

**TOWN OF ORANGETOWN
WORKSHOP
TUESDAY, SEPTEMBER 4, 2018**

This meeting was opened at 7:29 p.m. Supervisor Day presided and the Deputy Clerk, called the roll. Present were:

Supervisor Chris Day
Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari

Also present: Michael Lawler, Deputy Supervisor
Amanda Hyland, Supervisor's Confidential Assistant
Rosanna Sfraga, Town Clerk
Joseph Thomassen, 1st Deputy Clerk/Collector
Robert Magrino, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America: Town Board

Supervisor Chris Day and the Town Board presented certificates to the **Pearl River Little League New York State "11 and Under" 2018 Softball Champions**: Mady Ayers; Heather Collins; Greta Swanson; Kayla Damon; Sammy McGee; Sophia Brown; Kiera Luckie; Antonia Guglielmon; Casey Urban; Clare Sullivan; Cat Arnold; Caroline Tait; Manager Billy Collins; Coach Tim McGee and Coach Matt Luckie.

Supervisor Chris Day and the Town Board presented **Meritorious Service Award Certificates** to Sergeant James Acheson and P.O. Patrick Casey of the Orangetown Police Department, Police Officer Thomas LaTorre of the Clarkstown Police Department and Christopher Higgins of the FDNY, in recognition of their dedication and saving the life of a Town of Clarkstown Radio Dispatcher at a Softball game.

The following libraries and Special Districts presented their 2019 Budgets: Orangeburg Library; Tappan Library; Palisades Library; Blauvelt; Blauvelt Library; Rockland Paramedics; Blauvelt Fire Department; So. Orangetown Ambulance and Nyack Community Ambulance Corps.

The Town Board discussed the replacement of parking meters in the Downtown Pearl River Parking Zone and a Watercourse Diversion Permit for Kreiger Estate, 27 Sunrise Lane, Pearl River.

RESOLUTION NO. 525

**OPEN / CONTINUE PH / COMMERCIAL
BUILDING INTERNAL SUBDIVISIONS**

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

RESOLVED, that the public hearing regarding Commercial Building Internal Subdivisions is hereby opened and continued.

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

Noes: None

The Affidavit of Publication, the Notice of Posting and Comments from outside agencies (if any) are labeled Exhibit 09-A-18 and made a part of these minutes.

9/4/18 TBWS

Summary of Public Comments:
There were no comments from the public.

RESOLUTION NO. 526

**CLOSE PH / COMMERCIAL BUILDING
INTERNAL SUBDIVISIONS**

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

RESOLVED, that the public hearing regarding commercial building internal subdivisions is hereby closed.

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

RESOLUTION NO. 527

**SEQRA / DECLARE LEAD AGENCY
ADOPT NEGATIVE DECLARATION
COMMERCIAL BUILDING
INTERNAL SUBDIVISIONS**

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

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 43, Article X of the Town Code and Chapter 21A section 21A-4 to provide for the circumstances under which matters must appear before the Town Planning Board for Commercial Internal Subdivision Approval; and

WHEREAS, on or about 8/07/2018, 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 law,

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

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

**TOWN OF ORANGETOWN
ROCKLAND COUNTY ZONING TEXT AMENDMENT
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: August, 2018

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

SEQRA Determination - Continued

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:

Amending Chapter 43 of the Town Code, Article X and Chapter 21A, Section 21A-4 regarding commercial internal subdivisions and the circumstances under which site development plan approval is required.

SEQRA STATUS: Unlisted Action

DESCRIPTION OF ACTION:

The proposed action amends the zoning code and Town Code and provides clarification for circumstances under which formal site development plan approval is required for commercial internal subdivisions.

DETERMINATION:

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

REASONS SUPPORTING THIS DETERMINATION:

The proposed action amends the zoning code and provides for clarification for circumstances under which formal site development plan approval is required for commercial internal subdivisions. Where there is no change of use or increase in parking needs, no site development plan approval is required. If there is a change in the numerical listing in a use column or a change in the off street parking requirements, site development plan approval from the Planning Board is required. Clarifying the need for site development plan approval will not adversely impact the environment. All plans must still be reviewed by the building inspector, and changes in use or parking must be reviewed by the Planning Board.

