



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday April 13, 2021

This Town Board Meeting was opened at 7:00 PM.

Councilperson Denis Troy	_____
Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **May 01, 2021 (Saturday) from 8:00 A.M. - 12:00 P.M. / Free Shredding Event at the Orangetown Town Hall held by the Town Clerk's Office. WE WILL ALSO BE ACCEPTING NON-PERISHABLE FOODS, SCHOOL SUPPLIES OR CASH DONATIONS FOR PEOPLE TO PEOPLE (LOCAL FOOD PANTRY) / No Businesses / Limit of Three (3) Boxes**

PRESENTATIONS:

- ◆ **PROCLAMATION FOR NATIONAL POETRY MONTH - Rose Marie Raccioppi / Celebrating Ten(10)Years as the Town of Orangetown's Poet Laureate – Supervisor Teresa M. Kenny to read Rose Marie's poem entitled, "Orangetown We Hail"**
- ◆ **Gatto Lane Presentation**

DISCUSSION: WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. OPEN PUBLIC HEARING ON APRIL 13, 2021 AT 7:05 P.M. RE PROPOSED LOCAL LAW AMENDING CHAPTER 43 OF THE ZONING CODE, WITH RESPECT TO ACCESSORY STRUCTURES IN THE TOWN OF ORANGETOWN

RESOLVED, that the Public Hearing re proposed Local Law to amend the Town Code, Chapter 43 of the Zoning Code, with respect to accessory structures in the Town of Orangetown, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

4. CLOSE / CONTINUE PUBLIC HEARING / PROPOSED LOCAL LAW AMENDING CHAPTER 43 OF THE ZONING CODE, WITH RESPECT TO ACCESSORY STRUCTURES IN THE TOWN OF ORANGETOWN

RESOLVED, that the Public Hearing regarding the proposed Local Law amending Chapter 43 of the Zoning Code, with respect to accessory structures in the Town of Orangetown, is hereby closed or continued to _____.

5. DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW NO. ___ OF 2021, AMENDING CHAPTERS 6 AND 43 OF THE TOWN CODE AND DETERMINATION UNDER SEQRA

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. ___ of 2021, amending Chapter 6 of the Town Code, entitled "Building Construction Administration" and Chapter 43 of the Town Code entitled "Zoning"; 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.

6. ADOPT LOCAL LAW NO. ___ OF 2021, AMENDING CHAPTERS 6 AND 43 OF THE TOWN CODE REGARDING "BUILDING CONSTRUCTION ADMINISTRATION" AND "ZONING" THE TOWN OF ORANGETOWN

WHEREAS, the Town Code currently permits certain portable accessory structures of 100 square feet or less to be placed upon properties within the Town without the necessity for a building permit, and

WHEREAS, the New York State Building Code permits authorization for placement of a portable structure of 144 square feet or less without the necessity for a building permit, and

WHEREAS, the Town Board has determined that it is in the best interests of the Town of Orangetown and homeowners to permit the placement of a portable structure of 144 square feet or less without the necessity of a building permit, in accordance with the New York State Building Code and

WHEREAS, the Town Code exempts from the requirements of a building permit for construction of retaining walls less than two feet in height, which regulation the Town Board has found to be too restrictive and not in furtherance of the objectives of the Town Code, and

WHEREAS, the Town Board hereby finds that the exemption for a building permit for retaining walls shall apply to retaining walls less than four feet in height, unless such walls support a surcharge as set forth more fully in the Code, and

WHEREAS, the Planning Board and the Architecture and Community Appearance Board of Review (ACABOR) have reviewed the proposed Local Law and offered no comment with respect thereto, and

WHEREAS, a public hearing being had thereon,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts proposed Local Law No. ___ of 2021, amending Chapter 6 of the Town Code, entitled "Building Construction Administration" and Chapter 43 of the Town Code, entitled "Zoning", to provide for exemptions from the requirement of building permits for certain sized accessory structures and retaining walls as those terms is defined in the Town of Orangetown Code.

