

**TOWN OF ORANGETOWN WORKSHOP MEETING**  
**Tuesday, July 17, 2018**

This Town Board Meeting was opened at \_\_\_\_\_ p.m.

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

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

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

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

Supervisor Christopher Day \_\_\_\_\_

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

**ANNOUNCEMENTS :**

With much regret, but warm wishes, we announce the retirement of CHARLOTTE

- MADIGAN our TOWN CLERK of 23 years, and present to her a proclamation honoring her dedication and years of service to the Town of Orangetown.

**Highway Department 2018 Surface Treatment Program** to begin July 16th in the PR area and continue throughout Orangetown until completion of designated streets.

- Please remember to drive slowly and cautiously on freshly treated roads and obey traffic control personnel in and around work zones. Your safety and ours depend on it.
- Town of Orangetown Summer Concert - Saturday, July 21, 2018 AT 7:30 P.M.- Tommy Dunn and Jan Lynch will be held at Central Avenue Field, Pearl River / 7:30 PM
- Public Hearing / TBWS August 7, 2018 at 8:05 p.m. / **Commercial Building Internal Sub-divisions**

**PRESENTATIONS:**

- Petition for Zoning Map Change / **HNA Palisades Premier Conference Center / 334 Route 9W, Palisades / From "LO" to "OP" / TAX MAP 78.13-1-1**

**DISCUSSIONS:**

- Rockland County FEMA Hazard Mitigation Plan Update (to be renewed every 5 years)

**AGENDA ITEMS:**

**TOWN BOARD**

**RESOLUTION TO ACKNOWLEDGE RESIGNATION / RETIREMENT / TOWN CLERK**

1. **RESOLVED**, the Town Board acknowledges with regret the resignation / retirement of Charlotte Madigan, Town Clerk, effective July 17, 2018.

**RESOLUTION TO OPEN PUBLIC HEARING ON JULY 17, 2018 AT 8:05 P.M. / STORAGE CONTAINER TOWN CODE CHANGE**

2. **RESOLVED**, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

**RESOLUTION TO CONTINUE / CLOSE PUBLIC HEARING / TBWS OF JULY 17, 2018 / STORAGE CONTAINER TOWN CODE CHANGE**

3. **RESOLVED**, that the public hearing is hereby continued to \_\_\_\_\_ or closed.

**RESOLUTION FOR SEQRA / DECLARE LEAD AGENCY AND ADOPT NEG DECLARATION / STORAGE CONTAINER TOWN CODE CHANGE**

4. **WHEREAS**, the Town Board has considered the adoption of a Local Law, amending Chapter 43, Article V entitled "Exceptions to Bulk Regulations" and Article XI entitled "Definitions" of the Town Code regarding the definition of temporary storage containers and regulations relating to same; and

**WHEREAS**, on or about June 5, 2018, the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

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

**WHEREAS**, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that

there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts the Negative Declaration 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.

The aforesaid resolution was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and (adopted / rejected) by a vote of \_ Ayes Nays and Abstentions.

TOWN OF ORANGETOWN, ROCKLAND COUNTY  
ZONING TEXT AMENDMENT

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

DATE: July 17, 2018

LEAD AGENCY: The Town Board of the Town of Orangetown  
Orangetown Town Hall  
26 Orangeburg Road  
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) 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:

Adoption of Local Law No. \_\_\_ of 2018 of the Town of Orangetown, , amending Chapter 43, Article V entitled "Exceptions to Bulk Regulations" and Article XI entitled "Definitions" of the Town Code regarding the definition of temporary storage containers and regulations relating to same;

SEQRA STATUS:

Unlisted Action

DESCRIPTION OF ACTION:

The proposed action consists of providing for the definition of "Temporary Storage Containers" in the definitions section of the Town Zoning Code, and providing for the regulation of temporary storage containers as set forth more

fully therein.

**DETERMINATION:**

There will be no significant adverse environmental impact(s) as a result of the proposed action.

**REASONS SUPPORTING THIS DETERMINATION:**

The proposed action provides for the definition and regulation of temporary storage containers

The proposed changes are being made to address certain shortcomings in the code with respect to when property owners must obtain permits for the use and storage of such containers on their property.

In addition, both 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 reviewed the proposed law, and neither has concluded that the proposed action will have any significant adverse impact.

**POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:**

Based on the Short Environmental Assessment Form, prepared by the Town's Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board's familiarity with the parcels and the area in which they are situated, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Traffic;
- Agricultural Land Resources
- Historic and Archaeological Resources
- Surface or Groundwater Quantity or Quality
- Critical Environmental Areas
- Energy
- Public Health
- Air Quality and Noise Levels
- Human Health, or
- Future Development of Adjacent and Nearby Lands

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In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that such action will not result in a significant adverse environmental impact

For Further Information, Contact:

Town Supervisor Chris Day

Town Hall, Town of Orangetown  
26 Orangeburg Road  
Orangeburg, New York 10962  
(845) 359-5100

**ADOPT LOCAL LAW NO. \_\_\_ OF 2018, AMENDING  
CHAPTER 43 OF THE TOWN CODE ARTICLE V AND  
ARTICLE XI TO PROVIDE FOR THE DEFINITION AND  
REGULATION OF TEMPORARY STORAGE  
CONTAINERS (PODS)**

5. **RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_\_ of 2018, amending Chapter 43, Article V entitled "Exceptions to Bulk Regulations" and Article XI entitled "Definitions" of the Town Code, to provide for the definition and regulation of temporary storage containers.

(See attached)

**RESOLUTION TO OPEN PUBLIC HEARING / TBWS JULY  
17, 2018 at 8:15 P.M. / PROPOSED CHANGE TO TOWN  
CODE, CHAPTER 14C REGARDING COMMERCIAL  
FILMING IN THE TOWN OF ORANGETOWN**

6. **RESOLVED**, that the public hearing on a proposed code ordinance amendment, a proposed Local Law amending Chapter 14C regarding commercial filming in the Town of Orangetown, is hereby opened

PRESENTATIONS: Notice of Posting and Affidavit of Publication

SUMMARY OF PUBLIC COMMENTS:

**RESOLUTION TO CONTINUE / CLOSE PUBLIC  
HEARING / TBWS JULY 17, 2018 / PROPOSED CHANGE  
TO TOWN CODE, CHAPTER 14C REGARDING  
COMMERCIAL FILMING IN THE TOWN OF  
ORANGETOWN**

7. **RESOLVED**, that the public hearing on a proposed code ordinance amendment, a proposed Local Law amending Chapter 14C regarding commercial filming in the Town of Orangetown, is hereby closed or continued to \_\_\_\_.

**DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW NO. \_\_\_ OF 2018, AMENDING CHAPTER 14C OF THE TOWN CODE AND DETERMINATION UNDER SEQRA / COMMERCIAL FILMING IN THE TOWN OF ORANGETOWN**

8. **RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. \_\_\_ of 2018, amending Chapter 14C of the Town Code, entitled "Filming"; and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

**RESOLUTION TO ADOPT LOCAL LAW NO. \_\_\_ OF 2018, AMENDING CHAPTER 14C OF THE TOWN CODE REGARDING COMMERCIAL FILMING IN THE TOWN OF ORANGETOWN**

9. **RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_\_ of 2018, amending Chapter 14C entitled "Filming" of the Town Code, to provide for the regulating and permitting of commercial filming on public and private property in the Town of Orangetown.

**RESOLUTION TO OPEN / CONTINUE PUBLIC HEARING / TBWS OF JULY 17, 2018 AT 8:35 P.M. / RE: PROPOSED ZONING TEXT AMENDMENT / "CS" TO A "PAC" DISTRICT/ GALWAY BAY CONTRACTING, INC. / 21 NORTH WILLIAM STREET, PEARL RIVER**

10. **RESOLVED**, that the public hearing on a proposed zoning text amendment / "CS" to a "PAC" District / **GALWAY BAY CONTRACTING, INC / 21 NORTH WILLIAM STREET, PEARL RIVER** is hereby opened / continued to RTBM of July 17, 2018 at 8:35 P.M.

**RESOLUTION TO CONTINUE / CLOSE PUBLIC HEARING / TBWS OF JULY 17, 2018 / PROPOSED ZONING TEXT AMENDMENT / "CS" TO A "PAC" DISTRICT / GALWAY BAY CONTRACTING, INC. / 21 NORTH WILLIAM STREET, PR**

11. **RESOLVED**, that the public hearing is hereby continued to \_\_\_\_\_ or closed.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN TO DECLARE ITSELF LEAD AGENCY PURSUANT TO SEQRA REVIEW AND ISSUE 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 (GALWAY BAY CONTRACTING, INC) 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 CS to PAC.**

12. **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 December, 2017, 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 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**, 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 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

Dated: Orangeburg, New York  
July \_\_, 2018



**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN ADOPTING LOCAL LAW NO. \_\_\_ OF 2018, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM “CS” TO “PAC” FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER AT 21 NORTH WILLIAM STREET (GALWAY BAY CONTRACTING, INC) 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.**

13. **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 dated as of March 13, 2018, 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;

(4) a vicinity map;

(5) A market analysis provided by Kevin Joyce, Joyce Realty.

(6) Short Form Environmental Assessment Form;

(7) The comments of the Rockland County Planning Department pursuant to GML § 239 l & m, dated May 31, 2018;

(8) The comments of the Town of Orangetown Office of Building, Zoning and Planning, dated June 5, 2018;

(10) The comments of the Town of Orangetown Planning Board dated May 24, 2018.

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;

**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 2018, amending the Town's zoning map and zoning law to change the zoning classification from CS to PAC 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.

### 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 information provided by the Petitioner, it appears that there presently a need for rental housing in the downtown Pearl River area, meeting the specific needs and concerns of those in the 55 and older active adult age group. As of the date of this resolution, in the Town of Orangetown, there have been other sites that have been re-zoned for a Planned Adult Community use worthy of note for consideration here, in particular sites predominated by condominium ownership consisting of a site located on South Middletown Road, in the hamlet of Pearl River, on which eleven (11) adult units have been approved, two sites located on Veterans Memorial Drive, one that is immediately adjacent to the site of the Hilton Hotel, known as the "Hollows", on which 124 units have been developed. In addition, a site on Blue Hill Road West, east of the Blue Hill Plaza complex know as "The Pointe" has been developed with approximately 160 rental units, and a site known as "Skyline Plaza" located essentially next to the proposed site at a former movie theater with approximately 14 rental units. Only the former movie theater site is located in down town Pearl River, which provides walking access to restaurants, shopping, and both rail and bus transportation.

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

Based on the findings set forth above, and other analyses relating to the number of eligible prospective occupants for the 16 units from within and without the Town, and the need for active adult rental housing in the relevant market area, the Town Board concludes that the approval of the instant zoning amendment, permitting the construction of up to 16 active adult 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 component of the development will be age restricted and consist of 16 rental apartments above one or more ground floor community shopping / retail units.

The site is located in the center of the downtown Pearl River, convenient to mass transportation, downtown shopping and dining and other activities.

The apartments are moderately sized -- \_\_\_ one-bedroom and \_\_\_ two bedroom, in the 750 to 800 sq. ft. range -- and, thus, are not likely to attract more than 2 to 3 occupants each. They will be serviced by an elevator, and, as such, particularly suited to the active adult population.

Based on the letter report of Harry Baker & Associates, the proposed mixed use will generate three vehicle trips during the AM peak hour and five vehicle

trips during the PM peak hour. There will be minimal impact on surrounding intersections based upon the analysis.

#### Parking

The project provides for 38 parking spaces on site. For the residential aspect of the project, 24 spaces would be required. However, 44 additional spaces are required for parking for the commercial occupants on the first floor. While the proposed on-site parking may be less than what is required, Chapter 43, §4.69(B)(1) of the Town Code related to PAC zoning provides that the Town Board may modify the lot and bulk controls. Based upon the foregoing, the Town Board hereby establishes that the minimum off-street parking requirements for this project shall be 1 parking space per dwelling unit, making the requirement of 16 spaces. The commercial aspect of the property requires 1 space per 200 sf, requiring 44 spaces, 16 of which cannot be counted towards this requirement as they are necessary for the residential component of the project. The applicant, as part of its site plan review, must apply for a variance, indicating that 28 spaces are provided for the commercial occupant, and 44 are required.

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

The proposed senior housing component of the project is compatible with the surrounding uses which include a mix of commercial, retail, dining and residential uses.

The Petitioner has presented to the Town Board a proposed site development plan prepared by Jay A. Greenwell, PLS, building and parking, with the existing, and proposed lot and bulk controls.

#### Maximum Unit Count

By reason of the proposed site development plan, the Town Board further establishes 16 units as the maximum number of residential units permitted on the site.

#### Other Findings and Conditions

- Site Development Plan and Other Required Municipal Approvals

The adoption of this resolution granting the requested zoning amendment from CS to PAC based upon the site development plan dated 11/20/2017, last revised 5/21/2018 and related materials is not intended, 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. The petitioner must apply for and receive all appropriate site development plan approvals and abide by any and all conditions thereof, including but not limited to land reserved for recreation or money in lieu thereof pursuant to Chapter 21A-9.1(E) of the Town Code.

- 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 shall be restricted to persons 55 years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 21 years of age shall not be permanent residents under any circumstances. Households containing one or more adult handicapped persons (over the age of 21) shall also be eligible.

The Petitioner, prior to the conveyance of the first unit, 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 Petitioners and subsequent Petitioners, restricting the occupancy of the units within the PAC development as set forth in this resolution.

- Parking

As addressed infra, in connection with the Board's review of the County Planning Department's comments, the housing units, and the occupant's thereof, are subject to whatever parking regulations shall apply, now or in the future, within the downtown area, including those that limit overnight parking. Nothing in this Local Law is intended to, nor shall it, absolve any person of the obligation to comply with such regulations. The Board finds that Chapter 24 of the Town Code provides for 24/7 parking permits which may alleviate parking issues for residents of the proposed project.

- Contribution Toward Parking Improvements

In recognition of the immediate impact upon municipal parking imposed by the proposed zone change and development, this zone change is expressly conditioned on payment by the Petitioner for the benefit of the Pearl River Parking District the sum of \$\_\_\_\_\_ per residential dwelling unit, the full sum to be paid prior to the signing of an approved Site Plan as approved by the Planning Board.

- Lot and Bulk Controls

Pursuant to Town Zoning Law § 4.69(B), the Town Board hereby modifies the lot and bulk controls for this site, which is a "redevelopment site within a CS District", and establishes as the applicable lot and bulk controls those that appear on the site development plan submitted by the Petitioner.

The Lot and Bulk controls for this zone change are therefore as set forth below. Items marked with an ^ will require a variance from the lot and bulk requirements established. Items marked with a \* are hereby modified in accordance with §4.69(B)(1). All others are as determined pursuant to this Local Law:

REQUIRED PROVIDED

Per §4.69(A) AND ESTABLISHED  
PURSUANT TO THIS LOCAL LAW Per §4.69(B)

Minimum lot area 1 Arce .54 acre^

Base Density 6 Dwelling Units Per Acre 16 units (29.6)^  
dwelling units  
per acre

Potential Bonus Density\* 1 dwelling unit per acre N/A

Maximum Floor area Ratio .40 1.15^

Maximum Building Coverage TBD \_\_\_\_\_  
Minimum Open Space TBD \_\_\_\_\_  
Maximum building height is 2 stories or 35 feet, 3 stories and\*  
Unless otherwise specified 34'8"  
By Town Board as part of  
PAC approval, in which 3  
Stories may be allowed

Minimum Perimeter Buffer TBD None

Minimum Yards \*\* Unless otherwise specified by the Town Board as  
part of PAC approval, the following yards shall be  
provided;

Minimum Front Yard Minimum Side Yard Minimum Rear Yard TBD  
TBD TBD 0 feet  
0 feet  
0 feet

Minimum Street Frontage  
100 feet  
100 feet and 90 feet\*

Minimum off-street parking  
1.5 spaces per  
dwelling unit  
1.0 spaces per\*  
dwelling unit

Minimum indoor/outdoor  
Recreation  
TBD  
NONE

Rockland County Planning Department Conditions

**RESOLUTION TO APPROVE / LEND ASSISTANCE / 2018 / NYACK PARK CONSERVANCY / JUNE 19 & 26 JULY 24 & 31, 2018**

14. **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 (each event) by the Nyack Park Conservancy Inc. for their Music on the Hudson Concert Series on Tuesday, June 19, 2018, Tuesday, June 26, Tuesday, July 24 & Tuesday, July 31, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

**RESOLUTION TO ACCEPT RESIGNATION / BRIAN TERRY / ACABOR AND PARKS DEVELOPMENT ADVISORY COMMITTEE / EFFECTIVE JULY 5, 2018**

15. **RESOLVED**, that the Town Board hereby accepts the resignation of Brian Terry as a Member of the Architecture and Community Appearance Board of Review and the Orangetown Parks Development Advisory Committee, effective July 5, 2018.

**RESOLUTION TO SET PUBLIC HEARING ON PROPOSED LOCAL LAW NO. \_\_ OF 2018 AMENDING CHAPTER 39 OF THE TOWN CODE, "VEHICLES AND TRAFFIC" BY ADDING A NEW SECTION 39-38 ENTITLED "TOWING OF VEHICLES ON POSTED PARADE, STREET FAIR OR SPECIAL EVENT ROUTES"**

16. **RESOLVED**, that On motion of Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_, set a public hearing on a proposed local law, amending Chapter 39 ("Vehicles and Traffic") of the Town Code by adding a new Section 39-38 entitled "Towing of Vehicles on Posted Parade, Street Fair or Special Event Routes" for July 24, 2018, at 8:15 p.m.