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

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

RESOLUTION NO. 528

**ADOPT LOCAL LAW NO. 11 OF 2018,
AMENDING, CHAPTER 43,
ARTICLES X and XI, AND CHAPTER
21A, /COMMERCIAL BUILDING
INTERNAL SUBDIVISIONS AND
CLARIFYING PROJECTS
REQUIRING SITE PLAN APPROVAL**

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

RESOLVED, that the Town Board hereby adopts proposed Local Law, amending Chapter 43, Article X entitled "Administration and Enforcement" and Chapter 21A Section 21A-4 entitled "Site development plan approval required" of the Town Code, to clarify and provide for circumstances under which internal commercial subdivisions must undergo Planning Board review.

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

**LOCAL LAW 11, 2018 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
TOWN BOARD TO AMEND THE TOWN CODE WITH RESPECT TO INTERNAL
COMMERCIAL SUBDIVISIONS**

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

Section 1.

As amended, Additions are underlined, ~~Deletions are stricken~~. Article X of Chapter 43 of the Town Code is amended as follows:

Article X Administration and Enforcement

§10.4 Town Board Approval

§ 10.42 Subdivisions. In any district no tract, lot, piece or parcel of land may be subdivided, nor shall any permit be issued for the erection of a structure upon any subdivided tract, lot piece or parcel of land, unless a map or plan of such subdivision is submitted to and approved by the Planning Board in accordance with the subdivision regulations of the Town. Where a commercial structure erected or to be erected is to be divided into two or more units which division results in a change of use or an increase in existing parking needs, each unit shall be considered a separate structure and subject to review as provided for in this section. Where there is no change of use or increase in parking needs, no such Planning Board review shall be required for the division of units in a commercial structure.

Section 2.

As amended, Additions are underlined, ~~Deletions are stricken~~. Section 21A-4 of Chapter 21A of the Town Code is amended as follows:

§21A-4 Site development plan approval required.

- A. No building permit or certificate of occupancy shall be issued, other than for a single- or two-family residence and structures accessory thereto, except for a building or use that is in conformity with a site development plan approved by the Planning Board.

Local Law 11, 2018, Internal Commercial Subdivisions - Continued

B. Approval of a site plan by the Planning Board is required for the development or redevelopment of any property or structure for a new use, the expansion or relocation of any existing use, or a change of use. A change of use of a building, structure or lot is interpreted for purposes of this Code as:

- 1) A change that results in a difference in the numerical listing or the use column (Uses Permitted by Right, Uses by Special Permit, Conditional Uses, General Accessory Uses) for all uses as set forth in Chapter 43, §3.11, Table of General Use Regulations.
- 2) A change in the off-street parking requirements for a use as specified in Chapter 43, §3.11 Table of General Use Regulations.

Section 3. Severability Clause

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

Section 4. Effective Date.

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

RESOLUTION NO. 529

**OPEN PH / ZONING CHANGE / HNA
PALISADES PREMIER CONFERENCE
CENTER / 334 ROUTE 9W, PALISADES
FROM "LO" to "OP" / 78.13-1-1**

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

RESOLVED, that the public hearing regarding a Zone Change for HNA Palisades Premier Conference Center, 334 Route 9W, Palisades, (78.13-1-1) is hereby opened.

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

Noes: None

The Affidavit of Publication, the Notice of Posting and Comments from outside agencies (if any) are labeled Exhibit 09-B-18 and made a part of these minutes.

Lino Sciarretta, Attorney for Petitioner, explained this property is currently in a Laboratory Office (LO) district and it operates under a Special Permit. The property has been used for many years as an executive conference center, a training facility, catered affairs, overnight stays, and corporate team building events. The owners, HNA, received final site plan approval for a 100 guest room expansion. The property has many resort-type amenities that they wish to offer to their guests. The current zoning district and the Special Permit only allows housing solely to participants and administrators of its conference center programs.

Summary of Public Comments:

Fred Little, Palisades, is against this zone change and a hotel. He argued there is no compelling reason to approve this zone change and he has concerns about what is next. Carol Baxter, Palisades, said the Palisades Community is against this zone change, even though, they have had a long and positive history with IBM and HNA. She submitted the Planning Boards decision with conditions (Exhibit 09-B-18) regarding their 100 guest room expansion. Susan Nemesdy, Palisades, spoke about HNA's history of selling properties. She is against changing the Zoning and in favor of Land Variances and Special Permits. Seda Tinel, Palisades, said she did not have the right or entitled to get a land variance, therefore, corporations should not have that right either.