**LOCAL LAW NO. ___ OF 2021 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
TOWN BOARD TO AMEND CHAPTER 6 AND CHAPTER 43 OF THE TOWN CODE OF
THE TOWN OF ORANGETOWN RELATED TO ACCESSORY STRUCTURES.**

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

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

As amended, Chapter 6 entitled "Building Construction Administration" originally adopted by the Town Board on 4-8-1963 and as thereafter amended and Chapter 43 originally adopted by the Town Board 7-7-1969 by LL No. 4-1969 and as thereafter amended, are hereby amended as follows:

Section 1.

Chapter 6

§6-9 Issuance of Building Permit.

E. Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed ~~400~~ 144 square feet and is a portable building;

(5) Construction of retaining walls less than ~~two~~ four feet in height unless such walls support a surcharge or impound Class I, II or IIIA liquids or redirect the current direction of drainage flow;

Section 2.

Chapter 43

Article V Additional Bulk Regulations

§5.2 Exceptions to bulk regulations.

5.227. Accessory buildings in required rear or side yards. A building or structure, except a swimming pool, accessory to a single-family or two-family dwelling in any district, except R-80 and R-40, may be located in any required rear or side yard, provided that it does not exceed 15 feet in height, it is set back five feet from any lot line, and all such buildings in the aggregate shall not occupy more than 30% of the area of the required rear or side yard. Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots. Swimming pools may be set back not less than 20 feet from the rear lot line in all residential zones other than RG. In RG Zones, the setback from the rear lot line for swimming pools will not be less than 10 feet. A portable building not over ~~400~~ 144 square feet in area shall be permitted without a building permit on any residential lot in any rear or side yard, but no closer than five feet to any property line.

Section 3.

Chapter 43

Article XI Definitions and Word Usage

§11.2 Definitions

ACCESSORY

The term applied to a building or use which is clearly incidental or subordinate to and customarily in connection with the principal building or use and which is located on the same lot with such principal building or use. No residential building, tourist cabin or summer colony

cottage shall be considered as "accessory" to any residential building. However one guesthouse, one caretaker's cottage or one servants' quarters may be considered as "accessory" to a residential use in R-80 only. Any "accessory" building attached to a principal building is deemed to be part of such principal building in applying the bulk regulations to such building. "Accessory" buildings, structures and uses shall not be subject to performance standards procedure, except as set forth in § 4.12. A portable building not over ~~400~~144 square feet in area shall be permitted without a building permit on any residential lot in any rear or side yard, but not closer than five feet to any property line. Notwithstanding any other provisions in the Zoning Code to the contrary, vending machines and entertainment devices shall be deemed "accessory" to recreation establishments, such as bowling alleys, dance halls, billiard parlors, driving ranges and miniature golf courses; eating and drinking places; hotels and motels; and the same shall be permitted without a building permit. An establishment where the vending machines and entertainment devices are the principal use, such as an arcade, shall be subject to the requirement for a special permit found in the CS District, Column 3, Zoning Board, Note 9, and all such other zoning districts which refer to that note.

Section 4.

This Local Law shall take effect upon the filing of same with the Secretary of State.

7. APPROVE / AMEND RESOLUTION 2020-521 / ZARIN & STEINMETZ / EXTEND CAP / REDEVELOPMENT OF HNA PALISADES

WHEREAS, pursuant to Town Board Resolution No. 2020-521 the Town Board authorized Zarin & Steinmetz to continue to provide professional legal services related to the potential redevelopment and zoning of the property known as HNA Palisades, and

WHEREAS, due to the specialized nature of the work performed to date and the need for additional work, the Town Board, in its discretion, finds it in the best interest of the Town to authorize the expenditure of up to an additional \$20,000.00 to cover additional expected work with respect to this matter, and

NOW THEREFORE BE IT RESOLVED, that Town Board hereby amends Resolution 2020-521 by authorizing the allocation of up to an additional \$20,000.00 to be paid to Zarin & Steinmetz, for a total not to exceed \$50,000.00 and authorizes the Finance Director to make payments, upon review and approval of the Supervisor and Town Attorney, in accordance with the terms of this resolution.