**PROPOSED RESOLUTION FOR CONTINUATION OF PUBLIC HEARING / RTBM JULY 24, 2018 AT 8:05 PM / PROPOSED LOCAL LAW AMENDING ORANGETOWN 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)**

- 17. *Proposed Text:* **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 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.

PRESENTATION: 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;
- (6). \_\_\_\_\_;
- (7). \_\_\_\_\_;
- (8). \_\_\_\_\_.

Summary of Public Comments:



**PROPOSED RESOLUTION AND MOTION TO CLOSE PUBLIC HEARING / PROPOSED LOCAL LAW AMENDING ORANGETOWN 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)**

18. *Proposed Text:* **RESOLVED**, that the public hearing is hereby closed.

**PROPOSED RESOLUTION TO DECLARE TOWN BOARD AS SEQRA LEAD AGENCY / PROPOSED LOCAL LAW AMENDING ORANGETOWN 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), §10.323, §10.334 AND §10.335 (BOARD OF APPEALS)**

19. *Proposed Text:* **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).

**PROPOSED RESOLUTION / SEQRA NEGATIVE DECLARATION / DETERMINATION OF NON-SIGNIFICANCE / NO POTENTIAL SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS TO RESULT FROM ADOPTION OF PROPOSED LOCAL LAW AMENDING ORANGETOWN 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)**

20. *Proposed Text:* **RESOLVED** that, in accordance with the implementing

Regulations of the State Environmental Quality Review Act (SEQRA), for the reasons set forth in Part 1 (Project Information) of the SEQRA Short Environmental Assessment Form (EAF), dated 02/06/2018, prepared and signed by John S. Edwards, Esq., Town Attorney (retired), and 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, the Town Board hereby determines that the adoption of text amendments, most recently revised on 06/05/2018, 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), will not have any significant adverse environmental impacts, and a draft Environmental Impact Statement will not be prepared, and the Town Board hereby issues a SEQRA Negative Declaration of Non-Significance.

**PROPOSED RESOLUTION FOR ADOPTION OF LOCAL LAW NO. \_\_\_\_ OF 2018 / AMENDING ORANGETOWN 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)**

21. *Proposed Text:* **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-I, 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

**WHEREAS**, the Rockland County Department of Planning, by its GML §239-I, 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; which Resolution was moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and (adopted / rejected) by a roll call vote as follows:

- Aye Nay
- Supervisor Day \_\_\_\_
- Councilman Troy \_\_\_\_
- Councilman Diviny \_\_\_\_
- Councilman Valentine \_\_\_\_
- Councilman Bottari \_\_\_\_

**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)**

**PROPOSED RESOLUTION TO OPEN / CONTINUATION  
OF PUBLIC HEARING /RTBM OF JULY 24, 2018 AT 8:25  
P.M./ THE POINTE AT LAKE TAPPAN / BNE REAL  
ESTATE GROUP PROPOSED ZONING CODE  
ORDINANCE AMENDMENT / "OP" TO A "PAC"  
DISTRICT / SECTION 73.10, Block 1, Lot 5 18-2113C-4**

- 22. *Proposed Text:* **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 / continued to RTBM of July 24, 2018 at 8:05 P.M.

**PROPOSED RESOLUTION TO CONTINUE / CLOSE  
PUBLIC HEARING / RTBM OF JULY 24, 2018 / THE  
POINTE AT LAKE TAPPAN PHASE II PROPOSED  
ZONING CODE ORDINANCE AMENDMENT / "OP" TO A  
"PAC" DISTRICT / BNE REAL ESTATE GROUP /  
SECTION 73.10, Block 1, Lot 5 18-2113C-4**

23. *Proposed Text:* **RESOLVED**, that the public hearing is hereby continued to \_\_\_\_\_ or closed.

**PROPOSED RESOLUTION TO DECLARE LEAD AGENCY / SEQRA DETERMINATION / PROPOSED ZONING CODE ORDINANCE AMENDMENT / "OP" TO "PAC" DISTRICT / THE POINTE AT LAKE TAPPAN / BNE REAL ESTATE GROUP**

24. (Place Holder for Town Attorney)

**PROPOSED RESOLUTION TO ADOPT PROPOSED LOCAL LAW AMENDING CHAPTER 43, 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT OF THE PROPERTY / THE POINTE AT LAKE TAPPAN / BNE REAL ESTATE GROUP PROPOSED ZONING CODE ORDINANCE AMENDMENT / "OP" TO A "PAC" DISTRICT / SECTION 73.10, Block 1, Lot 5 18-2113C-4**

25. (Place Holder for Town Attorney)

**PROPOSED RESOLUTION TO SET PUBLIC HEARING DATE / PETITION FOR ZONING MAP CHANGE / HNA PALISADES PREMIER CONFERENCE CENTER / 334 ROUTE 9W, PALISADES / FROM "LO" TO "OP" / TAX MAP 78.13-1-1 / SEPTEMBER 4, 2018 at 8:05 P.M.**

26. *Proposed Text:* **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".

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**PROPOSED RESOLUTION TO ACCEPT PETITION / REQUEST FOR ZONE CHANGE AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW / INTENT TO DECLARE LEAD AGENCY / SEQRA DETERMINATION / HNA PALISADES PREMIER CONFERENCE CENTER / 334 ROUTE 9W, PALISADES / FROM "LO" TO "OP" / TAX MAP 78.13-1-1**

27. (Place Holder for Town Attorney)

**PROPOSED RESOLUTION TO AUTHORIZE / SRO AGREEMENTS / PEARL RIVER SCHOOL DISTRICT / SOUTH ORANGETOWN SCHOOL DISTRICT**

28. (Place Holder for Town Attorney)

**PROPOSED RESOLUTION TO AUTHORIZE / USE LAND ON HUNT ROAD, ORANGEBURG / SITE OF FORMER SEWER PUMP STATION FACILITY / PEARL RIVER FIRE DISTRICT / FIRE TRAINING**

29. (Place Holder for Town Attorney)

**PROPOSED RESOLUTION TO AUTHORIZE / RETAINER OF OUTSIDE LEGAL COUNSEL / SALE OF CELL TOWER SPACE UPON TOWN PROPERTY AT HIGHWAY DEPARTMENT**

30. *Proposed Text:* **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.

**TOWN BOARD/IT**

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

31. *Proposed Text:* **RESOLVED**, upon the recommendation from the director of automated systems, that the town board hereby authorizes an amendment to the current agreement with 1547 critical systems realty, dated July 18, 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.

**TOWN CLERK**

**PROPOSED RESOLUTION TO APPOINT RIMA DELVECCHIO / SENIOR ACCOUNT CLERK TYPIST / FROM EL#18021**

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

**TOWN ATTORNEY**

**PROPOSED RESOLUTION TO  
AUTHORIZE SEWER BACKUP  
SETTLEMENT / MARGARET WALSH /  
121 SUNSET ROAD., BLAUVELT**

33. *Proposed Text:* **WHEREAS**, Margaret Walsh properly filed a notice of claim against the Town of Orangetown, alleging liability for damages sustained on March 6, 2018, at her home at 121 Sunset Road, Blauvelt, New York, as a result of a sewer backup; and

**WHEREAS**, the Town, retained the services of CIA Custard Insurance Adjusters to investigate and evaluate the claim and make a recommendation as to the settlement value;

**NOW, THEREFORE, BE IT RESOLVED**, that Gallagher Bassett Services and/or the Town Attorney's Office is hereby authorized to compromise and settle the Walsh Claim in the amount of \$56,116.38, the amount calculated by CIA, and to execute any documents as may be necessary to effect such result.

**PROPOSED RESOLUTION TO APPROVE /  
2018 / CERTIFICATE OF SEWER  
REGISTRATION / TOWN ATTORNEY & DEME**

34. *Proposed Text:* **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, Tel. 1-973-347-6166.

United Sewer & Drain Service Corp., P.O. Box 123, Slate Hill, NY 10973, Tel. 1-888-845-2564.

**OBZPAE**

**PROPOSED RESOLUTION TO APPOINT ASSISTANT  
BUILDING INSPECTOR AT LESS THAN FULL TIME  
POSITION**

35. *Proposed Text:* **RESOLVED**, that the Town Board hereby appoints \_\_\_\_\_ as a part-time building inspector, effective July 25, 2018.

**POLICE/TOWN ATTORNEY**

**POLICE**

**HIGHWAY/POLICE**

**PROPOSED  
RESOLUTION  
TO APPROVE /  
2018 COLONIAL  
DAY, TAPPAN**

36. *Proposed Text:* **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.

**HIGHWAY/PARKS/POLICE**

**PROPOSED RESOLUTION TO APPROVE / LEND  
AID / 2018 SLIDE THE CITY, DOWNTOWN PEARL  
RIVER / E. CENTRAL AVENUE, FROM N. HENRY  
STREET TO N. WILLIAM STREET, PEARL RIVER /  
SATURDAY, AUGUST 11**

37. *Proposed Text:* **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 8 am to 5 pm. The Town is to be reimbursed by the hosting company, \_\_\_\_\_ for labor and overtime performed by Highway Department and Police Department employees relative to the Slide Event.

**PROPOSED RESOLUTION TO  
APPROVE / ROCKLAND COUNTY  
GAELIC ATHLETIC ASSOCIATION /  
BAGPIPE & DRUMS COMPETITION**

38. *Proposed Text:* **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.

**PARKS AND RECREATION**

**PROPOSED RESOLUTION TO  
APPROVE / LEND ASSISTANCE /  
2018 / NYACK CHAMBER OF  
COMMERCE / OCTOBER 27, 2018**

39. *Proposed Text:* **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.

**PROPOSED RESOLUTION TO LEND  
AID / 2018 PEARL RIVER DAY / PEARL  
RIVER CHAMBER OF COMMERCE /  
OCTOBER 6, 2018**

40. *Proposed Text:* **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.

**PROPOSED RESOLUTION TO  
APPROVE / LEND ASSISTANCE /  
2018 / DOMINICAN COLLEGE /  
SEPTEMBER 22, 2018**

41. *Proposed Text:* **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, September 22, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.



**PROPOSED RESOLUTION TO  
APPROVE / LEND ASSISTANCE /  
2018 / VILLAGE OF NYACK /  
SEPTEMBER 15, 2018**

42. *Proposed Text:* **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 15th.

**PROPOSED RESOLUTION TO  
APPROVE / LEND ASSISTANCE /  
2018 / PIERMONT FIRE  
DEPARTMENT / SEPTEMBER 8, 2018**

43. *Proposed Text:* **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.

**PROPOSED RESOLUTION TO ACCEPT  
DONATION OF MEMORIAL BENCH / PLACE  
ALONG BLAUVELT SECTION OF J.B.C. RAIL  
TRAIL / HONORING KATHLEEN & KEVIN  
WHELAN**

44. *Proposed Text:* **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."

**PROPOSED RESOLUTION TO EXTEND  
AGREEMENT / JOHNSON CONTROLS  
INC. / HVAC & MECHANICAL  
SERVICES / TOWN HALL**

45. *Proposed Text:* **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 1st 2016 through July 31st 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 1st, 2018 through July 31, 2019 as authorized by the existing agreement,

**NOW THEREFORE BE IT RESOLVED**, that 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.

**RESOLUTION TO APPROVE /  
REPLACEMENT OF TOWN  
HALL OLD SIDE CHILLER /  
JOHNSON CONTROLS**

46. **RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation and pursuant to §1A-13(F) of the Town Code, and NY General Municipal Law §103(16) providing for “piggybacking” of municipal purchases, award the contract for the replacement of the Town Hall Old Side Chiller in the amount of \$70,790.00 to Johnson Controls Inc. of Hawthorne, NY using NJPA (National Joint Powers Alliance) contract number: # 030817-JHN.

**HIGHWAY**

**PROPOSED RESOLUTION TO APPROVE  
MICHAEL DONAHUE / ATTEND THE 26TH  
ANNUAL RELEAF CONFERENCE /  
ROCHESTER, NY / JULY 26 - 28, 2018**

47. *Proposed Text:* **RESOLVED**, upon the recommendation from the Superintendent of Highways, that 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.

**PROPOSED RESOLUTION TO APPROVE /  
2018 PEARL RIVER DAY FESTIVAL /  
CENTRAL AVENUE, FROM JOHN STREET  
TO MAIN STREET, PEARL RIVER**

48. *Proposed Text:* **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.

**PROPOSED RESOLUTION TO  
APPROVE / 2018 CAR SHOW /  
CENTRAL AVENUE FIELD,  
PEARL RIVER**

49. *Proposed Text:* **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.

**PROPOSED RESOLUTION TO  
APPROVE / ASSIST PEARL  
RIVER SCHOOL DISTRICT /  
LEND DUMPSTERS**

50. *Proposed Text:* **RESOLVED**, upon the recommendation of the Superintendent of Highways, that 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.

**DEME**

**PERSONNEL**

**PROPOSED RESOLUTION TO ACCEPT  
RESIGNATION / RETIREMENT EMPLOYEES /  
2018 RETIREMENT INCENTIVE**

51. *Proposed Text:* **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

**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.

## **ADJOURNMENTS**

**Elizabeth Salomon, Family of Michael and Patrice  
Tiffany, Blauvelt**



# TOWN OF ORANGETOWN HIGHWAY DEPARTMENT 2018 Surface Treatment Program

Please be advised that the following streets will be included in this year's Surface Treatment Program. Weather permitting, work will begin in Pearl River on or about Monday, July 16<sup>th</sup>, 2018 and proceed until completion of all streets.

## PEARL RIVER

North Lincoln Street  
Woodland Avenue  
Lt. Cox Drive  
E. Central Avenue  
Madison Avenue  
North William Street  
East Park Avenue  
Cedar Avenue  
John Street  
Grove Street  
Martin Place  
Spreen Drive  
Linda Lane

## BLAUVELT

Van Wardt Place  
Nike Lane  
Schuyler Road  
Van Wyck Road (*Blauvelt Road to Erie Street*)

## PALISADES

Yadanza Court

## UPPER GRANDVIEW

South Broadway

## ORANGEBURG

Corporate Drive  
Olympic Drive  
Minuteman Circle  
Penn Court  
Valley Forge Place  
Constitution Drive  
Cowpens Drive  
Morristown Drive  
Helaine Court  
Edgewood Drive  
Edgewood Circle  
Edgewood Lane  
Edgewood Court  
N. Mary Francis Street  
Highview Avenue (*RR tracks- Greenbush*)  
Old School Lane

## SPARKILL

Depot Square

## TAPPAN

Kings Highway (*303- Main Street*)

**Please remember:** Drive slowly and cautiously on freshly treated roads and obey traffic control personnel in and around work zones. Your safety and ours depends on it.

Please bear with us for any temporary inconvenience during our road maintenance process. It is our mission to provide you with the finest and most economical service possible.

Thank you for your cooperation,  
James J. Dean, *Superintendent of Highways*



## **DRAFT RESOLUTION ADOPTION**

(Name of Jurisdiction)        Town of Orangetown  
  
(Address)                        26 Orangeburg Road  
   Orangeburg, NY 10962

### **RESOLUTION**

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;

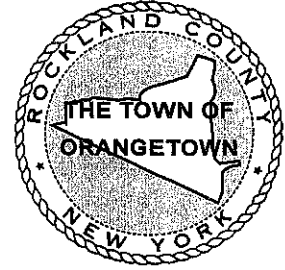
NOW THEREFORE, BE IT RESOLVED that the Town of Orangetown adopts the Rockland County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Christopher Day, Town Supervisor

# Town of Orangetown

**Town Hall** 26 Orangeburg Road • Orangeburg, NY 10962  
Telephone: (845) 359-5100 ext. 2261 • Fax: (845) 359-2623  
e-mail: supervisor@orangetown.com  
website: www.orangetown.com



Andrew Y. Stewart, Ph.D.  
Supervisor

September 20, 2016

Christopher F. Jensen, Program Coordinator  
ROCKLAND COUNTY OFFICE OF FIRE AND EMERGENCY SERVICES  
35 Firemen's Memorial Drive  
Pomona, New York 10970

Subject: Rockland County FEMA Hazard Mitigation Plan Update  
Authorization and Letter of Intent to Participate – Town of Orangetown

Dear Mr. Jensen:

The Town of Orangetown is committed to participating in the regulatory 5-year update of the Rockland County Multi-Jurisdictional All Hazards Mitigation Plan (HMP) Project. By way of this letter, the Town of Orangetown:

1. Authorizes the Rockland County Office of Fire and Emergency Services and the County Hazard Mitigation Steering Committee ("Steering Committee"), to guide and direct this planning process, perform certain parts of the planning process, and prepare certain parts of the plan documents on our behalf.
2. Agrees to meet the minimum requirements of municipal participation (a.k.a. the Planning Partner Expectations), specifically:
  - Execute and return this "Authorization and Acknowledgement" letter to the Rockland County Office of Fire and Emergency Services, attention: Christopher F. Jensen.
  - Identify municipal representatives to serve as the planning point of contacts (POC), below. These people will be responsible for representing their community and assuring that these participation expectations are met by their community.
  - Support the Steering Committee selected to oversee the development of this plan.
  - Provide representation at municipal Planning Committee meetings (~ 3 meetings over 6-8 months, including a Kick-Off Meeting and a Mitigation Strategy Workshop).

