the competition, all coats will be cleaned by local dry cleaners, free of charge, and donated to a worthy charitable organization (People-to-People of Rockland) for distribution.

New Online Streetlight Repair Request Form - Orangetown Website under "How Do I?"

Orangetown will be hosting two public information sessions regarding its participation in the Community Choice Aggregation (CCA) Program:

Wednesday, December 18th 7:00 - 8:30 pm (Greenbush Auditorium, 20 Greenbush Rd., Orangeburg) Located in the rear of the building

Saturday, January 11th 11:00 am - 12:30 pm (Orangetown Town Hall, Courtroom 1 26 W. Orangeburg Rd., Orangeburg)

**The Program team can also be contacted by phone or email:
Phone: 845-859-9099 Email: CCA@HudsonValleyEnergy.org**

PRESENTATIONS:

DISCUSSION: WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

1 OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2 CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3 RESOLUTION TO OPEN PUBLIC HEARING / RTBM DECEMBER 17, 2019 at 7:45 P.M. / GALWAY BAY PETITION

RESOLVED, that the Public Hearing to consider the petition of Galway Bay, is hereby opened.

4 RESOLUTION TO CLOSE / CONTINUE PUBLIC HEARING / PETITION FOR GALWAY BAY

RESOLVED, that the Public Hearing regarding the petition of Galway Bay is hereby closed or continued to _____.

5 **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE ADOPTION OF LOCAL LAW NO. ___, A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER AT 21 NORTH WILLIAM STREET AND 14-16 NORTH MAIN STREET LOCATED ON THE WEST SIDE OF WILLIAM STREET AND EAST SIDE OF NORTH MAIN STREET, AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 68.16-6-67 FROM PAC (formerly CS) to PAC UNDER NEWLY ADOPTED PAC REGULATIONS, IN LOCAL LAW No. 7 of 2019.**

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 November, 2019, and accompanying application, Dionne's Way, LLC, as owner of property located in the Hamlet of Pearl River, located at 14-16 North Main Street (aka 21 North William Street) sbl 68.16-6-67, formally petitioned the Town Board to revise the zoning classification of the said property from Planned Adult Community (PAC), formerly, Community Shopping ("CS") to Planned Adult Community ("PAC") in accordance with the provisions of Local Law No. 1 of 2004, as subsequently amended, including but not limited to Local Law No. 7 of 2019, by which the PAC zoning district was created as a "floating" district; and

WHEREAS, following it's 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 a combination of retail/community shopping uses and 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.

The aforesaid resolution was moved by _____, seconded by _____, and (adopted / rejected) by a vote of Ayes Nays and _ Abstentions, as follows:

Aye Nay Abstain

Councilman Bottari
Councilman Diviny
Councilwoman Troy
Councilman Valentine
Supervisor Day

6 RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN ADOPTING LOCAL LAW NO. OF 2019, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM "CS" TO "PAC" UNDER MODIFICATIONS TO PAC LAW FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER AT 21 NORTH WILLIAM STREET AND 14-16 NORTH MAIN STREET LOCATED ON THE WEST SIDE OF WILLIAM STREET AND EAST SIDE OF NORTH MAIN STREET, AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 68.16-6-67

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 received as of November 6, 2019, and accompanying application, DIONNE'S WAY LLC, as owner of property located in the Hamlet of Pearl River, identified as 21 North William Street and 14-16 North Main Street located on the West side of North William Street and East side of North Main Street, and shown on the Tax Map of the Town of Orangetown as SBL 68.16-6-67, formally petitioned the Town Board to change the zoning classification of the said property from Community Shopping ("CS") 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 expressed 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 in connection with the action; 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 a combination of retail/community shopping uses and active adult or senior residential housing; and

WHEREAS, in addition to the Petition, the Town Board also has considered, among other things, the following documents and/or comments in furtherance of its obligation to evaluate whether the proposed site is both eligible and appropriate for PAC zone designation:

- (1) a project description, Concept Plan and proposed Site Plan (with proposed bulk and lot controls);
- (2) a traffic impact report from Harry Baker & Associates, dated November 27, 2017;
- (3) a vicinity map;
- (4) A market analysis provided by Kevin Joyce, Joyce Realty.
- (5) Short Form Environmental Assessment Form;
- (6) The comments of the Rockland County Planning Department pursuant to GML § 239 I & m, dated December 16, 2019;

(7) The comments of the Town of Orangetown Office of Building, Zoning and Planning, dated _____;

(8)

_____;

(9) The comments of the Town of Orangetown Planning Board dated _____.