8. **MEMORIALIZING RESOLUTION / CONDEMNING PAROLE AND RELEASE OF ROBERT McCAIN / THE MURDER OF PAULA BOHOVESKY / THE NYS PAROLE BOARD**

WHEREAS, the Town of Orangetown wishes to express its continuing condolences to, and support for, the family of Paula Bohovesky, who was brutally raped and murdered forty-one (41) years ago; and

WHEREAS, in 1980, Paula Bohovesky was a talented artist, an aspiring actress and well-regarded member of the junior class at Pearl River High School; and

WHEREAS, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

WHEREAS, the two young men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty-five years to life in prison; and

WHEREAS, one of these men, Richard LaBarbera, has been recently granted parole and released from prison by the New York State Parole Board; and

WHEREAS, the second criminal involved, Robert McCain, will shortly go before that same parole board to petition for his own release; and

WHEREAS, neither of these murderers have expressed regret or taken responsibility for their heinous crime; and

WHEREAS, Paula's family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

WHEREAS, Paula's mother, Lois Bohovesky, must now witness at least one of the murderers of her child walk free, and potentially cause harm to others upon release; and

WHEREAS, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that the Town Board of Orangetown expresses its shock and disgust with the decision of the New York State Parole Board, and asks that if it is at all legally possible they reconsider, or that the Governor intervene in any way possible; and be it further

RESOLVED, that the Town Board of Orangetown again implores the New York State Parole Board to not release Paula's second killer, Robert McCain, when he appears before them in 2021; and be it further

RESOLVED, the Town Clerk is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; to the NYS Parole Board; and to such other persons proper in order to effectuate the purpose of this resolution including the offices of:

NYS Governor Andrew M. Cuomo
NYS Senator Elijah Reichlin-Melnick, 38th Senatorial District
NYS Assemblyman Michael Lawler, 97th District
NYS Assemblyman Kenneth Zebrowski, 96th District

TOWN ATTORNEY

9. APPROVAL OF 2021 CERTIFICATE OF SEWER REGISTRATIONS

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 2021 Sewer Work is approved to:

- JD Backhoe Service, Inc., 3 Route 340, Orangeburg, NY 10962
- Environmental Construction, Inc., 21 Holt Drive, Stony Point, NY 10980
- KJTM, Inc., 11 Hunter Place, West Nyack, NY 10994
- Mouacdie Excavating Corp., 175 Route 9W, Ste #6, Congers, NY 10920
- Tobar Excavating, Inc., 385 High Street, Norwood, NJ 07658

HIGHWAY

10. APPROVE COMPRESSED TEN HOUR WEEK / EMPLOYEES OF THE ORANGETOWN HIGHWAY DEPARTMENT / APRIL 12, 2021 - OCTOBER 10, 2021

RESOLVED, that upon the recommendation from the Superintendent of Highways, that the Town Board hereby approve a change to the workweek for the employees of the Orangetown Highway Department, from Monday thru Friday, 6:30 am - 3 pm, to Monday thru Thursday or Tuesday thru Friday, from 6:30 am - 4:30 pm. In accordance with Article 5, Section 5.2.2 of the Collective Bargaining Agreement, this compressed workweek schedule shall be in place starting on Monday, April 12, 2021 and concluding on Sunday, October 10, 2021.

11. ****PLACE HOLDER**** APPROVE ADOPT-A-ROAD PROGRAM / PEARL RIVER ROTARY

PARKS AND RECREATION

12. APPROVE / LEND AID / 2021 FASHION SHOW & RELAY FOR LIFE EVENTS / THURSDAY, APRIL 29TH & FRIDAY APRIL 30TH

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 \$ 500.00 by Dominican College for their 2021 Fashion Show and Relay for Life events, Thursday, April 29 & Friday, April 30, 2021, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

HIGHWAY / POLICE

13. APPROVE/ LEND ASSISTANCE / PEARL RIVER CHAMBER OF COMMERCE / 5K RUN

RESOLVED, that upon the recommendation from the Superintendent of Highways and the Chief of Police, that the Town Board hereby authorizes that these two departments to lend assistance which includes the use of barricades from the Highway Department, and auxiliary police detail from OPD, for the Pearl River 5K to be held on Saturday, April 17, 2021 from 9:30 AM- 12:30 PM.