- Provide data and information about your community as requested by the Steering Committee or the contract consultant, including:
  - Structure and facility inventory data
  - Identification of new development and anticipated development
  - Identification of natural hazard risk areas
  - the last five years
  - Identification of plans, studies, reports and ordinances addressing natural hazard risk
  - Identify mitigation activity in your community in the last five years, including progress on previously identified mitigation actions.
  
- Support public outreach efforts in your community which may include:
  - Providing notices of the planning project on your municipal website with links to a County project website
  - Providing notice of the planning project, the availability of Plan documents, and notice of public meetings via available local media (e.g. newsletters, flyers, email blasts, social media, etc.)
  - Advertising and supporting public meetings in your area
  - Supporting outreach to National Flood Insurance Program (NFIP) Repetitive Loss and Severe Repetitive Loss property owners in your community.
  
- Assist with the identification of stakeholders within your community that should be informed and potentially involved with the planning process.
- Completing data and information collection survey forms in a timely manner.
- Identify specific mitigation actions to address each of the natural hazards posing significant [or high or medium] risk to your community.
- Involve your local NFIP Floodplain Administrator in the planning process.
- Review draft Plan sections when requested and provide comment and input as appropriate.
- Adopt the Plan by resolution of their governing body after FEMA conditional approval.
- Periodically provide the Steering Committee with reports of municipal staff and volunteer labor spent on the planning process.



3. Assigns the following persons to be the Points of Contact for our jurisdiction. We understand that these POCs are responsible for assuring municipal representation at municipal Planning Committee meetings, and assuring that the other minimum requirements of jurisdictional participation, as detailed in the Planning Partner Expectations above, are met.

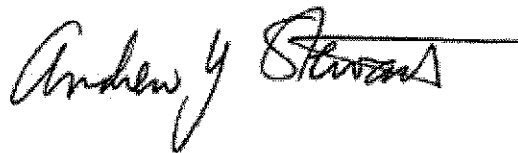
<b>Primary POC:</b> <b>James Dean</b>	Position/Department: Superintendent/Highway Department
Phone Number: (845) 359-6500 ext 4510	Email Address: jdean@orangetown.com
<b>Alternate/Secondary POC:</b> <b>Stephen Munno</b>	Position/Department: Admin Asst/Highway Dept
Phone Number: (845) 359-6500 ext 4506	Email Address: smunno@orangetown.com

4. Our designated local Floodplain Administrator (FPA) under the NFIP is:

Name of NFIP FPA: John Giardiello, P.E.	Position/Department: OBZPAE
Phone Number: (845) 359-8410 ext 4301	Email Address: jgiardiello@orangetown.com

5. Recognizes that failure to meet the minimum participation expectations and deadlines, as determined by the Steering Committee will result in our municipality being excluded from the planning process.

Sincerely,



**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN ADOPTING LOCAL LAW NO. \_\_\_ OF 2018, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM “CS” TO “PAC” 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 dated as of March 13, 2018, 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;
- (4) a vicinity map;
- (5) A market analysis provided by Kevin Joyce, Joyce Realty.
- (6) Short Form Environmental Assessment Form;
- (7) The comments of the Rockland County Planning Department pursuant to GML § 239 l & m, dated May 31, 2018;
- (8) The comments of the Town of Orangetown Office of Building, Zoning and Planning, dated June 5, 2018;
- (10) The comments of the Town of Orangetown Planning Board dated May 24, 2018.

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;

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 2018, amending the Town's zoning map and zoning law to change the zoning classification from CS to PAC 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.

### **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 information provided by the Petitioner, it appears that there presently a need for rental housing in the downtown Pearl River area, meeting the specific needs and concerns of those in the 55 and older active adult age group. As of the date of this resolution, in the Town of Orangetown, there have been other sites that have been re-zoned for a Planned Adult Community use worthy of note for consideration here, in particular sites predominated by condominium ownership consisting of a site located on South Middletown Road, in the hamlet of Pearl River, on which eleven (11) adult units have been approved, two sites located on Veterans Memorial Drive, one that is immediately adjacent to the site of the Hilton Hotel, known as the “Hollows”, on which 124 units have been developed. In addition, a site on Blue Hill Road West, east of the Blue Hill Plaza complex know as “The Pointe” has been developed with approximately 160 rental units, and a site known as “Skyline Plaza” located essentially next to the proposed site at a former movie theater with approximately 14 rental units. Only the former movie theater site is located in down town Pearl River, which provides walking access to restaurants, shopping, and both rail and bus transportation.

#### **Potential Saturation Within and About the Geographic Area of the Proposed Zoning Amendment.**

Based on the findings set forth above, and other analyses relating to the number of eligible prospective occupants for the 16 units from within and without the Town, and the need for active adult rental housing in the relevant market area, the Town Board concludes that the approval of the instant zoning amendment, permitting the construction of up to 16 active adult 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 component of the development will be age restricted and consist of 16 rental apartments above one or more ground floor community shopping / retail units.

The site is located in the center of the downtown Pearl River, convenient to mass transportation, downtown shopping and dining and other activities.

The apartments are moderately sized -- one-bedroom and two bedroom, in the 750 to 800 sq. ft. range -- and, thus, are not likely to attract more than 2 to 3 occupants each.

They will be serviced by an elevator, and, as such, particularly suited to the active adult population.

Based on the letter report of Harry Baker & Associates, the proposed mixed use will generate three vehicle trips during the AM peak hour and five vehicle trips during the PM peak hour. There will be minimal impact on surrounding intersections based upon the analysis.

### **Parking**

The project provides for 38 parking spaces on site. For the residential aspect of the project, 24 spaces would be required. However, 44 additional spaces are required for parking for the commercial occupants on the first floor. While the proposed on-site parking may be less than what is required, Chapter 43, §4.69(B)(1) of the Town Code related to PAC zoning provides that the Town Board may modify the lot and bulk controls. Based upon the foregoing, the Town Board hereby establishes that the minimum off-street parking requirements for this project shall be 1 parking space per dwelling unit, making the requirement of 16 spaces. The commercial aspect of the property requires 1 space per 200 sf, requiring 44 spaces, 16 of which cannot be counted towards this requirement as they are necessary for the residential component of the project. The applicant, as part of its site plan review, must apply for a variance, indicating that 28 spaces are provided for the commercial occupant, and 44 are required.

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

The proposed senior housing component of the project is compatible with the surrounding uses which include a mix of commercial, retail, dining and residential uses.

The Petitioner has presented to the Town Board a proposed site development plan prepared by Jay A. Greenwell, PLS, building and parking, with the existing, and proposed lot and bulk controls.

### **Maximum Unit Count**

By reason of the proposed site development plan, the Town Board further establishes 16 units as the maximum number of residential units permitted on the site.

### **Other Findings and Conditions**

- ***Site Development Plan and Other Required Municipal Approvals***

The adoption of this resolution granting the requested zoning amendment from CS to PAC based upon the site development plan dated 11/20/2017, last revised 5/21/2018 and related

materials is not intended, 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. The petitioner must apply for and receive all appropriate site development plan approvals and abide by any and all conditions thereof, including but not limited to land reserved for recreation or money in lieu thereof pursuant to Chapter 21A-9.1(E) of the Town Code.

- ***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 shall be restricted to persons 55 years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 21 years of age shall not be permanent residents under any circumstances. Households containing one or more adult handicapped persons (over the age of 21) shall also be eligible.

The Petitioner, prior to the conveyance of the first unit, 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 Petitioners and subsequent Petitioners, restricting the occupancy of the units within the PAC development as set forth in this resolution.

- ***Parking***

As addressed *infra*, in connection with the Board’s review of the County Planning Department’s comments, the housing units, and the occupant’s thereof, are subject to whatever parking regulations shall apply, now or in the future, within the downtown area, including those that limit overnight parking. Nothing in this Local Law is intended to, nor shall it, absolve any person of the obligation to comply with such regulations. The Board finds that Chapter 24 of the Town Code provides for 24/7 parking permits which may alleviate parking issues for residents of the proposed project.

- ***Contribution Toward Parking Improvements***

In recognition of the immediate impact upon municipal parking imposed by the proposed zone change and development, this zone change is expressly conditioned on payment by the Petitioner for the benefit of the Pearl River Parking District the sum of \$\_\_\_\_\_ per residential dwelling unit, the full sum to be paid prior to the signing of an approved Site Plan as approved by the Planning Board.

- ***Lot and Bulk Controls***

Pursuant to Town Zoning Law § 4.69(B), the Town Board hereby modifies the lot and bulk controls for this site, which is a “redevelopment site within a CS District”, and establishes as the applicable lot and bulk controls those that appear on the site development plan submitted by the Petitioner.

The Lot and Bulk controls for this zone change are therefore as set forth below. Items marked with an ^ will require a variance from the lot and bulk requirements established. Items marked with a \* are hereby modified in accordance with §4.69(B)(1). All others are as determined pursuant to this Local Law:

	REQUIRED Per §4.69(A)	PROVIDED AND ESTABLISHED PURSUANT TO THIS LOCAL LAW Per §4.69(B)
<b>Minimum lot area</b>	<b>1 Arce</b>	<b><u>.54 acre</u><sup>^</sup></b>
<b>Base Density</b>	<b>6 Dwelling Units Per Acre</b>	<b><u>16 units (29.6)</u><sup>^</sup> <u>dwelling units</u> <u>per acre</u></b>
Potential Bonus Density*	1 dwelling unit per acre	N / A
<b>Maximum Floor area Ratio</b>	<b>.40</b>	<b><u>1.15</u><sup>^</sup></b>
Maximum Building Coverage	TBD	_____
Minimum Open Space	TBD	_____
Maximum building height	is 2 stories or 35 feet, Unless otherwise specified By Town Board as part of PAC approval, in which 3 Stories may be allowed	3 stories and* 34’8”
Minimum Perimeter Buffer	TBD	None
Minimum Yards **	Unless otherwise specified by the Town Board as part of PAC approval, the following yards shall be provided;	
Minimum Front Yard	TBD	0 feet
Minimum Side Yard	TBD	0 feet
Minimum Rear Yard	TBD	0 feet

Minimum Street Frontage	100 feet	100 feet and 90 feet*
Minimum off-street parking	1.5 spaces per dwelling unit	1.0 spaces per* dwelling unit
Minimum indoor/outdoor Recreation	TBD	NONE

### **Rockland County Planning Department Conditions**

The Town Board has received, and has considered, the General Municipal Law § 239 1 & m review letter, dated May 8, 2018 submitted by the Rockland County Department of Planning, and responds to its comments and conditions as follows:

**County Comment 1** indicates site appears to be deficient in meeting many of the criteria of the PAC zone, including density, lot size and parking. No proposed modifications are set forth.

**Response:** To the extent that this constitutes a modification, the Town Board hereby votes to override County Planning Comment No. 1. The basis for this override is that the unique characteristics of the site, including its location in down town Pearl River and its proximity to public transportation set forth herein, make the required modifications to the lot and bulk controls set forth above appropriate. The PAC overlay statute provides for many lot and bulk controls “to be determined” based upon the specific site, as such, flexibility in design and requirements was anticipated when the statute was passed. With that said, the petitioner must still obtain appropriate variances as set forth herein.

**County Comment 2**, indicates that the Town Board must be satisfied that all of the criteria for rezoning to PAC pursuant to Section 4.6, Chapter 43 are met. Specifically, the County indicates the Town must determine if frontage along a major or secondary road way is met.

**Response:** The Town Board is satisfied and hereby determines that the property “fronts” and has access to both North Main Street and North William Street, and that these are roads the meet the criteria as provided for in the code regarding secondary roadways. In addition, the property is located only one or two parcels away from Washington Avenue and Central Avenue on both sides, both of which are easily accessible from the site.

**County Comment 3** relates to bulk and parking requirements of Section 4.69 and indicates these must be met otherwise they shall require variances or modifications.

**Response:** The Board has made a determination as to those lot and bulk requirements that the code permits it to set as part of this local law. In addition, the Board has modified the lot and bulk control requirements as set forth more fully above. The requirement for



variances is noted and will be addressed as part of site plan review by the Planning Board and Zoning Board of Appeals.

**County Comment 4**, indicates that the Town must specify the stories permitted.

**Response:** The Board has set the stories at three as set forth above.

**County Comment 5**, indicates the site does not meet the minimum lot area, maximum floor area ration and density requirements of the code.

**Response:** This comment is similar comment number 1. To the extent this comment is a modification which requires an override, the Town Board hereby overrides comment number 5 for the reasons set forth above, namely that the Board is aware of the limitations of the site but has determined that the use as proposed would provide a benefit to the community by providing for additional rental senior living in the down town Pearl River area. Any variances in the areas specified by County Planning will be address as part of site plan review by the Planning Board and Zoning Board of Appeals.

**County Comment 6**, indicates that a review must be completed by the Rockland County Department of Highways.

Response: The Rockland County DOH was provided a copy of the proposed local law more than thirty days prior to its adoption. As of the date of adoption, County DOH has not provided any comments.

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 Botari  
Councilman Diviny  
Councilman Troy  
Councilman Valentine  
Supervisor Day

Dated: Orangeburg, New York  
July \_\_, 2018

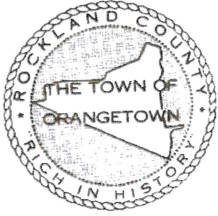
### **Schedule "A" Description of Premises**

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Pearl River, Town of Orangetown, County of Rockland and State of New York being described as the NORTHERLY 40 feet of Lot 16 and all of Lots 17, 8 and 7 in Block 8 as shown on a map entitled "Commissioner's Map of the Estate of Julius E. Braunsdorf, deceased, at Pearl River, New York, resurveyed by L. Wilson, as assistant to James S. Haring, C.E. dated August 1983" and filed in the Office of the Clerk of the County of Rockland on March 26, 1894.

BEGINNING at a point on the Westerly side of William Street distant 150 feet Southerly from the corner formed by the intersection of the Westerly side of William Street and the Southerly side of Washington Avenue; running thence Southerly along the Westerly side of William Street South 03 degrees 4 minutes 33 seconds West 90 feet to the Northerly side of a 10 feet right of way; running thence Westerly along the Northerly side of said 10 feet right of way, parallel with the Southerly side of Washington Avenue, North 86 degrees 35 minutes 27 seconds West 150 feet; running thence Southerly along the Westerly side of said 10 feet right of way, parallel with the Westerly side of William Street, South 03 degrees 24 minutes 33 seconds West 10 feet to an iron pipe; running thence North 86 degrees 35 minutes 27 seconds West 50 feet to an iron pipe; running thence North 77 degrees 09 minutes 07 seconds West 60 feet to a point on the Easterly side of Main Street; running thence along the Easterly side of Main Street, North 12 degrees 50 minutes 53 seconds East 100 feet to an iron pipe running thence South 77 degrees 09 minutes 07 seconds East 94 feet, running thence North 03 degrees 24 minutes 33 seconds East 6.40 feet; running thence Easterly and parallel with the Southerly side of Washington Avenue, South 86 degrees 35 minutes 27 seconds East 150 feet to the point or place of Beginning.

TOGETHER with an easement for all purposes of ingress and egress in, over and upon the Southerly 10 feet of Lot 16 as shown on the aforementioned map.

Identified further as 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



TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



## SHOWMOBILE RESERVATION PROCEDURES Town of Orangetown, Orangeburg NY

The Town of Orangetown through the Parks & Recreation Department supports a variety of non-profit organization community events. Priority scheduling is given to Orangetown Parks & Recreation events and then Town of Orangetown Department requests.

Due to the Orangetown Summer Concert Series the Orangetown Showmobile will not be available beginning July 1<sup>st</sup> to August 20<sup>th</sup> this year.

### Use of the Showmobile is NOT confirmed until:

1. Your completed application is received by the Orangetown Office of Recreation & Parks.
2. A certificate of insurance listing the Town of Orangetown as additionally insured is provided. Certificate of insurance must accompany the completed application.
3. Your organization has been informed that the application is complete.
4. Your application is approved by resolution by the Orangetown Town Council and the Office of Recreation and Parks has notified you of such.

### **There are two fees associated with the rental of the Showmobile:**

A rental fee of \$400.00 (applicable to all groups)

Staffing overtime (waived by the Town Board for non-profits)

The organization will receive an emailed invoice after their event is complete. Payment is expected no later than 14 days after receipt of such invoice.

### Space and Placement

The total area required for the showmobile placement is 50 feet in length, 15 feet in width and 25 feet in height.

The placement of the Showmobile is at the discretion of the Orangetown Parks & Recreation staff. Although all efforts will be made to meet requests, this equipment does not go off road, over curbing or over rough terrain.

A member of the organization renting the unit must be on site at time arrival for proper set up as well as time of departure to assure all event tasks have been completed (i.e. removal of equipment) Any changes/cancellations (unless otherwise agreed upon) to the event must be made 24 hours in advance by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

By initialing below the applicant agrees to having read the procedures listed above:

(over)

(Renter's initials required)



**TOWN OF ORANGETOWN PARKS & RECREATION**  
**81 HUNT ROAD, ORANGEBURG, NY 10962**  
**(845) 359-6503**



2018 Application for Showmobile Use

Event/Festival Name: Music on The Hudson

Organization Name Nyack Park Conservancy, Inc.