_____ and,

WHEREAS, 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, parking and other development in the area; and

WHEREAS, following notice duly and properly given, a public hearing was conducted on the Petition, at which the Petitioner provided testimony and other evidence regarding various aspects of the mixed use proposed for the site under consideration, including consultants on design, market absorption, taxes and other such matters; and

WHEREAS, on the public hearing, members of the public were afforded the opportunity to speak concerning the proposed zone change and contemplated development, some of whom spoke in favor and some against the action; and

WHEREAS the Town Board has considered both the need for active adult housing within the Town as contemplated by the adoption of the PAC zoning classification, and the likely impact of such a development on the downtown Pearl River area; and

WHEREAS, the Town Board previously approved amending the Town's zoning map and zoning law to change the classification of this property from CS to PAC on _____ and the PAC law has since been modified to provide the Town Board with additional flexibility with respect to certain bulk requirements when granting a PAC 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. ___ of 2019, amending the Town's zoning map and zoning law to change the zoning classification from PAC (Formerly CS) to PAC under the amended PAC zoning law adopted pursuant to Local Law no. 7 of 2019, of a certain property located in the Hamlet of Pearl River, identified as 21 North William Street and 14-16 North Main Street located on the West side of North William Street and East side of North Main Street, and shown on the Tax Map of the Town of Orangetown as SBL 68.16-6-67, subject to conditions as set forth herein, which Local Law hereby supercedes any previous approvals granted for the subject property.

Specific Findings Relating to the Instant Petition
(SEE ATTACHED FOR SPECIAL FINDINGS AND LEGAL DESCRIPTION)
VOTES MUST BE TAKEN ON SETTING AND MODIFYING LOT AND BULK CONTROL

7 RESOLUTION TO OPEN PUBLIC HEARING / TBWS/RTBM OF DECEMBER 17, 2019 AT 8:00 P.M. / CONSIDERATION OF APPROVAL / MAP OF PEARL RIVER FIRE DISTRICT

RESOLVED, that the Public Hearing for Consideration of Approval / Map of Pearl River Fire District, is hereby opened.

8 RESOLUTION TO CLOSE PUBLIC HEARING / CONSIDERATION OF APPROVAL / MAP OF PEARL RIVER FIRE DISTRICT

RESOLVED, that the Public Hearing for Consideration of Approval / Map of Pearl River Fire District, is hereby closed.

9 RESOLUTION FOR APPROVAL OF MAP OF THE PEARL RIVER FIRE DISTRICT

WHEREAS Town Law §176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the Board of Fire Commissioners of the Pearl River Fire District has requested the Town Board of the Town of Orangetown approve the Pearl River Fire District Boundary Map labeled "Pearl River District 12" as prepared by the Rockland County Planning Department - Geographical Information Systems (GIS) and dated September 2009; and

WHEREAS said Pearl River Fire District Boundary Map was accepted and approved by the Board of Fire Commissioners of the Pearl River Fire District at a regular meeting held on April 10, 2012;

WHEREAS the Pearl River Fire District (the "Fire District") has complied with the provisions of Town law §176(5), and

WHEREAS the Pearl River Fire District has provided the Town Board of the Town of Orangetown, New York (the "Town") with the proposed map and proof of service upon adjacent fire districts of the proposed map, and

WHEREAS the Town Board has been advised and believes that no objections to the proposed map have been filed,

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the proposed map of the Pearl River Fire District is hereby approved.
2. The Town Clerk, pursuant to Town Law §176(5) is directed to notify the adjacent fire districts of the filing and approval of the said map, to wit: the Blauvelt Fire District, the West Nyack Fire District, the South Spring Valley Fire District, the Orangeburg Fire District and the Nanuet Fire District.
3. That the Town Clerk is further directed to file a certified copy of the map in the Office of the Rockland County Clerk as well as to publish a notice of the filing of the said map in the official newspaper of the Town.