Eileen Larkin, Palisades, is against this zone change. She would like to see the traffic study and she is concerned about signage. She said, there were no postings or letters to abutting property owners, regarding this public hearing. She spoke about the usages in OP and LIO zones. Mike Mandel, Planning Board member, said it was stated at the July 26, 2017 Planning Board meeting, they were going to keep it functioning as is and not open it to the public.

RESOLUTION NO. 530

**CONTINUE PH / ZONE CHANGE
HNA PALISADES PREMIER
CONFERENCE CENTER / 334 ROUTE
9W, PALISADES, NY / FROM "LO"
TO "OP" / 78.13-1-1**

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

RESOLVED, that the public hearing regarding a Zone Change for HNA Palisades Premier Conference Center, 334 Route 9W, Palisades, (78.13-1-1) is hereby continued to October 23, 2018, 8:05 p.m.

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

RESOLUTION NO. 531

**APPOINT / EAMON REILLY
COMMISSIONER OF DEPARTMENT
OF ENVIRONMENTAL
MANAGEMENT & ENGINEERING
(DEME)**

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

RESOLVED, that the Town Board hereby appoints Eamon Reilly to the position of Commissioner of Environmental Management & Engineering, at a salary of \$195,000.00 and in accordance with a signed employment agreement, effective September 10, 2018.

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

RESOLUTION NO. 532

**AUTHORIZE SEWER BACKUP
SETTLEMENT / MARGARET
WALSH / 121 SUNSET ROAD
BLAUVELT**

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

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 \$68,133.76, the amount calculated by CIA, and to execute any documents as may be necessary to effect such result.

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

RESOLUTION NO. 533

**CHANGE VENUE / ORANGETOWN
PLANNING BOARD MEETINGS
GREENBUSH AUDITORIUM**

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

WHEREAS, pursuant to Town Board Resolutions 2016-433 and 2016-434, the Town Board directed the Building Department to administer and hold meetings of the Planning Board and Zoning Board of Appeals (ZBA) at Town Hall, and

WHEREAS, the Planning Board and ZBA have expressed a desire to move the meetings back to the Greenbush Road building, and

WHEREAS, the Greenbush Road building is where the Building Department is located which provides for easier and faster access to information needed by the Boards, and

WHEREAS, the Greenbush Road building has cameras and equipment that can record the meetings, which will be posted to the Town's website and available for viewing online by the public, and

WHEREAS, the facilities at Greenbush Road are a more user friendly environment for Board members, applicants and the public in that the Board has more room to view plans, and the applicants are able to more easily reference the plans if the Boards or the public have questions or comments on the plans,

NOW THEREFORE BE IT RESOLVED, that the regularly scheduled Orangetown Planning Board and ZBA meetings shall, once again, be held at the Greenbush Auditorium, effective immediately, and

BE IT FURTHER RESOLVED, that when the land use boards have items of substantial public interest for which live broadcast may be appropriate, the Town Board may direct the Building Department to administer the land use boards meetings in such matters to be held at Town Hall, which is equipped for live broadcast.

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

Noes: None

RESOLUTION NO. 534

**APPROVE PROPOSAL FOR
PROFESSIONAL ENGINEERING
SERVICES WITH H2M FOR STP
AMMONIA UPGRADE -
ALTERNATIVES ANALYSIS
EVALUATION REPORT**

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

WHEREAS, on November 14, 2017 pursuant to Town Board resolution 2017-576, the Town Board approved an agreement with GHD, Inc. to write and submit an engineering report to comply with the latest NYSDEC requirement in the Orangetown Sewer District #2 SPEDES permit of final effluent limitation for Ammonia removal at the Orangetown Sewer Treatment Plant (STP), and

WHEREAS, pursuant to the aforesaid agreement, GHD, Inc. has provided a report with four alternatives for upgrade to the STP for ammonia treatment, and

WHEREAS, the Town Board has requested the H2M Architects, Engineers, Land Surveying and Landscape Architecture, DPC (H2M) to provide a cursory review of the GHD report and provide a proposal to study and prepare a report of alternatives that may be more cost-effective for the Town, and