Applicant's Name: Christina Knapp/mark mangan Phone (w): \_\_\_\_\_

Address: PO Box 1014 City: Nyack Zip: 10960

Cell Phone CK: 845 480 6088/mm: 845 521 0364 E-Mail: chrissy@nyackparks.org

Mark M.  
845 521-0364

Day Tuesdays Date June 19 + 26 Time of Set-up: 12-2 pm Time of Take-down: 10pm or next morning

Requested Location (park, street, location on premises, etc., be specific, attach map if needed):

Nyack Memorial Park

Showmobile stage measures **28 feet long x 14 feet 7 inches deep x 25 feet high** when open. One set of stairs is available with hand railings. (Please note that this measurement does not include the trailer hitch or the tow vehicle. See space requirements below.) The Showmobile does not have a sound system and comes with fluorescent lighting only.

Stair Arrangement: (1 set of stairs) \_\_\_\_\_ Left side of stage  Right side of stage \_\_\_\_\_ Front of stage

**The lights require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. The stage does not come with a generator. Additional electrical equipment must be plugged into a separate circuit. Sign or banners may only be hung with permission.**

Please describe in detail what the stage will be used for and how you intend to set it up: ( **Note: The Town seal is not to be covered and no nails, staples or tacks may be used to attach any items to the Showmobile**)

Stage to be used for bands at music series in Nyack Memorial Park, music on Hudson.  
Setup by mark mangan, NPC Board + volunteers, band members.

Showmobile space requirements:

- The showmobile must be parked in a relatively level space.
- The area must be free of obstructions such as overhanging tree limbs, electrical wires, etc.
- **The total area needed for the showmobile is a space 50 feet in length, 15 feet in width and 25 feet in height.**
- The tow vehicle must remain with the showmobile for the duration of the event.
- In the event of winds or wind gusts in excess of 30 MPH, the stage canopy must be closed.

Additional Requirements:

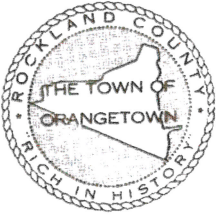
- **Certificate of insurance required at time of reservation** naming the Town of Orangetown as additionally insured.
- **Any changes to the event must be made 24 hours in advance** by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

**I have read, understand and agree to all conditions listed on above:**

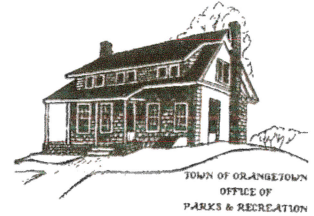
Applicant's Signature Christina Knapp Date 6/7/2018

Department Approval Christina Knapp Date \_\_\_\_\_  
Mark M. a.s.





**TOWN OF ORANGETOWN PARKS & RECREATION**  
**81 HUNT ROAD, ORANGETOWN, NY 10962**  
**(845) 359-6503**



2018 Application for Showmobile Use

Event/Festival Name: Music on the Hudson

Organization Name: Nyack Park Conservancy, Inc.

Applicant's Name: Christina Knapp/Mark Mangan Phone (w): \_\_\_\_\_

Address: PO Box 1014 City: Nyack Zip: 10960

Mark M.  
845 521-0364

Cell Phone: CK: 845 480 6088 / MM: 845 521 0364 E-Mail: chrissy@nyackparks.org

Day: Tuesdays Date: June 19 + 26 Time of Set-up: 12-3 pm Time of Take-down: 10pm or next morning  
July 24 + 31, 2018

Requested Location (park, street, location on premises, etc., be specific, attach map if needed):  
Nyack Memorial Park

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*The lights require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. The stage does not come with a generator. Additional electrical equipment must be plugged into a separate circuit. Sign or banners may only be hung with permission.*

Please describe in detail what the stage will be used for and how you intend to set it up: ( **Note: The Town seal is not to be covered and no nails, staples or tacks may be used to attach any items to the Showmobile**)

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- In the event of winds or wind gusts in excess of 30 MPH, the stage canopy must be closed.

Additional Requirements:

- **Certificate of insurance required at time of reservation** naming the Town of Orangetown as additionally insured.
- **Any changes to the event must be made 24 hours in advance** by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

**I have read, understand and agree to all conditions listed on above:**

Applicant's Signature: [Signature] Date: 6/7/2018

Department Approval: Christina Knapp Date: \_\_\_\_\_  
Mark M. [Signature]

RECEIVED JUL 09 2018

Brian H. Terry  
2 Kerry Court  
Pearl River, NY 10965  
(845) 323-6676

July 5, 2018

Supervisor Chris Day  
Town Hall  
26 Orangeburg Road  
Orangeburg, NY 10962

Dear Supervisor Day,

Due to personal reasons, I moved out of the town of Orangetown. I understand that this makes me ineligible to serve on the Orangetown Parks Development Advisory Committee (OPDAC) and the Architecture and Community Appearance Board of Review (ACABOR).

Sincerely,



A handwritten signature in cursive script, appearing to read "Brian H. Terry".

Brian H. Terry

**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)**

**JULY 3, 2018, VERSION**

PROPOSED LOCAL LAW NO. \_\_\_\_ OF 2018, AMENDING:  
CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION, §6-5; AND  
CHAPTER 43, ZONING, §4.1 (PERFORMANCE STANDARDS), §10.2 (ENFORCEMENT),  
AND §10.3 (BOARD OF APPEALS); OF THE CODE OF THE TOWN OF ORANGETOWN

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.**

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- 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 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 non-compliance, 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 “Zoning Code”).

- 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 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 non-compliance, 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 non-compliance, 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 §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).

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**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 “A-weighting” unless another weighting scale is more appropriate based on industry standards, and shall address:

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

<b>Frequency Band Cycles per second</b>	<b>Sound Pressure Level Decibels “A-weighted” scale (dBA)* Re. 0.002 dyne/cm.<sup>2</sup></b>
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

\* “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**

<b>Type of Operation of Character of Noise</b>	<b>Correction in Decibels</b>
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.**

- (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 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:
  - (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.

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**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, 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.
- (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.



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July 16 , 2018

Town of Orangetown  
26 Orangeburg Road  
Orangeburg, NY 10962  
Attn : Teresa M. Kenny  
First Deputy Town Attorney

Re: Potential Sale & Leaseback of Town-owned Wireless Facilities

Dear Attorney Kenny:

This letter will serve as our Retainer Agreement. As required by New York State regulations, Cuddy & Feder LLP sends Retainer Agreements to our clients to set forth the scope of services to be rendered by our firm and the basis for billings of new matters. Firm policy requires that we have a fully executed Retainer Agreement before work may commence on your behalf.

Based on our discussions, the Town of Orangetown retains Cuddy & Feder LLP to provide legal services with respect to the potential sale and leaseback of Town-owned wireless facilities.<sup>1</sup> You acknowledge and agree that the basis for determining the value of such services and your responsibility with respect to payment therefor is set forth below. The terms hereof apply to this initial request for services as well as future work you may request of us unless we agree otherwise in a subsequent written agreement between us.

In determining the value of the firm's services, each lawyer and legal assistant is assigned hourly rates and maintains careful records of how his or her time is spent. A schedule of the ranges of our current billing rates for partners, associates, and legal assistants is attached. These assigned rates are adjusted from time to time and may change during the course of the engagement. The firm's custom is to revise rates annually at the beginning of the calendar year.

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<sup>1</sup> You acknowledge that Cuddy & Feder LLP does not provide lobbying services. In the event that you should require lobbying services related to any legal matter for which you have retained Cuddy & Feder LLP, such work shall be referred to C&F Public Strategies Group LLC and, in the event that you should choose to retain C&F Public Strategies Group LLC for lobbying, you will be required to execute a separate retainer agreement for such work.



July 16, 2018

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Time is billed in increments of six minutes. The time spent and the hourly rates are the principal factors considered in determining the value of the firm's services. In special cases, other factors may apply where appropriate in determining the fair value of the services rendered. These factors may include the types of services rendered, any special level of expertise required, the size and scope of the matter, and the results obtained.

Any estimates of anticipated fees we may provide, whether for budgeting purposes or otherwise, are, due to the uncertainties involved, necessarily only estimates. Such estimates are not a maximum quotation and actual fees will be determined as described in this Agreement.

Cuddy & Feder LLP endeavors to serve clients with the most effective support systems available, while at the same time allocating the costs of such systems in accordance with the extent of usage by individual clients. Therefore, in addition to fees for legal services, we will also charge separately for disbursements, including long distance telephone, telecopier, messenger, courier and other communication costs; photocopying; document retrieval; computer research facilities; secretarial overtime, if required by the urgency of the matter; and other costs and expenses advanced by the firm on your behalf. Some disbursement costs are passed through to you directly and some have an administrative mark-up. Large disbursement billings from sources outside our firm will be forwarded to you for direct payment. Billing statements will be rendered to you monthly. Statements are due and payable upon receipt and are considered delinquent if not paid within thirty days. A service charge will be assessed on amounts unpaid after forty-five days at the rate of one and one-half percent per month, and we reserve the right to require that unpaid balances be secured should the terms of this Agreement be dishonored. Also, we reserve the right to withdraw from your representation at any time for cause, including your failure to pay fees and costs in accordance with the terms set forth in this Agreement. In addition, you shall pay our attorney's fees should you default in your payment obligation to us thereby requiring that an action be commenced to enforce payment. In the unlikely event of a dispute concerning our fees, you may have the right to arbitration under applicable New York State regulations.

We will endeavor to keep you informed concerning your matters and regularly will send you copies of correspondence and relevant documents. It is our office's record retention policy to maintain files in storage for seven years. If we are requested to return a file to you during that seven-year period, we will do so. After that time, if you have not requested that the file be returned, its contents may be destroyed.

In order that we have complete and accurate information for correspondence and billing, please verify your information and return the enclosed "New Client Fact Sheet".

Your execution of this Agreement will acknowledge your receipt and understanding of the terms contained herein. Please return two copies of the Agreement and the New Client Fact Sheet in the



July 16, 2018

Page -3-

enclosed envelope together with a retainer in the amount of \$5,000 which will be applied against future billings. Upon our signing below and delivering a fully executed copy to you, this Retainer Agreement shall be binding on you and Cuddy & Feder LLP.

Should you wish to discuss our billing policies generally or a specific billing statement, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil J. Alexander", is written over the typed name below.

Neil J. Alexander



THE TERMS OF THIS RETAINER AGREEMENT  
ARE AGREED TO IN ALL RESPECTS

CLIENT:  
(Responsible for Payment of Fees)

TOWN OF ORANGETOWN

By: \_\_\_\_\_  
Teresa M. Kenny  
First Deputy Town Attorney

FIRM:

CUDDY & FEDER LLP

By: \_\_\_\_\_  
Neil J. Alexander, A Partner

**SCHEDULE OF FEES**

Partners/Counsels	\$330 to \$640 per hour
Associates	\$195 to \$365 per hour
Paralegals	\$160 to \$180 per hour



CUDDY & FEDER LLP  
NEW CLIENT FACT SHEET

NAME: Town of Orangetown

COMPANY: Attn: Teresa M. Kenny, First Deputy Town Attorney

ADDRESS: 26 Orangeburg Road  
Orangebury, NY 10962

TELEPHONE NO:

BUSINESS: 845-359-5100; ext 2215

OTHER: \_\_\_\_\_

CELL: \_\_\_\_\_

FAX: \_\_\_\_\_

EMAIL ADDRESS: TKenny@orangetown.com

BILLING ADDRESS IF  
DIFFERENT FROM ABOVE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOW DID YOU HEAR ABOUT US?

WEBSITE \_\_\_\_\_

SEMINAR \_\_\_\_\_

REFERRAL \_\_\_\_\_

OTHER (DESCRIBE) \_\_\_\_\_

\_\_\_\_\_

HOW WOULD YOU PREFER INVOICES TO BE FORWARDED?

E-MAIL

MAIL

FACSIMILE





# Service Order

Datacenter	Service Order
GHD Orangeburg, LLC 1 Ramland Rd Orangeburg, NY 10962	Service Order #195 Created by: Tad Szuwalski

**Customer:**

Town of Orangetown

**Address:**

26 Orangeburg Rd  
Orangeburg, NY 10962

## Service Details

Term: 24 months

### Non-Recurring Charges

Name	Price	Qty	Subtotal
Blended IP Installation	\$250.00	1	\$250.00

Subtotal **\$250.00**

**Total Recurring \$250.00**

### Monthly Recurring Charges



Name	Price	Qty	Subtotal
/29 IP Subnet 8 IP Addresses	\$20.00	1	\$20.00
Blended IP Blend of 4 Type 1 Carriers	\$6.00	20	\$120.00

Subtotal **\$140.00**

**Total Non  
Recurring \$140.00**

# Terms & Conditions

**Term of Agreement:**

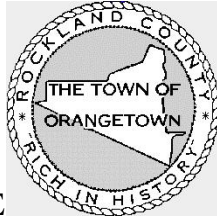
This Service Order shall be binding as of the latter-dated signature below. The term of this Service Order, as set forth above in the "Service Details" section (the "Term"), shall commence on the date Customer's ordered Services are available for use by Customer (the "Service Commencement Date").

This Service Order is made subject to the terms and conditions of the master services agreement between Customer and GHD Orangeburg, LLC.

Notwithstanding anything to the contrary in the agreement between the parties, during the Term, all service fees identified above shall increase on each 12-month anniversary of the Service Commencement Date in an amount equal to the greater of three percent (3%) or CPI. Such increase shall be automatically invoiced to Customer upon each 12-month anniversary of the Service Commencement Date.

**Signatures:** IN WITNESS HEREOF, and acknowledging acceptance and agreement of the foregoing, Customer and GHD Orangeburg, LLC affix their signatures hereto.

<p><b><u>Customer</u></b></p>  <hr/> <p>Name-Title</p>  <hr/> <p>Signature</p>  <hr/> <p>Date</p>	<p><b><u>GHD Orangeburg, LLC</u></b></p>  <p><u>John, Bonczek, President</u></p> <hr/> <p>Signature</p>  <hr/> <p>Date</p>
---	--



**TOWN ATTORNEY'S OFFICE**

**INTER-OFFICE MEMORANDUM**

DATE: July 11, 2018

TO: Charlotte Madigan, Town Clerk (with originals)

cc: Town Board Members (w/o encl.)  
Kimberly Allen, Administrative Secretary to the Supervisor (w/o encl.)  
Ellie Fordham, Secretarial Assistant II, DEME (w/o encl.)

FROM: Dennis D. Michaels, Deputy Town Attorney

RE: Certificate of Plumbing Registration (Sewer Work) 2018

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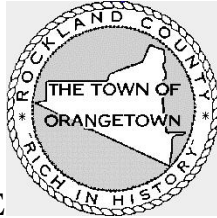
---

The following applicant is qualified, pursuant to the qualification certificate received from Joe Moran, P.E., Commissioner of the Department of Environmental Management and Engineering (original attached), and the bond and insurance certificates having been reviewed and approved (originals attached), from a legal standpoint, by the Office of the Town Attorney.

United Sewer & Drain Service Corp.  
P.O. Box 123  
Slate Hill, NY 10973  
888-845-2564

This Certificate of Registration request will be placed on the next Workshop agenda scheduled for July 17, 2018 and the Regular Town Board Meeting agenda scheduled for July 24, 2018. Should you have any questions, please do not hesitate to contact this Office.

/mf  
encl.



**TOWN ATTORNEY'S OFFICE**

**INTER-OFFICE MEMORANDUM**

DATE: July 11, 2018

TO: Charlotte Madigan, Town Clerk (with originals)

cc: Town Board Members (w/o encl.)  
Kimberly Allen, Administrative Secretary to the Supervisor (w/o encl.)  
Ellie Fordham, Secretarial Assistant II, DEME (w/o encl.)

FROM: Dennis D. Michaels, Deputy Town Attorney

RE: Certificate of Plumbing Registration (Sewer Work) 2018

---

---

The following applicant is qualified, pursuant to the qualification certificate received from Joe Moran, P.E., Commissioner of the Department of Environmental Management and Engineering (original attached), and the bond and insurance certificates having been reviewed and approved (originals attached), from a legal standpoint, by the Office of the Town Attorney.

Petillo, Inc.  
167 Flanders Netcong Road  
Flanders, NJ 07836  
973-347-6166

This Certificate of Registration request will be placed on the next Workshop agenda scheduled for July 17, 2018 and the Regular Town Board Meeting agenda scheduled for July 24, 2018. Should you have any questions, please do not hesitate to contact this Office.

/mf  
encl.