10 **RESOLUTION TO CONTINUE AND CLOSE THE PUBLIC HEARING / TBWS/RTBM
OF DECEMBER 17, 2019 AT 8:05 P.M. / PROPOSED ZONE CHANGE FOR 576
ROUTE 303 AND ADJOINING PROPERTIES / BIEBER**

RESOLVED, that upon the Petitioner's request of December 11, 2019, the Public Hearing for a Proposed Zone Change for 576 Route 303 and Adjoining Properties (Bieber) is hereby continued and closed with no further action.

11 **RESOLUTION REGARDING DOWNTOWN PEARL RIVER TOD / INTENTION TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA / FULL EAF / CIRCULATION**

WHEREAS, the Town of Orangetown has undertaken studies related to the development and adoption of the Pearl River Transit Oriented Development ("TOD") Zoning District to further the purposes set forth in Article 16 of the Town Law of the State of New York for the protection and promotion of the health, safety, comfort, convenience, and general welfare of the Hamlet of Pearl River. The Pearl River train station will serve as a catalyst for orderly redevelopment, while preserving the TOD District's unique character and scenic qualities; and

WHEREAS, the New York State Environmental Quality Review Act ("SEQRA") (Article 8 of the Environmental Conservation Law) requires all state and local government agencies to equally consider environmental impacts with social and economic factors when discretionary decisions are being made; and

WHEREAS, the rezoning necessary for the adoption of the Pearl River TOD District is a discretionary action to be undertaken by the Town of Orangetown; and

WHEREAS, most activities in New York State proposed by a state agency or local government with a potential for significant environmental impacts require an environmental review in accordance with 6 NYCRR Part 617.10(a) of the SEQRA regulations (6 NYCRR, Part 617); and

WHEREAS, the rezoning is considered to be a Type 1 Action under SEQRA (Part 617.4), an action more likely to have a significant adverse impact on the environment, and therefore likely requiring the preparation of an Environmental Impact Statement ("EIS"); and

WHEREAS, a SEQRA Type 1 Action requires the preparation of a Full Environmental Assessment Form ("FEAF") (Part 617.6). Coordinated review with other agencies is also necessary for Type 1 Actions (Part 617.6);

NOW THEREFORE BE IT RESOLVED, that in accordance with Part 617.6 of SEQRA (Part 617.6) the Town intends to serve as lead agency since it is the action proponent proposing the rezoning and is responsible for the adoption of the TOD Zoning District; and

BE IT FURTHER RESOLVED, that in accordance with Part 617.6 of SEQRA, the Town has prepared Part I of the FEAF for the purposes of initiating the SEQRA process and shall provide the FEAF and other relevant data on the proposed rezoning action to potentially interested and involved agencies and entities as part of the coordinated review process;

BE IT FURTHER RESOLVED, that the Town Clerk, in coordination with the Town Attorney's Office and OBZPAE, shall circulate Part 1 of the FEAF and all other necessary documentation for SEQRA review to all involved agencies as set required.

12 RESOLUTION TO APPROVE / FILM PERMIT / SEARCH PARTY, LLC / USE OF NIKE OVERLOOK PARK / DECEMBER 11-12, 2019

RESOLVED, upon the recommendation of the Director of Economic Development, in accordance with Town Code Section 14C-6E, the Town Board hereby grants a license to Search Party, LLC for use of Nike Overlook Park for two days in December (12/11/2019 - 12/12/019) for purposes of filming in accordance with a validly issued film permit, and said license fee shall be in the amount of \$10,000.00.