RECEIVED

JUN 19 2018

TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS

PERMIT # 18-SP.27

RECEIVED  
JUN 21 2018  
Orangetown Police Department

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

EVENT NAME: Civil Day - Tappan Town Historical Society

APPLICANT NAME: Carol LaVelle, President

ADDRESS: 73 Main St. Tappan N.Y. 10983

PHONE #: 845-359-1923 CELL # 845-826-6075 FAX # \_\_\_\_\_

CHECK ONE: PARADE \_\_\_\_\_ RACE/RUN/WALK \_\_\_\_\_ OTHER

The above event will be held on Sept 29 from 8 to 6 RAIN DATE: None

Location of event: DeWitt House, 20 Livingston St. Tappan NY 10983

Sponsored by: Tappan Town Hist. Society Telephone #: 845-359-1923

Address: P.O. Box 71, Tappan, N.Y. 10983

Estimated # of persons participating in event: 500 + vehicles 100 +

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:  
Carol LaVelle, 73 Main St. Tappan, N.Y. 845-359-1923

Signature of Applicant: Carol LaVelle Date: 6/19/2018

**GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)**

Letter of Request to Town Board requesting aid for event - Received On: 6.19.18

Certificate of Insurance - Received On: 6.19.18

**FOR HIGHWAY DEPARTMENT USE ONLY:**

Road Closure Permit:  Y /  N - Received On: 6.19.18

Rockland County Highway Dept. Permit: Y /  N - Received On: X

NYS DOT Permit: Y /  N - Received On: X

Route/Map/Parking Plan: Y /  N - Received On: X

RFS #: 42801 BARRICADES: Y /  N CONES: Y /  N TRASH BARRELS: Y /  N OTHER: (6) metal recycling kiosks

APPROVED: [Signature] DATE: 6.19.18  
Superintendent of Highways

**FOR PARKS & RECREATION DEPARTMENT USE ONLY:**

Show Mobile: Y /  N - Application Required: \_\_\_\_\_ Fee Paid - Amount/Check # \_\_\_\_\_

Port-o-Sans: Y /  N Other: \_\_\_\_\_

APPROVED: [Signature] DATE: 6/19/18  
Superintendent of Parks & Recreation

**FOR POLICE DEPARTMENT USE ONLY:**

Police Detail: Y / N: see [Signature] Items: No Parking Signs - placed on 9/28 midnought shift

APPROVED: [Signature] DATE: 6/19/18  
Chief of Police

\*\* Please return to the Highway Department to be placed on the Town Board Workshop \*\*

Workshop Agenda Date: 7.17.18 Approved On: \_\_\_\_\_ TBR #: \_\_\_\_\_

\* Signs need to be put up one night before: 9/28/18

**JAMES J. DEAN**  
Superintendent of Highways  
Roadmaster II

**HIGHWAY DEPARTMENT  
TOWN OF ORANGETOWN**

119 Route 303 • Orangeburg, NY 10962  
(845) 359-6500 • Fax (845) 359-6062  
E-mail - highwaydept@oragetown.com

Orangetown Representative  
R.C. Soil & Water Conservation Dist.-Chairman  
Member:  
American Public Works Association NY Metro Chapter  
NYS Association of Town Superintendents of Highways  
Hwy. Superintendents' Association of Rockland County



18 SP-27

JUN 19 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

USE  
**ROAD CLOSING PERMIT APPLICATION**  
Section 139 Highway Law

NAME Carol Valle DATE June 19, 2018

COMPANY Tappan Historical Society

ADDRESS P.O. Box 71, Tappan, N.Y. 10983

TELEPHONE 845-359-1923 845-826-6075 (cell)  
(INCLUDE 24 HOUR EMERGENCY NUMBERS)

ABOVE MENTIONED PARTY REQUESTS PERMISSION TO ~~CLOSE~~ Restrict parking

West side of Livingston St., Tappan NO PARKING  
(Address number and name of road)

Note: North: South:  
OAK Tree Rd. / Route 303  
(Intersecting streets and/or description of exact location)

REASON FOR CLOSING Colonial Day

DATE OF CLOSING September 29, 2018 RAIN DATE NONE

TIME ROAD WILL BE ~~CLOSED~~ Restricted 8am - 6pm

WILL ROAD BE OPEN TO LOCAL TRAFFIC? yes

WILL ROAD BE OPEN TO EMERGENCY VEHICLES? yes

PLEASE PROVIDE A DETAILED MAP AND DESCRIPTION OF DETOUR IF TRAVEL WILL BE RESTRICTED.

PRELIMINARY APPROVAL [Signature] DATE 6-19-18  
JAMES J. DEAN  
SUPERINTENDENT OF HIGHWAYS

This permit application will be forwarded to the Rockland County Superintendent of Highways, County of Rockland, 23 New Hempstead Road, New City, NY, 10956. You will receive written confirmation from that office.

8-13-02bjd

HAMLETS: PEARL RIVER • BLAUVELT • ORANGETOWN • TAPPAN • SPARKILL • PALISADES • UPPER GRANDVIEW



CLEAN STREETS = CLEAN STREAMS

June 19, 2018  
**Tappantown**

Founded November 15, 1965  
Charter Granted February 23, 1968  
Box 71, Tappan, NY 10983

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, N.Y. 10962



**Historical Society**

Member of the National Trust for Historic Preservation  
501(c) (3) Non-profit organization  
[www.tappantown.org](http://www.tappantown.org)

18-SP-27

**RECEIVED**

**JUN 19 2018**

Dear Supervisor Day, **TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT**

Hwy 1

On behalf of the Tappantown Historical Society Board of Directors, I am requesting the use of six metal recycling kiosks from the Orangetown Highway Department for Colonial Day on September 29, 2018, from 8am to 5 pm at the DeWint House grounds on Livingston St. in Tappan. Over the years, they have been a most valuable aid in maintaining the grounds and facilitating clean-up at the end of the day.

We are also again requesting that the Orangetown Police Department put up "No Parking" signs on the west side of Livingston Street between Oak Tree Road to the north and Route 303 to the south from 8am to 5pm on September 29 so that traffic can move safely and pedestrians parking on the neighboring streets are able to walk safely to the grounds, where there is limited parking available. yopd

Attached are the insurance certificate and forms for the kiosks and parking restrictions. Thank you for all your helping making Colonial Day a safe and successful event.

Yours truly,

Carol LaValle, President  
[clavalle46@yahoo.com](mailto:clavalle46@yahoo.com)  
845-359-1923

cc. James Dean, Superintendent of Highways





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
08/19/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Bauer-Crowley, Inc. 643 Main Street PO Box 358 Sparkill NY 10976-0358	<b>RECEIVED</b>  <b>JUN 19 2018</b>  <i>18-SP-27</i>	<b>CONTACT NAME:</b> House Account
		<b>PHONE (A/C, No, Ext):</b> (845) 359-4114
<b>INSURED</b> TOWN OF ORANGETOWN Tappantown Historical Society Box 71 Tappan NY 10983	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>FAX (A/C, No):</b> (845) 359-4684
		<b>E-MAIL ADDRESS:</b>
	<b>INSURER A:</b> Hartford Fire Insurance Co.	<b>NAIC #</b> 19682
	<b>INSURER B:</b> Hartford Insurance Group	<b>NAIC #</b> 00914
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:** CL1861909712                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.


INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			16SBAVR4550	08/17/2018	06/17/2019	EACH OCCURRENCE	\$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE	\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			PER STATUTE    OTH-ER	\$
B	Directors and Officers			16KDFZU2036	05/22/2018	05/22/2019	General Aggregate	\$1,000,000
							Deductible	\$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: COLONIAL DAY, SEPTEMBER 29, 2018, FROM 8:00 AM TO 6:00 PM.

### CERTIFICATE HOLDER

### CANCELLATION

Town of Orangetown 26 Orangeburg Road  Orangeburg NY 10962	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  
--	--

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RECEIVED

JUN 29 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

18-57-31

June 29, 2018

Rockland County Ancient Order of Hibernians  
28 Railroad Avenue  
Pearl River, NY 10965

Orangetown Town Board  
Town Hall  
26 West Orangeburg Road  
Orangeburg, NY 10962

Dear Sirs,

The Rockland County Ancient Order of Hibernians (RC AOH) is planning a bagpipe and drum competition on August 4, 2018 at the Rockland County Gaelic Athletic Association (RC-GAA) field. We are hoping to have 1,000 people attend our event.

HWY

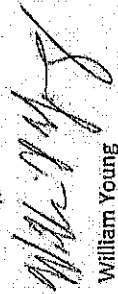
We are respectfully requesting that the Orangetown Highway Department set up a trash dumpster behind the RC GAA club and drop off ~~twenty~~ <sup>thirty</sup> barrier barrels to help and control pedestrian traffic on the RC GAA grounds during the event. We would also like the assistance of the Orangetown Auxiliary Police for the day of this event.

OPD

We understand that this request would need to be presented to the Orangetown Town Board for approval in advance. If there are any questions or concerns you may have regarding this request, please do not hesitate to contact me directly at (973) 222-0470.

Thank you for your time and assistance.

Sincerely,



William Young  
Vice President – Rockland County Ancient Order of Hibernians  
(973) 222-0470 (cell)  
[wpyoung@optonline.net](mailto:wpyoung@optonline.net)

RECEIVED

TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS  
PERMIT # 18-52-31

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

EVENT NAME: CEOL MOR BAGPIPES & DRUMS COMPETITION

APPLICANT NAME: WILLIAM YOUNG (ROCKLAND COUNTY AOH)

ADDRESS: 28 RAILROAD AVENUE, PEARL RIVER, NY 10965

PHONE #: (845) 627-1684 CELL #: (913) 222-0470 FAX #: \_\_\_\_\_

CHECK ONE: PARADE \_\_\_\_\_ RACE/RUN/WALK \_\_\_\_\_ OTHER

The above event will be held on 08/04/18 from 0900AM to 2100 RAIN DATE: 9:00pm

Location of event: ROCKLAND COUNTY GAELIC ATHLETIC ASSOCIATION (GAA)

Sponsored by: RC AOH Telephone #: \_\_\_\_\_

Address: 28 RAILROAD AVENUE, PEARL RIVER, NY 10965

Estimated # of persons participating in event: 1000 vehicles \_\_\_\_\_

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:

ROCKLAND COUNTY GAA

Signature of Applicant: [Signature] Date: 6/29/18

GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)

Letter of Request to Town Board requesting aid for event - Received On: \_\_\_\_\_

Certificate of Insurance - Received On: \_\_\_\_\_  (private property)

FOR HIGHWAY DEPARTMENT USE ONLY:

Road Closure Permit: Y  N  - Received On: \_\_\_\_\_

Rockland County Highway Dept. Permit: Y  N  - Received On: \_\_\_\_\_

NYS DOT Permit: Y  N  - Received On: \_\_\_\_\_

Route/Map/Parking Plan: Y  N  - Received On: \_\_\_\_\_

RES #: 42813 BARRICADES: /N CONES: Y /N TRASH BARRELS: Y /N OTHER: trash dumpster

APPROVED: [Signature] SUPERINTENDENT OF HIGHWAYS  
DATE: 7/2/18

FOR PARKS & RECREATION DEPARTMENT USE ONLY:

Show Mobile: Y /N  - Application Required: \_\_\_\_\_ Fee Paid - Amount/Check #: \_\_\_\_\_

Port-o-Sans: Y /N  Other: Auxiliary parking Orangetown Soccer Complex  
separated permit.

APPROVED: [Signature] SUPERINTENDENT OF PARKS & RECREATION  
DATE: 7/3/18 RECEIVED

FOR POLICE DEPARTMENT USE ONLY:

Police Detail: [Signature] Items: \_\_\_\_\_

JUL 05 2018

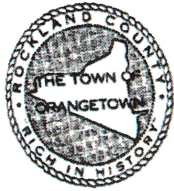
TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

APPROVED: [Signature] CHIEF OF POLICE  
DATE: 7/1/18

Please return to the Highway Department to be placed on the Town Board Workshop

Workshop Agenda Date: 7.17.18

Approved On: \_\_\_\_\_ TBR #: \_\_\_\_\_



TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



2018 Application for Showmobile Use

Event/Festival Name: Halloween Parade  
 Organization Name: Nyack Chamber of Commerce  
 Applicant's Name: Pam Moskowitz Phone (w): 845-353-2221  
 Address: PO Box 677 City: Nyack Zip: 10960  
 Cell Phone: 845-494-3408 E-Mail: pam@nyackchamber.org  
 Day: Saturday Date: 10/27/18 Time of Set-up: 12pm Time of Take-down: 9pm  
 rain Date: 10/28/18

Requested Location (park, street, location on premises, etc., be specific, attach map if needed): Village of Nyack Municipal Parking Lot at River Space Theater, main Street & Franklin, Bordered by Artopoc Way to be positioned on the west side of the lot facing Riverspace

Showmobile stage measures **28 feet long x 14 feet 7 inches deep x 25 feet high** when open. One set of stairs is available with hand railings. (Please note that this measurement does not include the trailer hitch or the tow vehicle. See space requirements below.) The Showmobile does not have a sound system and comes with fluorescent lighting only.

Stair Arrangement: (1 set of stairs)  Left side of stage  Right side of stage  Front of stage

*The lights require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. The stage does not come with a generator. Additional electrical equipment must be plugged into a separate circuit. Sign or banners may only be hung with permission.*

Please describe in detail what the stage will be used for and how you intend to set it up: (Note: The Town seal is not to be covered and no nails, staples or tacks may be used to attach any items to the Showmobile)

Music Venue

Showmobile space requirements:

- The showmobile must be parked in a relatively level space.
- The area must be free of obstructions such as overhanging tree limbs, electrical wires, etc.
- **The total area needed for the showmobile is a space 50 feet in length, 15 feet in width and 25 feet in height.**
- The tow vehicle must remain with the showmobile for the duration of the event.
- In the event of winds or wind gusts in excess of 30 MPH, the stage canopy must be closed.

Additional Requirements:

- **Certificate of insurance** required at time of reservation naming the Town of Orangetown as additionally insured.
- **Any changes to the event must be made 24 hours in advance by contacting Mark Albert at malbert@orangetown.com**

I have read, understand and agree to all conditions listed on above:

Applicant's Signature: Pam Moskowitz Date: 5/15/18

Department Approval: Mal W Date: 5/22/18



TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



**SHOWMOBILE RESERVATION PROCEDURES**  
Town of Orangetown, Orangeburg NY

The Town of Orangetown through the Parks & Recreation Department supports a variety of non-profit organization community events. Priority scheduling is given to Orangetown Parks & Recreation events and then Town of Orangetown Department requests.

Due to the Orangetown Summer Concert Series the Orangetown Showmobile will not be available beginning July 1<sup>st</sup> to August 20<sup>th</sup> this year.

**Use of the Showmobile is NOT confirmed until:**

1. Your completed application is received by the Orangetown Office of Recreation & Parks.
2. A certificate of insurance listing the Town of Orangetown as additionally insured is provided. Certificate of insurance must accompany the completed application.
3. Your organization has been informed that the application is complete.
4. Your application is approved by resolution by the Orangetown Town Council and the Office of Recreation and Parks has notified you of such.

**There are two fees associated with the rental of the Showmobile:**

A rental fee of \$400.00 (applicable to all groups)

Staffing overtime (waived by the Town Board for non-profits)

The organization will receive an emailed invoice after their event is complete. Payment is expected no later than 14 days after receipt of such invoice.

**Space and Placement**

The total area required for the showmobile placement is 50 feet in length, 15 feet in width and 25 feet in height.

The placement of the Showmobile is at the discretion of the Orangetown Parks & Recreation staff. Although all efforts will be made to meet requests, this equipment does not go off road, over curbing or over rough terrain.

A member of the organization renting the unit must be on site at time arrival for proper set up as well as time of departure to assure all event tasks have been completed (i.e. removal of equipment)

Any changes/cancellations (unless otherwise agreed upon) to the event must be made 24 hours in advance by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

By initialing below the applicant agrees to having read the procedures listed above:

(over)

(Renter's initials required)

*MA*





TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



2018 Application for Showmobile Use

Event/Festival Name: Fire In The Sky  
 Organization Name: Dominican College  
 Applicant's Name: Rachel McGinty Phone (w): 845-848-4034  
 Address: 470 Western Hwy City: Orangetown NY Zip: 10962  
 Cell Phone: (845) 826-1315 / (845) 987-4292 E-Mail: rachel.mcginty@dc.edu  
 Day: Saturday Date: Sept 22, 2018 Time of Set-up: 9:00 am Time of Take-down: 9:00 pm

Requested Location (park, street, location on premises, etc., be specific, attach map if needed):

Campus Quad - between the Prusmack Center + Granito Center

Showmobile stage measures **28 feet long x 14 feet 7 inches deep x 25 feet high** when open. One set of stairs is available with hand railings. (Please note that this measurement does not include the trailer hitch or the tow vehicle. See space requirements below.) *The Showmobile does not have a sound system and comes with fluorescent lighting only.*

Stair Arrangement: (1 set of stairs) Left side of stage  Right side of stage  Front of stage

*\*Stairs should be on the right side when looking at stage from audience\**  
 The lights require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. The stage does not come with a generator. Additional electrical equipment must be plugged into a separate circuit. Sign or banners may only be hung with permission.

Please describe in detail what the stage will be used for and how you intend to set it up: (Note: The Town seal is not to be covered and no nails, staples or tacks may be used to attach any items to the Showmobile)

We will have a variety of performances from two outside groups & some student groups for our annual Family Day + Fire in the Sky event

Showmobile space requirements:

- The showmobile must be parked in a relatively level space.
- The area must be free of obstructions such as overhanging tree limbs, electrical wires, etc.
- **The total area needed for the showmobile is a space 50 feet in length, 15 feet in width and 25 feet in height.**
- The tow vehicle must remain with the showmobile for the duration of the event.
- In the event of winds or wind gusts in excess of 30 MPH, the stage canopy must be closed.

Additional Requirements:

- **Certificate of insurance required at time of reservation** naming the Town of Orangetown as additionally insured.
- Any changes to the event must be made 24 hours in advance by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

**I have read, understand and agree to all conditions listed on above:**

Applicant's Signature: Rachel McGinty Date: 6/19/18  
 Department Approval: Mark W. Albert Date: 7/10/18



TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



**SHOWMOBILE RESERVATION PROCEDURES**  
Town of Orangetown, Orangeburg NY

The Town of Orangetown through the Parks & Recreation Department supports a variety of non-profit organization community events. Priority scheduling is given to Orangetown Parks & Recreation events and then Town of Orangetown Department requests.

Due to the Orangetown Summer Concert Series the Orangetown Showmobile will not be available beginning July 1<sup>st</sup> to August 20<sup>th</sup> this year.

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3. Your organization has been informed that the application is complete.
4. Your application is approved by resolution by the Orangetown Town Council and the Office of Recreation and Parks has notified you of such.

**There are two fees associated with the rental of the Showmobile:**

A rental fee of \$400.00 (applicable to all groups)

Staffing overtime (waived by the Town Board for non-profits)

The organization will receive an emailed invoice after their event is complete. Payment is expected no later than 14 days after receipt of such invoice.

**Space and Placement**

The total area required for the showmobile placement is 50 feet in length, 15 feet in width and 25 feet in height.

The placement of the Showmobile is at the discretion of the Orangetown Parks & Recreation staff. Although all efforts will be made to meet requests, this equipment does not go off road, over curbing or over rough terrain.

A member of the organization renting the unit must be on site at time arrival for proper set up as well as time of departure to assure all event tasks have been completed (i.e. removal of equipment)

Any changes/cancellations (unless otherwise agreed upon) to the event must be made 24 hours in advance by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

By initialing below the applicant agrees to having read the procedures listed above:

(over)

(Renter's initials required)

RM





## Mark Albert

---

**From:** Melody Partrick <recreation@nyack-ny.gov>  
**Sent:** Thursday, June 28, 2018 11:51 AM  
**To:** Mark Albert  
**Subject:** [Junk released by Allowed List] Question about port-o-potties

Mark,

I hope you are having a great start to your summer. Last year, I requested port-o-potties from Orangetown for a 5K event we did in the fall.

I would like to request 8 port-o-potties for our community day that will be held on September 15.

*2 ADA 6 Regular as per Melody.*

Last year, in our first year of The Great Nyack Get-Together, we had approx. 2500 people come to Memorial Park to learn about and mingle with 80 non-profit and for-profit businesses that serve Nyack and the surrounding communities. It is an event where everything in the park - from inflatables to rides to two live music stages - is free and open to the public. The only vendors selling are food vendors. And every non-profit provides a free activity for people that walk by.

Please let me know if I need to do anything more to request the use of Orangetown's port-o-potties for this event.

Thank you so much. And Happy Summer!  
Melody

Melody Partrick  
Village of Nyack, Recreation Director  
914-629-9748  
[recreation@nyack-ny.gov](mailto:recreation@nyack-ny.gov)

Save the Date ....  
September 15 - The Great Nyack Get-Together



**THE  
GREAT NYACK  
GET-TOGETHER**



TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



2018 Application for Showmobile Use

Event/Festival Name: Rockland County Volunteer Firefighters Association Parade

Organization Name Piermont Fire Department

Applicant's Name: Tom Temple Phone (w): 845-359-1717

Address: 478 Piermont Avenue City: Piermont Zip: 10968

Cell Phone \_\_\_\_\_ E-Mail: TTemple@Piermont-NY.gov

Day Saturday Date Sept. 8th Time of Set-up: 9:00a.m. Time of Take-down: 4:00p.m.

Requested Location (park, street, location on premises, etc., be specific, attach map if needed):

Main Street across from Piermont Village Hall

Showmobile stage measures **28 feet long x 14 feet 7 inches deep x 25 feet high** when open. One set of stairs is available with hand railings. (Please note that this measurement does not include the trailer hitch or the tow vehicle. See space requirements below.) The Showmobile does not have a sound system and comes with fluorescent lighting only.

Stair Arrangement: (1 set of stairs)  Left side of stage \_\_\_\_\_ Right side of stage \_\_\_\_\_ Front of stage

*The lights require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. The stage does not come with a generator. Additional electrical equipment must be plugged into a separate circuit. Sign or banners may only be hung with permission.*

Please describe in detail what the stage will be used for and how you intend to set it up: ( **Note: The Town seal is not to be covered and no nails, staples or tacks may be used to attach any items to the Showmobile**)

The unit will be utilized as the reviewing stand for the Parade.


Showmobile space requirements:

- The showmobile must be parked in a relatively level space.
- The area must be free of obstructions such as overhanging tree limbs, electrical wires, etc.
- **The total area needed for the showmobile is a space 50 feet in length, 15 feet in width and 25 feet in height.**
- The tow vehicle must remain with the showmobile for the duration of the event.
- In the event of winds or wind gusts in excess of 30 MPH, the stage canopy must be closed.

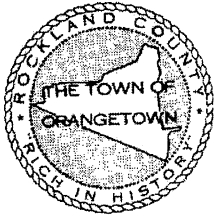
Additional Requirements:

- **Certificate of insurance required at time of reservation** naming the Town of Orangetown as additionally insured.
- Any changes to the event must be made 24 hours in advance by contacting Mark Albert at malbert@orangetown.com

**I have read, understand and agree to all conditions listed on above:**

Applicant's Signature  Date 4/25/18

Department Approval \_\_\_\_\_ Date \_\_\_\_\_



TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



### SHOWMOBILE RESERVATION PROCEDURES Town of Orangetown, Orangeburg NY

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4. Your application is approved by resolution by the Orangetown Town Council and the Office of Recreation and Parks has notified you of such.

#### **There are two fees associated with the rental of the Showmobile:**

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Staffing overtime (waived by the Town Board for non-profits)

The organization will receive an emailed invoice after their event is complete. Payment is expected no later than 14 days after receipt of such invoice.

#### Space and Placement

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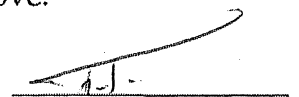
A member of the organization renting the unit must be on site at time arrival for proper set up as well as time of departure to assure all event tasks have been completed (i.e. removal of equipment)

Any changes/cancellations (unless otherwise agreed upon) to the event must be made 24 hours in advance by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

By initialing below the applicant agrees to having read the procedures listed above:

(over)

(Renter's initials required)





VILLA-5

OP ID: 7PAT

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/25/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>CLG Insurance</b> 172 Main Street Nanuet, NY 10954 DSL Enterprises LLC	845-623-3434	<b>CONTACT NAME:</b> <b>PHONE (A/C, No, Ext):</b> 845-623-3434 <b>FAX (A/C, No):</b> 845-623-4332 <b>E-MAIL ADDRESS:</b> certificates@clginsurance.com
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Village of Piermont 478 Piermont Avenue Piermont, NY 10968	<b>INSURER A:</b> New York Municipal Insurance	<b>NAIC #</b> 20690
	<b>INSURER B:</b> State Ins. Fund-Safety Group	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:		Y	MPLVPIE001	07/09/2017	07/09/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5000/10000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			MCAVPIE001	07/09/2017	07/09/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$			MECVPIE001	07/09/2017	07/09/2018	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 20,000,000
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	Z 2281 787-8	07/01/2017	07/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**RE: Piermont Fire Department Parade use of Orangetown's Showmobile. Town of Orangetown is included as additional insureds under the General Liability as per the written agreement with regard to work performed by the named insured. Per the terms of the blanket additional insured endorsement, coverage for the additional insureds is contingent upon a written "(Cont'd)"**

<b>CERTIFICATE HOLDER</b>  <b>TOWN-31</b>  Town of Orangetown Parks & Recreation 81 Hunt Road Orangeburg, NY 10962	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	--

**JAMES J. DEAN**  
Superintendent of Highways  
Roadmaster II


Orangetown Representative  
R.C. Soil & Water Conservation Dist.-Chairman  
Member:  
American Public Works Association NY Metro Chapter  
NYS Association of Town Superintendents of Highways  
Hwy. Superintendents' Association of Rockland County



**HIGHWAY DEPARTMENT**  
**TOWN OF ORANGETOWN**  
119 Route 303 • Orangeburg, NY 10962  
(845) 359-6500 • Fax (845) 359-6062  
E-mail - highwaydept@orangetown.com

## INTEROFFICE MEMO

June 20, 2018

TO: Town Board  
FROM: Helen Wilson   
RE: 2018 – Releaf Conference

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*Proposed Text:* **RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Michael Donahue, HMS I, to attend the 26<sup>th</sup> Annual NYS Urban Forestry Council Releaf Conference, from July 26-28, 2018, in Rochester, NY, to be charged to account # D-5140441 in the amount of \$ 271.00.



TOWN OF ORANGETOWN

REQUEST TO ATTEND CONFERENCE, MEETING, SEMINAR OR SCHOOL

(Complete and forward original to Finance Office. Retain copy for your records.)

REQUESTING DEPARTMENT: Highway Department DATE: 6-14-18

NAME(S) OF PERSON(S) TO ATTEND: Michael Dmahue

CONFERENCE, ETC. - NAME & LOCATION: NYS Urban Forestry Council - 1 Lamb Memorial Drive Rochester NY 14623

CONFERENCE, ETC. DATE(S): July 26 - 28, 2018

WHAT DO YOU EXPECT TO GAIN FROM ATTENDANCE (ATTACH COPY OF BROCHURE):

See attached brochure

DATE(S) LAST ATTENDED A SIMILAR CONFERENCE, ETC.: /

ESTIMATED EXPENSES:

Item	Charge to: Schls & Confs	Charge to: Travel Exp*	Total
Registration Fee	\$ 85.00	\$	\$ 85.00
Lodging	106.00		106.00
Meals	40.00		40.00
Travel		40.00	40.00
Other			
Total	\$ 271.00	\$ 40.00	\$ 271.00

\*Use if only travel expense involved

REMAINING BALANCE IN 0441 Account: \$

IF TRAVEL ONLY, REMAINING BALANCE IN 0480 Account: \$

DEPARTMENT HEAD APPROVAL/SIGNATURE (if not an attendee): [Signature]

FINANCE OFFICE VERIFICATION OF FUNDS AVAILABILITY: 0441-\$ 271.00 0480-\$

TOWN BOARD ACTION: Approved Disapproved Date: Res. No.

REASON FOR DISAPPROVAL:

TOWN SUPERVISOR'S SIGNATURE:

DISTRIBUTION BY TOWN CLERK:

Original to Head of Requesting Department: Date: Retain photocopy for file.

# 26th Annual New York State



New York  
ReLeaf

## ReLeaf Conference

July 26-28, 2018

Rochester Institute of  
Technology

**Who Should Attend:** All those involved in the field of urban and community forestry: educators, volunteers, tree commissions, arborists, horticulturists, landscape architects, planners, nursery professionals, community/state/utility foresters, local government officials, public works and parks departments, planning and zoning boards and researchers.

### Credits for Workshops and Tours:

- SAF, ISA, DEC PESTICIDE, CNLP and SMA, LA—topics previously approved
- Required credits for Planning Board and Zoning Board of Appeals available

### Workshops Include:

- New York Tree Law
- Screening of "The Hemlock Woolly Adelgid"
- EcoDistricts: Resilient and Sustainable Cities
- Under-Utilized Trees in the Landscape
- Decay Fungi and Tree Health in the Urban Forest
- Saturday Forest Health Update Plenary
- Inventory Management Discussion and Demonstration

### Invited Speakers Include:

- Laura Ayers, Mark Whitmore, Tom Draves and Jerry Carlson

**Tours will include:** RIT Campus Sustainability walking tour, Mt. Hope Cemetery Tree and History Tour and Trees for Tribes – Getting Dirty Service Project

*REDUCED PRICING AVAILABLE FOR MEMBERS!*

### For Registration Information and to Register Online:

<http://nysufc.org/2018-releaf-conference-registration/> or  
[www.dec.ny.gov/lands/30859.html](http://www.dec.ny.gov/lands/30859.html)

Call the NYS DEC Urban Forestry Program for a printed brochure:  
518-402-9428



Department of  
Environmental  
Conservation





RECEIVED

TOWN OF ORANGETOWN  
SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY  
PERMIT # 18-SD-07

RECEIVED  
JUL 2 2018  
Orangetown Police Department

FEB 1 2 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

EVENT NAME: PEARL RIVER DAY FESTIVAL

APPLICANT NAME: ANTOINETTE FLYNN FOR PEARL RIVER CHAMBER

ADDRESS: P.O. BOX 829, PEARL RIVER, NY 10965

PHONE #: 914-806-5455 CELL # FAX #

CHECK ONE: PARADE RACE/RUN/WALK OTHER

The above event will be held on 10/6/18 from 7AM to 9PM RAIN DATE:

Location of event: CENTRAL AVE FROM JOHN ST. TO MAIN ST.

Sponsored by: PEARL RIVER CHAMBER Telephone #: 914-806-5455 (Antoinette)

Address: P.O. BOX 829, PEARL RIVER

Estimated # of persons participating in event: 6,000+ vehicles

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #:

PEARL RIVER CHAMBER - Pearl River Day Committee - MATT REID, CHAIR PERSON 845-548-4272

Signature of Applicant: Antoinette Flynn Date: 2-11-18

GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS)

Letter of Request to Town Board requesting aid for event - Received On: 2.20.18

Certificate of Insurance - Received On: 6.28.18

FOR HIGHWAY DEPARTMENT USE ONLY:

Road Closure Permit:  N - Received On: 2.12

Rockland County Highway Dept. Permit:  N - Received On:

NYS DOT Permit:  N - Received On: X

Route/Map/Parking Plan:  N - Received On: X

RFS #: 39914 BARRICADES: Y/N CONES: Y/N TRASH BARRELS:  OTHER: Message Board Recycling Coshes

APPROVED: [Signature] DATE: 6.28.18  
Superintendent of Highways

FOR PARKS & RECREATION DEPARTMENT USE ONLY:

Showmobile:  N - Application Required: App received July approval Fee Paid - Amount/Check #

Port-o-Sans:  N: ok Other:

APPROVED: [Signature] DATE: 6/29/18  
Superintendent of Parks & Recreation

FOR POLICE DEPARTMENT USE ONLY:

APPROVED: [Signature] DATE: 7/2/18  
Chief of Police

\*\* (Please return to the Highway AND/OR Parks Department to be placed on the Town Board Agenda) \*\*

Workshop Agenda Date: 7.17.18 Approved On: TBR #:

RECEIVED

JUL - 3 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

RECEIVED

FEB 12 2018

JAMES J. DEAN

Superintendent of Highways  
Roadmaster | TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT



HIGHWAY DEPARTMENT  
TOWN OF ORANGETOWN  
119 Route 303 • Orangeburg, NY 10962  
(845) 359-6500 • Fax (845) 359-6062  
E-Mail - www.highway@otownhwy.org

Orangetown Representative:  
R.C. Soil & Water Conservation Dist.-Chairman  
R.C. Water Quality Commission  
Member:  
American Public Works Association  
Assoc. of Town Superintendents of Hwys.  
Hwy. Superintendents' Assoc. of R.C.

Permit # 18-SP-07

ROAD CLOSING PERMIT APPLICATION  
Section 139 Highway Law

NAME ANTOINETTE FLYNN DATE 2-11-18  
COMPANY PEARL RIVER CHAMBER OF COMMERCE  
ADDRESS P.O. BOX 829, PEARL RIVER, NY 10965  
TELEPHONE 914-806-5455 (CELL)  
(INCLUDE 24 HOUR EMERGENCY NUMBERS)

ABOVE MENTIONED PARTY REQUESTS PERMISSION TO CLOSE:

WILLIAM STREET  
(Address number and name of road)

FROM E. WASHINGTON TO FRANKLIN AVENUE  
(Intersecting streets and/or description of exact location)

REASON FOR CLOSING PEARL RIVER DAY FESTIVAL

DATE OF CLOSING 10/6/18 RAIN DATE ---

TIME ROAD WILL BE CLOSED 7 AM - 9 PM

WILL ROAD BE OPEN TO LOCAL TRAFFIC? NO

WILL ROAD BE OPEN TO EMERGENCY VEHICLES? NO

PLEASE PROVIDE A DETAILED MAP AND DESCRIPTION OF DETOUR, IF TRAVEL WILL BE RESTRICTED.

PRELIMINARY APPROVAL [Signature] DATE 2-28-18  
JAMES J. DEAN  
SUPERINTENDENT OF HIGHWAYS

*This permit application will be forwarded to the Rockland County Superintendent of Highways, County of Rockland, 23 New Hempstead Road, New City, New York 10956. You will receive written confirmation from that office.*

8-13-02bjd

HAMLETS: PEARL RIVER • BLAUVELT • ORANGEBURG • TAPPAN • SPARKILL • PALISADES • UPPER GRANDVIEW



Pearl River's future is our business

PO Box 829  
Pearl River, NY 10965  
[www.pearlriverny.org](http://www.pearlriverny.org)

RECEIVED

FEB 20 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

February 12, 2018

Town of Orangetown  
Town Hall  
26 Orangeburg Road  
Orangeburg, New York 10962

To The Town Board,

The Pearl River Chamber of Commerce's Pearl River Day Committee is requesting the use of the below items from the Highway Department for Pearl River Day, 10/6/18:

50 trash cans  
barricades for 4 intersections  
12 additional barricades for ride control  
electronic sign to be placed a few days before the 10/6 event by TD Bank  
detour signs that we can post on the barricades

The Pearl River Chamber of Commerce will submit the appropriate permits to the Highway Department in addition to this request.