13 RESOLUTION TO APPROVE / FILM PERMIT / DAYLIGHT DAYCARE INC. / USE OF SOUTH ORANGETOWN LITTLE LEAGUE PARKING LOT / DECEMBER 16, 2019

RESOLVED, upon the recommendation of the Director of Economic Development, in accordance with Town Code Section 14C-6E, the Town Board hereby grants a license to Daylight Daycare Inc. for use of South Orangetown Little League parking lot in Orangeburg for one day in December (12/16/2019) for purposes of filming in accordance with a validly issued film permit, and said license fee shall be in the amount of \$1,500.00.

TOWN CLERK

17 RESOLUTION TO ACCEPT / RECEIVE / FILE DOCUMENTS / TOWN CLERK'S OFFICE

RESOLVED, that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Agreement (Intermunicipal) between Town of Clarkstown, Haverstraw, Orangetown, Ramapo & Stony Point and the County of Rockland for Hi-Tor Animal Shelter.
2. Town Board Minutes: 10/1/19, 10/22/19, 11/19/19 Regular Town Board Meeting; 11/12/19 & 12/3/19 Police Commission/Regular Town Board Meeting; and 11/19/19 Special Town Board Meeting.
3. Agreement: Keane & Beane for API Industries (Aluf Plastics) & for Sami Muhameta & Sami Construction.
4. Agreement: FifteenFortySeven for storage of IT materials.
5. Fire Districts Election Results: Sparkill-Palisades, Orangeburg, Tappan, Pearl River, Nyack Joint and Central Nyack.

HIGHWAY

18 RESOLUTION TO CREATE FOUR (4) MEO III POSITIONS / HIGHWAY DEPARTMENT

RESOLVED, upon the recommendation of Rockland County Personnel after the PO 27 process, the Superintendent of Highways and the Labor Management Committee, create four (4) MEO (Motor Equipment Operator) III, Grade 14. Prospective candidates will have to meet certain criteria as determined by the Superintendent of Highways to be eligible to be promoted.

19 RESOLUTION TO AWARD BID / FURNISH AND INSTALL / TWO NEW ROOF MOUNTED HVAC UNITS / HIGHWAY DEPARTMENT / BERTUSSI CONTRACTING INC., PEARL RIVER

RESOLVED, upon the recommendation from the Superintendent of Highways, award the bid proposal to furnish and install two (2) new roof mounted heating, ventilation & air conditioning (HVAC) units at Highway Dept. (Route 303, Orangeburg) to Bertussi Contracting Inc, Pearl River, NY, the lowest qualified bidder, in the amount of \$ 73,550.00, to be charged to Account # D.5112.457.04.

20 RESOLUTION TO APPROVE / RESIDENTIAL ADOPT-A-SPOT / ETHAN ALLEN COURT

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, NY 10962, expressly authorizes & approves the Adopt-A-Spot Committee, a volunteer organization with Christopher Wadel as part of the Adopt-A-Spot Committee, to contribute toward the development & maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Ethan Allen Court circle, center island, otherwise known as the "Spot," by performing necessary and/or desired cleanup activities, as particularly set forth in & pursuant to the terms and conditions of the Town of Orangetown Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and Ethan Allen Court Adopt-A-Spot Committee, dated December 18, 2019.

PARKS AND RECREATION

21 RESOLUTION TO APPROVE / CARETAKER AGREEMENT/ NIKE PARK / 2% INCREASE

RESOLVED, that the caretaker agreement for the property located at 1 Nike Lane, Orangeburg, New York (Nike Park), with a TWO (2%) PERCENT increase, for a term from January 1, 2020 through December 31, 2020, between the Town and THOMAS IACOBELLIS is hereby approved and the Supervisor is hereby authorized to sign same.

22 RESOLUTION TO APPROVE / CARETAKER AGREEMENT / HENRY V. BORST PARK

RESOLVED, that the caretaker agreement for the property located at 212 North Main Street, Pearl River, New York (Henry V. Borst Park), with a fee of ONE THOUSAND TWO HUNDRED TWENTY-THREE AND 78/100 (\$1,223.78) DOLLARS, for a term from January 1, 2020 through December 31, 2020, between the Town and Brian Edwards is hereby approved and the Supervisor is hereby authorized to sign same.