Thank you,

Matt Reid  
Pearl River Day Committee Chairperson  
Pearl River Chamber of Commerce



Pearl River's future is our business

PO Box 829  
Pearl River, NY 10965  
[www.pearlriverny.org](http://www.pearlriverny.org)

RECEIVED

FEB 20 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

February 12, 2018

Town of Orangetown  
Town Hall  
26 Orangeburg Road  
Orangeburg, New York 10962

To The Town Board,

The Pearl River Chamber of Commerce's Pearl River Day Committee is requesting the use of the below items from the Parks Department for Pearl River Day, 10/6/18:

Showmobile  
6 port-a-potties

The Pearl River Chamber of Commerce will submit the appropriate permits to the Parks Department in addition to this request.

Thank you,

Matt Reid  
Pearl River Day Committee Chairperson  
Pearl River Chamber of Commerce



PEARRIV-01

SOHARE

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/26/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

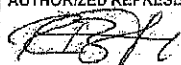
<b>PRODUCER</b> Maury, Donnelly & Parr 24 Commerce St. Baltimore, MD 21202	RECEIVED		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): (410) 685-4625	FAX (A/C, No): (410) 685-3071
	JUN 28 2018		E-MAIL ADDRESS:	
<b>INSURED</b> TOWN OF ORANGETOWN HIGHWAY DEPARTMENT The Pearl River Chamber of Commerce P.O. Box 829 Pearl River, NY 10965	<b>INSURER(S) AFFORDING COVERAGE</b>			<b>NAIC #</b>
	<b>INSURER A:</b> American Casualty Co. of Reading, PA			20427
	<b>INSURER B:</b>			
	<b>INSURER C:</b>			
	<b>INSURER D:</b>			
	<b>INSURER E:</b>			

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		4025932540	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPOP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$      RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NY) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Town of Orangetown is an Additional Insured.

<b>CERTIFICATE HOLDER</b> Town of Orangetown Orangetown Road Orangeburg, NY 10962	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	--







TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGETOWN, NY 10962  
(845) 359-6503



**SHOWMOBILE RESERVATION PROCEDURES**  
Town of Orangetown, Orangetown NY

The Town of Orangetown through the Parks & Recreation Department supports a variety of non-profit organization community events. Priority scheduling is given to Orangetown Parks & Recreation events and then Town of Orangetown Department requests.

Due to the Orangetown Summer Concert Series the Orangetown Showmobile will not be available beginning July 1<sup>st</sup> to August 20<sup>th</sup> this year.

Use of the Showmobile is NOT confirmed until:

1. Your completed application is received by the Orangetown Office of Recreation & Parks.
2. A certificate of insurance listing the Town of Orangetown as additionally insured is provided. Certificate of insurance must accompany the completed application.
3. Your organization has been informed that the application is complete.
4. Your application is approved by resolution by the Orangetown Town Council and the Office of Recreation and Parks has notified you of such.

**There are two fees associated with the rental of the Showmobile:**

A rental fee of \$400.00 (applicable to all groups)

Staffing overtime (waived by the Town Board for non-profits)

The organization will receive an emailed invoice after their event is complete. Payment is expected no later than 14 days after receipt of such invoice.

Space and Placement

The total area required for the showmobile placement is 50 feet in length, 15 feet in width and 25 feet in height.

The placement of the Showmobile is at the discretion of the Orangetown Parks & Recreation staff. Although all efforts will be made to meet requests, this equipment does not go off road, over curbing or over rough terrain.

A member of the organization renting the unit must be on site at time arrival for proper set up as well as time of departure to assure all event tasks have been completed (i.e. removal of equipment)

Any changes/cancellations (unless otherwise agreed upon) to the event must be made 24 hours in advance by contacting Mark Albert at [malbert@orangetown.com](mailto:malbert@orangetown.com)

By initialing below the applicant agrees to having read the procedures listed above:

(over)

(Renter's initials required)







TOWN OF ORANGETOWN PARKS & RECREATION  
81 HUNT ROAD, ORANGEBURG, NY 10962  
(845) 359-6503



2018 Application for Showmobile Use

Event/Festival Name: PEARL RIVER DAY 2018  
 Organization Name: PEARL RIVER CHAMBER OF COMMERCE  
 Applicant's Name: ANTOINETTE FLYNN Phone: 914-806-5455  
 Address: P.O. BOX 829 City: PEARL RIVER Zip: 10965  
 Cell Phone: 914-806-5455 E-Mail: SECRETARY@PEARLRIVER.NY.ORG  
 Day: SATURDAY Date: 10/6/18 Time of Set-up: 7 AM Time of Take-down: 9 AM  
 Requested Location (park, street, location on premises, etc., be specific, attach map if needed):  
WILLIAM STREET + CENTRAL AVENUE

Showmobile stage measures 28 feet long x 14 feet 7 inches deep x 25 feet high when open. One set of stairs is available with hand railings. (Please note that this measurement does not include the trailer hitch or the tow vehicle. See space requirements below.) *The Showmobile does not have a sound system and comes with fluorescent lighting only.*

Stair Arrangement: (1 set of stairs)  Left side of stage  Right side of stage  Front of stage

*The lights require a 110 volt, 20 amp circuit to plug into within 150 feet of the right front side of the Showmobile. The stage does not come with a generator. Additional electrical equipment must be plugged into a separate circuit. Sign or banners may only be hung with permission.*

Please describe in detail what the stage will be used for and how you intend to set it up: (Note: The Town seal is not to be covered and no nails, staples or tacks may be used to attach any items to the Showmobile)

EMCEE, D.J., BANDS

Showmobile space requirements:

- The showmobile must be parked in a relatively level space.
- The area must be free of obstructions such as overhanging tree limbs, electrical wires, etc.
- The total area needed for the showmobile is a space 30 feet in length, 15 feet in width and 25 feet in height.
- The tow vehicle must remain with the showmobile for the duration of the event.
- In the event of winds or wind gusts in excess of 30 MPH, the stage canopy must be closed.

Additional Requirements:

- Certificate of insurance required at time of reservation naming the Town of Orangetown as additionally insured.
- Any changes to the event must be made 24 hours in advance by contacting Mark Albert at malbert@orangetown.com

I have read, understand and agree to all conditions listed on above:

Applicant's Signature Antoinette Flynn Date 2/11/18  
 Department Approval \_\_\_\_\_ Date \_\_\_\_\_

RECEIVED

JUN 28 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

# ROCKLAND COUNTY HIGHWAY DEPARTMENT

## APPLICATION FOR PERMIT TO CLOSE A COUNTY ROAD UNDER SECTION 104 OF THE HIGHWAY LAW

In the space provided the applicant must state their name and address. If the applicant is a corporation, state the location of the local office and the title of the person signing this application.

ANTOINETTE FLYNN  
CHAMBER ADMINISTRATOR  
PEARL RIVER CHAMBER OF COMMERCE  
P.O. BOX 829  
PEARL RIVER, NY 10965

In the space provided describe why the road needs to be closed where (intersection to intersection), and when the proposed closure will take place.

PEARL RIVER DAY FESTIVAL WILL TAKE PLACE ON CENTRAL AVENUE AND JOHN STREET TO CENTRAL AVENUE AND MAIN STREET. ON SATURDAY, OCTOBER 6, 2018, FROM 11:00 AM - 6:00 PM, BAND PERFORMANCE FROM 6:00 - 8:00 PM. CLOSURE FROM 6 AM - 9 PM.

In the space provided describe the proposed detour route, barricades and signs required by the New York State Manual of Uniform Traffic Control Devices.

DETOUR ROUTE - USE FRANKLIN AVENUE OR E. WASHINGTON.  
BARRICADES HAVE BEEN REQUESTED FROM THE TOWN OF ORANGETOWN.  
ELECTRONIC SIGNS WILL BE AT JOHN STREET AND CENTRAL AVENUE.  
DETOUR SIGNS PROVIDED BY TOWN OF ORANGETOWN.

Dated this 11th Day of FEBRUARY, 2018

Address: PEARL RIVER CHAMBER OF COMMERCE  
P.O. BOX 829  
PEARL RIVER, NY 10965

Applicant: Antoinette Flynn

The Rockland County Highway Department reserves the right to have the applicant immediately removed from the roadway and traffic restored at any time deemed necessary by the Highway Department and or the local law enforcement agency at such time the said permit will become null and void. Failure to abide may result in trespassing and civil penalties

TOWN OF ORANGETOWN

SPECIAL USE PERMIT FOR USE OF TOWN PROPERTY/ITEMS

PERMIT # 18-57-28

RECEIVED

JUN 25 2018

EVENT NAME: Pearl River Car Show

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

LOCATION NAME: Pearl River Hook & Ladder MARIC

ADDRESS: 145 S. William St Pearl River NY

PHONE # 845-304-4181 CELL # FAX #

CHECK ONE: PARADE RACE/RUN/WALK OTHER Car Show

The above event will be held on Sept. 15-16 from 6:00A to 6:00 pm RAIN DATE: Sept 22-23

Location of event: Central ave Field Pearl River

Sponsored by: Pearl River Hook & Ladder Telephone #: 845-304-4181

Address: 58 E. Central ave

Estimated # of persons participating in event: 2500-3 vehicles 300

Person (s) responsible for restoring property to its original condition: Name-Address-Phone #: Pearl River Hook & Ladder

Signature of Applicant: [Signature] Date: 6/25/18

GENERAL INFORMATION REQUIRED: (HIGHWAY/PARKS/POLICE)

Letter of Request to Town Board requesting aid for event - Received On: 6-26-18

Certificate of Insurance - Received On: 6/25/18

FOR HIGHWAY DEPARTMENT USE ONLY:

Road Closure Permit: Y (N) Received On: X

Rockland County Highway Dept. Permit: Y (N) Received On: X

NYS DOT Permit: Y / (N) Received On: X

Route/Map/Parking Plan: Y (N) Received On: X

RFS #: 42805 BARRICADES: Y/N CONES: Y (N) TRASH BARRELS: Y (15) OTHER:

APPROVED: [Signature] DATE: 6-28-18 Superintendent of Highways

FOR PARKS & RECREATION DEPARTMENT USE ONLY:

Show Mobile: Y (N) Application Required: Fee Paid - Amount/Check #

Port-o-Sans: Y/N: (2) Other:

APPROVED: [Signature] DATE: Superintendent of Parks & Recreation

FOR POLICE DEPARTMENT USE ONLY:

Police Detail: Y (N) X Items: X

APPROVED: [Signature] DATE: 7/2/18 Chief of Police

\*\* Please return to the Highway Department to be placed on the Town Board Workshop \*\*

Workshop Agenda Date: Approved On: TBR #:

RECEIVED JUL 2 2018 Orange County Police Department

RECEIVED

JUL - 3 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

**Pearl River Car Show**

mark outwater [mso10965@yahoo.com]

**Sent:** Tuesday, June 26, 2018 11:26 AM

**To:** highwaydept

RECEIVED

JUN 26 2018

TOWN OF ORANGETOWN  
HIGHWAY DEPARTMENT

Hi Helen,

Pearl River Hook & Ladder Co. wishes the town to provide 15 large trash cans and 2 porta johns for are annual fund raiser car show to be held on the Central Ave. Field next to firehouse on September 15th and 16th with a rain date of September 22nd and 23rd .

Thank you in advance.

Mark S. Outwater  
Car Show Chairman  
845-304-4181

6/28/2018



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/25/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Griffith Agency, Inc. 59 East Central Avenue Pearl River NY 10965		CONTACT NAME: Emma Torres PHONE (A/C, No, Ext): (845) 735-4800 E-MAIL ADDRESS: emma@griffith-insurance.com FAX (A/C, No): (845) 735-4825	
JUN 25 2018 TOWN OF ORANGETOWN HIGHWAY DEPARTMENT 10965		INSURER(S) AFFORDING COVERAGE INSURER A: American Alternative Ins. Corp INSURER B: The State Insurance Fund INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: CL1862500798 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			VFIS-TR-2063033-10	07/24/2018	07/24/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			VFIS-TR-2063033-10	07/24/2018	07/24/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			VFIS-TR-2063033-10	07/24/2018	07/24/2019	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 8,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	11873205	07/24/2018	07/24/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Town of Orangetown listed as additional insured per written contact.

## CERTIFICATE HOLDER

## CANCELLATION

Town of Orangetown  
 20 South Greenbush Road

Orangeburg

NY 10962

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Maria P. Pizzini*

## Elizabeth McConeghy

---

**From:** Stephen Munno  
**Sent:** Monday, July 09, 2018 1:48 PM  
**To:** Elizabeth McConeghy  
**Subject:** FW: Containers

---

**From:** Nelan, Robert [<mailto:NelanR@pearlriver.org>]  
**Sent:** Thursday, June 28, 2018 12:07 PM  
**To:** Stephen Munno  
**Subject:** Containers

Stephen,

Can you provide us with containers to be filled with accumulated organic material (brush, tree limbs, weeds, etc.) in order for us to clean up an area of the Pearl River High School. The area is near the football field. Either myself or a member of our staff can provide definite location.

Thank you

Bob Nelan  
Director of Facilities  
Pearl River School District  
845 620 3864

**ADOPT LOCAL LAW NO. \_\_\_ OF 2018,  
AMENDING CHAPTER 43 OF THE TOWN  
CODE ARTICLE V AND ARTICLE XI TO  
PROVIDE FOR THE DEFINITION AND  
REGULATION OF TEMPORARY STORAGE  
CONTAINERS (PODS)**

**RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_\_ of 2018, amending Chapter 43, Article V entitled "Exceptions to Bulk Regulations" and Article XI entitled "Definitions" of the Town Code, to provide for the definition and regulation of temporary storage containers.

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

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

Section 1.

**A) ARTICLE V**

Section 5.2 Exceptions to bulk regulations

5.330 Temporary portable storage containers shall be permitted under the provisions of this section. Not more than one container shall be allowed per residential lot. Enclosed containers shall not exceed 128 square feet and eight feet in height. The temporary storage container must be a minimum of 5 feet from any side or rear yard property line; in no instance shall the container be placed in a required front yard, unless in a permitted driveway, nor shall it be placed in a public right-of-way or easement. A permit is required from the Building Inspector for the placement of a temporary portable storage container after being in place for more than 30 days. The permit shall authorize such container to remain for a period not to exceed 180 days thereafter. No permit shall be issued for another temporary storage container for the same residential lot until two years from the issuance of a previously issued permit, except if the ownership of the lot changes. The permit must be displayed in a conspicuous place on the temporary portable storage container. Failure to obtain a permit and/or any container that is situated in violation of an issued permit or this section shall constitute a violation of the zoning code, subject to penalty as per §10.6 of the code. The fee for the permit for the temporary storage container shall be established as per Town Board resolution.

**B) ARTICLE XI**

Section 11.2 Definitions:

**TEMPORARY STORAGE CONTAINER**

Any portable container, receptacle, or device of a type commonly used for the temporary storage of personal property and other matter. The term shall include, but not be limited to, portable on-demand storage units (PODS).

**Section 2. Severability Clause**

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

**Section 3. Effective Date.**

This Local Law shall become effective immediately upon being filed with the Secretary of State.



ADOPT LOCAL LAW NO. \_\_ OF 2018,  
AMENDING CHAPTER 14C OF THE TOWN  
CODE REGARDING COMMERCIAL FILMING  
IN THE TOWN OF ORANGETOWN

**RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_ of 2018, amending Chapter 14C entitled “Filming” of the Town Code, to provide for the regulating and permitting of commercial filming on public and private property in the Town of Orangetown.

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

The said section of the Code, Chapter 14C, is amended as follows (Additions to the existing law are **Bold and underline**; Deletions are designated by ~~strike through~~):

**Section 1.**

Chapter 14C – Filming (Originally adopted by the Town Board on 1/16/1996 by LL No. 2-1996; amended in its entirety 5/8/2006 by LL No. 7-2006; Amended on 12/19/2017 by LL No. 12-2017)

Legislative intent.

The Town Board of the Town of Orangetown recognizes that the Town’s natural beauty, geographical location and historical sites are attractive to individuals, organizations, corporations, groups and other entities involved in the businesses of still photography, motion pictures and television.

B. It is hereby found by the Town Board of the Town of Orangetown that because such filming activities may create a threat to public safety, health or welfare due to the time, location or duration of the filming, or may unduly interfere with vehicular and/or pedestrian traffic, it is necessary to provide for the regulation of the taking of still or motion pictures within the Town through the issuance of permits and that said regulation is a matter affecting the public interest and therefore should be subject to supervision and administrative control for the purpose of safeguarding the public against the impact of such activities

14C-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**FILMING** — The taking of still or motion pictures, either on film, videotape, digital recording or similar recording medium, for commercial purposes intended for viewing on television, in

theaters, through online platforms including but not limited to video streaming, or for institutional use.

PUBLIC LANDS — Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction of the Town.

**PRIVATE LANDS – Any land within the unincorporated portions of the Town of Orangetown that is not public land, a public place, or a public building.**

**HANDHELD DEVICE — Any device that is able to be operated by a single person without substantial supporting equipment and can be held in hand, to include smartphones, camcorders, cameras, and other such similar devices, but excluding aerial drones.**

§ 14C-2. Permits.

A. No person shall film or permit filming within the unincorporated section of Town of Orangetown on public or private lands ~~utilize public lands for filming on private property~~ without first obtaining a permit therefor, which permit shall set forth the location of such filming, the date or dates when filming shall take place, the name, address and telephone number of the applicant, a brief description of the activities, the number of cameras on the shoot, identify if a feature commercial or industrial shoot, the name of the producer, the type of equipment and props to be used, the number of persons to be employed, specific locations where the work will be done and vehicles which are to be used, including the description thereof and their license numbers. ~~Any incidental use of public lands that obstructs any public lands or interferes with the use of any public lands requires a permit; provided, however, that nothing contained in this section shall prevent persons from temporarily loading or unloading filming equipment on any public right of way, provided that such loading or unloading is done without unnecessary delay, and provided that such filming equipment is not allowed or permitted to remain on such public right of way for a period longer than 15 minutes.~~

B. Permits must be obtained from the **Town Supervisor** ~~Police Chief~~ of the Town of Orangetown, or **his/her** designee, during normal business hours. Applications shall be in such form approved by the Town Board and accompanied by a permit fee in the amount established by the Town Board. ~~Applications for filming at public parks are subject to an additional permit to be completed and approved by the Office of Parks and Recreation.~~

C. In addition, all applicants for said permits:

(1) Must submit their permit applications to the **Town Supervisor or his/her or her designee** ~~Police Chief~~ at least seven days in advance of any anticipated filming; application(s) received less than seven days in advance of any anticipated filming will be accepted at the discretion of the **Town Supervisor** ~~Police Chief~~ and, if approved, subject to an additional fee, to be set forth by Town Board resolution.

(2) Must submit with their application a parking plan map for all vehicles to be parked on all impacted roadways **and public parking lots**, as well as a traffic detour plan/map: and

(3) Are to provide a form notification letter to be distributed by the applicant to all property owners who may be impacted by any filming, **with additional regulations as per § 14C-5, Subsections J and K.**

D. One permit shall be required for each location.

E. If a permit is issued and due to inclement weather or other good cause, not within the control of the applicant, filming does not in fact take place on the date or dates specified, the **Supervisor or his/her designee** ~~Police Chief~~ may, at the request of the applicant, issue an amended permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be required for an amended permit under this section.

F. Exemptions.

Notwithstanding the requirements of this chapter, the filming activities designated below do not require a permit to be obtained pursuant to this chapter, if such activity does not obstruct or interfere with the use of any public lands. For purposes of this section, the term “obstruct or interfere with the use of any public lands” shall mean any filming activity which impedes or which involves the blockage, interruption or closure, in whole or in part, of any public lands.

(1) Filming and coverage by news media.

(2) Filming by and intended for the exclusive use of the owner and his/her immediate family.

(3) Filming occurring on public lands or on private property resulting in an incidental use of public lands, and involving the **personal, non-commercial** use of a handheld device, as defined herein.

§ 14C-3. Rules and regulations.

A. No permit shall be issued for filming on public lands or for using public lands for filming on private property unless the applicant for such permit provides proof of insurance coverage for bodily injury for any person in the amount of \$1,000,000 and for any aggregate occurrence in the amount of **\$3,000,000** ~~\$2,000,000~~ and agrees, in writing, to indemnify and save harmless the Town of Orangetown from any and all liability or damages resulting from the use of such public lands.

B. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic and shall provide traffic control personnel and approved traffic control devices as per the New York State Manual of Uniform Traffic Control Devices. The holder of the permit shall also comply with all lawful directives of the Orangetown Police Department.

C. The holder of the permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities.

D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit.

E. Unless otherwise permitted pursuant to this chapter, filming in residential zones shall generally be permitted only Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or sunset sundown, whichever is earlier.

F. The Supervisor or his/her or her designee ~~Police Chief~~ may refuse to issue a permit whenever he determines, on the basis of objective facts and after review of the application and a report from the Orangetown Police Department, Highway Superintendent, Superintendent of Parks and Recreation and/or any other Town Department head, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of the public lands.

G. The Supervisor or his/her designee ~~Police Chief~~ may revoke a permit that has been issued due to permittee failure to comply with permit terms, but any permit fees paid or unpaid remain due.

#### § 14C-4. Violations and penalties.

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$5,000 and/or to imprisonment for a term not to exceed 90 days, or both.

#### § 14C-5. Fees.

A. The applicant shall pay to the Supervisor or his/her designee ~~Police Chief~~ all fees set forth by Town Board resolution. ~~In addition, filming in any public park is subject to fees as per town board resolution payable to the Office of Parks and Recreation at the time the park permit is approved.~~

B. If the applicant intends to change his or her activities in any respect that deviates from the information put forth when the permit was issued, further written application must be made to the Supervisor or his/her designee ~~Police Chief~~.

C. If, in the discretion of the Chief of the Police, Superintendent of Highways, or Superintendent of Parks and Recreation, Town personnel are needed or requested at the site, the applicant shall pay to the Town a sum for the use of Town personnel pursuant to the applicable Town

Department's fee schedule or schedules for such use of personnel, but in no event shall said sum be less than \$85 per hour for each Town employee required at the site.

D. If, in the discretion of the Chief of the Police, Superintendent of Highways, Superintendent of Parks and Recreation, vehicles (which list includes but is not limited to police vehicles, Highway Department vehicles, or Parks and Recreation Department vehicles) are needed or requested at the site, the applicant shall pay to the Town a sum for the use of said vehicles pursuant to the applicable Town department's fee schedule or schedules for such vehicle use, but in no event shall said sum be less than \$15 per hour for any Town vehicle required at the site.

E. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity (which term is defined in this paragraph and henceforth in this section to include the arrival of personnel or equipment, preparation for filming, or any activity associated with the activity set forth in the permit) prior to 8:00 a.m., the applicant shall pay to the Town a sum of not less than \$500 per hour for such early-morning filming or filming activity (with a minimum assessed fee of \$500).

F. In addition to any other fees set forth in this section or in § 14-1, if the applicant does not end filming or filming activity (meaning the complete removal from the site of all participants, vehicles and equipment associated with the activity set forth in the permit) by 7:00 p.m. or sunset ~~sundown~~, whichever is earlier, the applicant shall pay to the Town a sum of not less than \$500 per hour for such post-7:00 p.m. or post-sunset ~~sundown~~ filming or filming activity (with a minimum assessed fee of \$500).

G. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity on a Saturday or Sunday or a national holiday, the applicant shall pay to the Town a sum of not less than \$500 per hour for such weekend or holiday filming or filming activity (with a minimum assessed fee of \$500).

H. In addition to any other fees set forth in this section or in § 14-1, if the applicant's permit approves use for any period of time of curbside parking spaces in a commercial area the applicant shall pay to the Town a sum of not less than \$100 per day for each parking space permitted to be used.

**I. In addition to any other fees set forth in this section or in § 14-1, if an applicant seeks permission to conduct filming in or otherwise occupying any Town-owned structures, real estate or portion thereof for any period of time, such use shall be subject to license fees to be set forth by agreement with the applicant and approved by Town Board resolution for each such instance and location as it may occur. This shall also apply to Town- public roadways if a section of Town roadway is to be closed to public access or other vehicular traffic. It shall be the responsibility of the Supervisor or his/her designee, in consultation with the Superintendent of Parks and Recreation, the Chief of Police, and the Department Head primarily responsible for or otherwise occupying such Town-owned property, to**

make the initial determination as to the potential amount, scope, and terms of any such license agreement, which license shall be approved by the Town Board as described in this section.

J. In addition to any other fees set forth in this section or in § 14-1, all applicants engaging in after-hours filming as described in Subsections E and F of this section, where said filming is determined by the Supervisor or his/her designee, in consultation with the Chief of Police, to be high impact on the area, shall provide or offer direct compensation to residents affected by said filming in a minimum 50 yard radius from the location and shall provide an affidavit to the Supervisor or his/her designee showing that a reasonable effort was made to contact all such residents and all residents that were contacted were provided said compensation (or signed a written declination) prior to issuance of a film permit. The radius for said compensation may be increased by the Supervisor or his/her designee should, in consultation with the Chief of Police, it is determined that the impacts of said filming will reach beyond said 50 yard radius, and the Supervisor or his/her designee shall notify the applicant of this wider radius prior to the issuance of a film permit. This subsection shall not be construed as a cap or limitation on compensation to residents impacted by filming, and the applicant shall be free to offer additional compensation in any manner they desire to any resident they desire.

K. In addition to any other fees set forth in this section or in § 14-1, all applicants engaging in filming on a public roadway or sidewalk where said filming is determined by the Supervisor or his/her designee to obstruct access by the public to businesses in the area that would normally be operational at the time of filming, shall provide or offer direct compensation to each said affected businesses for times of obstructed access and shall provide an affidavit to the Supervisor or his/her designee showing that a reasonable effort was made to contact all such businesses and all businesses that were contacted were provided said compensation (or signed a written declination) prior to issuance of a film permit. The Supervisor or his/her designee at his/her discretion shall indicate the area of businesses with obstructed access for the applicant for each such application based on the area the filming is to take place. This subsection shall only apply to the hours in which obstruction and the regular business hours of each individual affected business overlap. Further, this subsection shall not be construed as a cap or limitation on compensation to businesses impacted by filming, and the applicant shall be free to offer additional compensation in any manner they desire to any business they desire.

**Section 2. Severability Clause**

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

**Section 3. Effective Date.**

This Local Law shall become effective immediately upon being filed with the Secretary of State.

**A LOCAL LAW TO AMEND Chapter 39 the Code of the Town of Orangetown to ADD a New Section entitled "Towing of Vehicles on posted parade, street fair or special events route" pursuant to New York State Vehicle and Traffic Law §1660**

**\*\* New Section is shown with underline.**

LOCAL LAW NO. \_\_\_\_ OF 2018 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK

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 posted 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 of 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.



PROPOSED AMENDMENTS TO CODE OF THE TOWN OF ORANGETOWN:  
CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION, §6-5; AND  
CHAPTER 43, ZONING, §4.1 §4.11, §4.12 AND §4.13 (PERFORMANCE STANDARDS),  
§10.2 §10.222 (ENFORCEMENT), AND §10.3 §10.323, §10.334 AND §10.335 (BOARD OF  
APPEALS)

JULY 3, 2018, REVISIONS (MOST RECENT REVISIONS ARE ITALICIZED)

PROPOSED LOCAL LAW NO. \_\_\_\_ OF 2018, AMENDING:

CHAPTER 6, *BUILDING CONSTRUCTION ADMINISTRATION*, § 6-5, ~~OF THE TOWN CODE~~; AND

CHAPTER 43, *ZONING*, § 4.1 (PERFORMANCE STANDARDS), § 10.2 (*ENFORCEMENT*),  
AND § 10.3 ~~§10.323, §10.334 AND §10.335~~ (*BOARD OF APPEALS*);  
OF THE *ZONING CODE* OF THE TOWN OF ORANGETOWN

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 ~~odor~~ *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, § 4.163, § 4.164, and § 4.182 § 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, ~~of the *Orangetown Code*~~ shall be amended, and, as amended shall read as follows:

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

\* \* \*

- B. ~~He~~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. ~~He~~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. ~~He~~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 Building Department 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 generally recognized and authoritative reputable service and inspection bureaus, provided the same are certified prepared and signed by a qualified professional responsible official thereof.

D. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations covering relating to building construction, he the Building Inspector may require the performance of tests in the field, or on-site of private property subject of a building permit application, by experienced, qualified professional(s) persons, or by accredited and authoritative reputable testing laboratories, or service 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, deems 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 nonresidential use subject to the Performance Standards (hereinafter referred to as "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 non-compliance, 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 "Zoning Code").

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 expressly prohibited by ~~this code in §4.4,~~ may be undertaken, and maintained, if it conforms to the district regulations, and the regulations of §4.1, ~~Performance standards, limiting dangerous and objectionable elements at the point of determination of their existence as provided in this section §4.1.~~

4.12. Performance standards procedure. Only those uses specified in the Zoning Code Use Table, Columns 2, 3 and 4, as are subject to the performance standards procedure of §10.334, §4.12, ~~are subject to performance standards procedure~~ requiring the Orangetown Zoning Board of Appeals' (hereinafter referred to as "ZBA") approval as

~~specified in §10.334 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 applicant industrial user shall comply with the procedure in §10.334 in obtaining a building permit or certificate of occupancy, unless the ZBA Board of Appeals finds that compliance therewith is unnecessary.~~

**4.13. ~~Initial, and cContinued, enforcement provisions. Whether or not compliance with performance standards procedure in §10.334, in obtaining a building permit or certificate of occupancy, is required for any particular use,~~**

~~(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 eDistricts, 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 relating to determineing compliance with by the industrial user’s conformance to 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).~~

(iii)(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 non-compliance, 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 non-compliance, 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 §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 into the atmosphere at any point 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 as published by the United States Bureau of Mines (Power's Micro-Ringelmann Chart, McGraw Hill Publishing Company, 1954, may be used), except that visible gray smoke of a shade not darker than No. 2 on said chart may be emitted for not more than four minutes in any 30 minutes. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity, 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, and Aa 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 any cause

damage to the health, to of humans or other animals, or vegetation, buildings or structures, or other forms of property, or which can cause any excessive soiling, of any point and in no event any emission from any chimney or otherwise of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air. 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 Subpart 227-1~~ 6 NYCRR Part 227, Stationary Combustion Installations, as amended and/or supplemented from time to time, as applicable.

4.164.(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 Subpart 212~~ 6 NYCRR Part 212, Process Operations, as amended and/or supplemented from time to time, as applicable.

\* \* \*

4.181. Noise. At the specified points of measurement,

(a). ~~The~~ 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 people's well-being and or use, enjoyment and or value of property, or that interferes with the a reasonable person's repose of life, or would unreasonably or unnecessarily interfere with public health, safety, and or welfare.

(b). In the event of noise complaints arising from residents, commercial, or other Town inhabitants, ~~The~~ The sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conforms 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, ~~by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, New York, and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)~~

(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 "A-weighting" unless another weighting scale is more appropriate based on industry standards, and shall address:

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

<u>Frequency Band Cycles per second</u>	<u>Sound Pressure Level Decibels "A-weighted" scale (dBA)* Re. 0.002 dyne/cm.<sup>2</sup></u>
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

\* “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. No emission of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involving the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.~~

*(a). No person, entity or process will emit, or cause or allow to be emitted, There shall be no emission and/or discharge of 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 acceptable to the Town (hereinafter referred to as "Plan") be submitted, to the Town, that outlines the operational cause of the ~~violation~~ 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 Odor Management and Control Plan, and either approve it, or request supplemental information from the facility to complete any deficiencies or shortcomings. 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 ~~and a violation of this § 4.182~~ when either:

(i). A Town inspector/code enforcement officer ~~detects~~ 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) ~~A~~ name, address, email and phone number of complainant;
- (b) ~~T~~ime and date of submission of complaint to the Town, ~~each~~;
- (c) ~~D~~escription of nuisance odor;
- (d) ~~E~~stimated location or source of complaint, ~~and~~;

- (e) ~~If possible, prevailing wind or weather conditions observed; and~~
- (f) ~~If OBZPAE or DEME finds noncompliance per above (first bullet), then there shall be deemed noncompliance; and~~

~~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 reliable olfactometer field instruments, devices, or methods calibrated to detect odors at the same levels as perceptible to a reasonable person of average sensibilities; and~~

**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 of and use is are in full conformity with all the provisions of this Zoning Ceode, 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 Ceode 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 Ceode, division of any parcel of land shall conform to all the applicable bulk regulations, except as permitted under §5.21 of this Ceode.
- C.** The Inspector may revoke a permit theretofore issued, and approved, in the following instances:
  - (**ai**) 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;
  - (**bii**) ~~Where~~ where he finds that the permit was issued in error, and should not have been issued in accordance with the applicable law(s);
  - (**eiii**) ~~Where~~ where he finds that the work performed under the permit is not being ~~proseuted~~ conducted in accordance with the provisions of the application, plans, drawings, plat or specifications; ~~or~~
  - (**diiy**) ~~Where~~ 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 ~~proseuted~~ conducted in violation of the provisions of the 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, ~~he 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 ~~certified mail~~ 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 Board of Appeals 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 ~~this~~ the Zoning eCode, 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 Board of Appeals. 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, and 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 Board 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 special ZBA's expert consultants' reports required to process it, described in Subsection (b) below.

- (b) Report by expert consultants. ~~The Board of Appeals, if there is 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 Town Board 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. ~~The applicant shall be informed of the estimated costs for such investigation and report before such referral is made. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.~~
- (c) Decision of the Board of Appeals. At the next regular meeting of the ZBA Board of Appeals, but in no event more than ~~30~~ 62 days after the ZBA Board 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 Board shall decide whether the proposed use will conform to the applicable performance standards and, ~~on such basis, shall authorize or refuse to authorize the issuance of a permit or certificate of occupancy or require a modification of the proposed plan of construction.~~ Such decision of the ZBA Board shall be in written the form of a ~~written report~~, 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, and 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 Board of Appeals for advice as to whether or not the applicant's completed buildings, structures, and 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, ~~he~~ the Inspector shall notify the ZBA Board of Appeals of the occurrence or existence of a probable such possible violation or non-compliance thereof. The ZBA Board shall investigate the alleged violation, or non-compliance, in accordance with Zoning Code §4.13, and for such investigation may employ engage or retain qualified experts. If, after public hearing on due notice, in accordance with Zoning Code §4.13, the ZBA Board of Appeals 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 Town Board. The services of any qualified experts, employed retained or engaged by the Town ZBA to investigate and report regarding an alleged advise in establishing a violation of, or non-compliance with, the performance standards, in accordance with Zoning Code §4.13, shall be paid for by the industrial user violator, if a violation, or non-compliance, is proved found by the ZBA, and otherwise by the Town. No new certificate of occupancy shall be issued, as provided in §10-236, unless such charges have been paid to the Town.

- 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.
- (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 36:** This local law shall become effective immediately upon filing with the *New York State* Secretary of State.