23 RESOLUTION TO APPROVE / MEMORANDUM OF UNDERSTANDING (MOU) 2020 / NY SHARKS SWIM TEAM / POOL USE / SOUTH ORANGETOWN MIDDLE SCHOOL

RESOLVED, that the Memorandum of Understanding between the Town of Orangetown and New York Sharks Swim Team LLC, for use of the pool located at the South Orangetown Middle School, for year 2020 in the amount of NINETEEN THOUSAND FOUR HUNDRED THIRTY-EIGHT AND 10/100 (\$19,438.10) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

24 RESOLUTION TO AWARD BID / BROADACRES GOLF COURSE / GOLF CART LEASE

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation award the bid for the lease of golf carts at Broadacres Golf Course to: EZ Go of Augusta, GA for a term of 3 years in the amount of \$33,052.80 per year.

25 RESOLUTION TO APPROVE CHANGE ORDER / GENTILE CONSTRUCTION / CHIEF BILL HARRIS WAY DEMOLITION

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, approve change order #1 in the amount of \$19,950.00 to Gentile Construction for additional abatement of asbestos related to the demolition of structures on Chief Bill Harris Way. Original contract cost: \$46,500.00. Adjusted contract cost: \$66,450.00.

26

RESOLUTION TO ACCEPT DONATION / JOHN HICKEY MEMORIAL TREE / BLUE HILL GOLF COURSE

RESOLVED, upon the recommendation Orangetown Golf Advisory Committee and the Superintendent of Parks and Recreation accept with gratitude the donation of a tree to be planted in the memory of long time committee member John Hickey. The tree will be purchased by Golf Committee members and will be planted on the grounds of Blue Hill Golf Course in the spring of 2020.

TOWN ATTORNEY

27

RESOLUTION TO APPROVE SETTLEMENT / MUHAMETAJ VS. ORANGETOWN

WHEREAS, there is a lawsuit pending before the New York State Supreme Court, County of Rockland, entitled Muhametaj v. Town Of Orangetown, et al. (Sup. Ct. Rockland Co. Index No. 033000/2018); and

WHEREAS, this litigation seeks declaratory relief concerning the zoning status of property located at 70 Hickory Hill Road (SBL 69.16-2-33) and monetary damages; and

WHEREAS, at a conference conducted by the New York State Supreme Court, County of Rockland on December 12, 2019, a proposed settlement of this litigation and all claims asserted therein was reached; and

WHEREAS, the Town Board has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the proposed terms of settlement and duly considered same; and

WHEREAS, under these settlement terms, the 70 Hickory Hill Road parcel is to remain as a single, non-subdivided lot subject, if and when improved as a single parcel, to R-15 zoning development standards; and

WHEREAS, under the settlement terms, the Town of Orangetown will pay the sum of \$575,000 to Plaintiff, who will provide a General Release to the Town of Orangetown extinguishing all asserted and unasserted claims against the Town of Orangetown;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves and authorizes the settlement of the aforementioned litigation, as set forth above; and

BE IT FURTHER RESOLVED, that the attorneys for the Town of Orangetown, Keane & Beane, P.C., together with the Town Administration and Staff, are hereby authorized to undertake such actions as are necessary to effectuate this settlement.

28 **RESOLUTION TO SET PUBLIC HEARING / ORANGEBURG COMMONS / ZONING TEXT AMENDMENT / CHANGING THE MAXIMUM PERCENTAGE OF TOTAL GROSS FLOOR AREA THAT CAN BE DEVELOPED FOR RETAIL, PERSONAL SERVICE ESTABLISHMENTS AND/OR RESTAURANTS IN MIXED USE DEVELOPMENTS TO 35% / CHAPTER 43 4.32(O)iv(b) / SPECIAL USE PERMIT APPLICATION TO INCREASE PERCENTAGE OF RETAIL, PERSONAL SERVICE ESTABLISHMENTS AND/OR RESTAURANTS IN ORANGEBURG COMMONS TO 34.55%/DECLARE INTENT TO BE LEAD AGENCY / SEQRA / AUTHORIZE CIRCULATION/REFERRAL TO PLANNING BOARD AND OTHERS**

WHEREAS, the Town has received an application seeking an amendment to the Town Zoning Law, at Chapter 43, § 4.32(O)iv(b), to change to thirty five percent (35%) the maximum percentage of total gross floor area that can be developed for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the "Zoning Amendment"), together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as "Orangeburg Commons" to allow the percentage of retail, personal service establishments and/or restaurants in such development to be 34.55% (the "Special Permit Amendment"; the Zoning Amendment and the Special Permit Amendment, collectively, the "Action"); and

WHEREAS, upon review thereof, the Board makes the following preliminary determinations:

The proposed Action is one subject to review under the State Environmental Quality Review Act ("SEQRA");

The proposed Action as an "Unlisted" action under SEQRA; and

The following are involved or interested agencies in the review of the Action under SEQRA:

- (1) Orangetown Planning Board;
- (2) Rockland County Department of Planning;
- (3) Rockland County Sewer District No. 1;
- (4) Rockland County Drainage Agency;
- (5) Rockland County Department of Health;
- (6) N.Y.S. Department of Environmental Conservation;
- (7) N.Y.S. Department of Transportation; and

(8) Palisades Interstate Park Commission (the "PIPC"); and

WHEREAS, the Zoning Amendment must be referred to the Town of Orangetown Planning Board (the "Planning Board") for a report and recommendation, the PIPC, the Rockland County Planning Board, and all other Involved Agencies pursuant to state and/or local law;

WHEREAS, the Special Permit Amendment must be referred to the PIPC, the Rockland County Planning Board and all other Involved Agencies pursuant to state and/or local law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intent to serve as Lead Agency for the purpose of environmental review of the Action, and directs that:

a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; (ii) the Zoning Amendment and relevant documents be referred to the Planning Board, the PIPC, the Rockland County Planning Board and all other involved agencies; and (iii) the Special Permit Amendment and relevant documents be referred to the PIPC, the Rockland County Planning Board and all other involved agencies.

AND, BE IT FURTHER RESOLVED, the Town Board sets _____ at 8 pm, for a

public hearing on the proposed Zoning Amendment and Special Permit Amendment for Orangeburg Commons.

FINANCE

29 A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS BUILDINGS IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$543,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$543,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The construction of improvements to various buildings in and for the Town of Orangetown, Rockland County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$543,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$543,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 12(a)(3) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further

determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.
.....

30 A RESOLUTION AUTHORIZING THE ISSUANCE OF \$638,527 BONDS OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, TO PAY COSTS OF VARIOUS PURPOSES IN AND FOR SAID TOWN

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of Orangetown, Rockland County, New York:

a) The purchase of police vehicles, at a maximum estimated cost of \$415,600, being a class of objects or purposes having a period of probable usefulness of three years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law;

b) The purchase and installation of a new screen, at a maximum estimated cost of \$33,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and

c) Construction of a fueling station, at a maximum estimated cost of \$189,927, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law;

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$638,527, and the plan for the financing thereof is by the issuance of \$638,527 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions

of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____
_____	VOTING	_____

The resolution was thereupon declared duly adopted.

PERSONNEL

31 RESOLUTION TO CREATE POSITION / JUSTICE COURT CLERK

RESOLVED, a new position of Justice Court Clerk (non-competitive) is hereby created immediately upon the approval of the Rockland County Commissioner of Personnel.

32 RESOLUTION TO APPOINT / HYLAND / JUSTICE COURT CLERK

RESOLVED, that upon the recommendation of the Orangetown Court Justices, and pending approval of the position by Rockland County Commissioner of Personnel, the Town Board hereby appoints Amanda Hyland, to Justice Court Clerk, at a salary of \$55,000 per year, to become effective January 1, 2020.

AUDIT

33 PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, the Finance Office is hereby authorized to pay vouchers for a total amount of (4) warrants for a total of \$525,617.31.

ADJOURNMENTS

34 RESOLUTION TO RE-ENTER RTBM / ADJOURNED / MEMORY

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

Joseph Greeley, *Resident of Blauvelt*