14. APPROVE/ LEND ASSISTANCE / 2021 PEARL RIVER MEMORIAL DAY PARADE

RESOLVED, that upon the recommendation from the Superintendent of Highways and the Chief of Police, that the Town Board hereby authorizes the above departments to lend assistance which includes the use of barricades, from the Highway Department and bagging of the parking meters by the Police Department, for the Pearl River Memorial Day Parade to be held on Monday, May 31, 2021 from 9:45 am - 11:45 am.

DEME

15. AWARD/ENVIRONMENTAL DESIGN & RESEARCH/TIER IV PUMPING STATION IMPROVEMENT DESIGN

WHEREAS, on or about February 12, 2021 the Department of Environmental Management and Engineering (DEME) advertised for bids for professional design and construction administration services for necessary infrastructure upgrades to seven existing pumping stations referred to as the Tier IV Pumping Station Improvements and

WHEREAS, DEME has interviewed the bidders and determined that Environmental Design & Research (EDR) best meets the Town's needs for the project and being that the Town has the potential to obtain a grant thru NYS EFC CWSRF and/or WIIA funding, has the capability of meeting required MWBE grant requirements

WHEREAS, as this is a contract for professional services, the bidding requirements of General Municipal Law 103 are not applicable,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby approves the retention of Environmental Design & Research (EDR) for design and construction administration services for the Tier IV Pumping Station Improvements, at a cost of \$156,500.00, pursuant to written proposal, dated March 16, 2021, incorporated herein by reference and to be filed in the Town Clerk's Office.

RESOLVED FURTHER, that the Supervisor is hereby authorized to sign a contract for same, upon review and approval of the Town Attorney's Office, to be charged to Account No H.8120.200.08.

BUILDING

16. APPROVE SUMMER HOURS / OBZPAE / MAY 10 - OCTOBER 10, 2021

RESOLVED, upon the recommendation of the Director of OBZPAE, the Town Board hereby approves a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7 :30 am to 5: 15 pm. This flexible work schedule shall be in place from Monday, May 10, 2021 to Sunday, October 10, 2021. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules.

17. APPOINT KATLYN BETTMANN / SENIOR CLERK TYPIST / BUILDING DEPARTMENT/PERMANENT / EFFECTIVE APRIL 14, 2021

RESOLVED, upon the recommendation of the Director of OBZPAE, appoint Katlyn Bettmann to the position of Senior Clerk Typist, Building Department, permanent from Rockland County EL#19144, Grade 5, Step 1, at a salary of \$45,419 effective April 14, 2021.

TOWN CLERK

18. APPOINT / KENNETH W. SINCERBOX / FIREFIGHTER / BLAUVELT FIRE DEPT

RESOLVED, upon the recommendation of the Blauvelt Fire Dept., KENNETH W. SINCERBOX is hereby appointed to the position of Firefighter, with the Blauvelt Volunteer Fire Company.

19. ACCEPT / RECEIVE / FILE DOCUMENTS / TOWN CLERK'S OFFICE

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

1. Town Board Meeting minutes: 3/9/2021 Police Commission; and 3/9/2021 & 3/23/2021 Regular Town Board Meeting;
2. 2021 Caretaker Agreement with Louis Caputo for property located at 2 Nike Lane (Nike Park).
3. 2021 Agreement w/ the Blauvelt Volunteer Fire Company for fire protection services.
4. 2021 Agreement w/ Hudson Valley Humane Society for Prevention of Cruelty to Animals (Shelter).
5. Public Employer Health Emergency Plan (dated 3/23/2021).
6. DASNY Grant Disbursement Agreement (This Grant is for 6 police vehicles.)

AUDIT

20. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants (attached) for a total of \$2,534,462.75.

EXECUTIVE SESSION

21. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss pending litigation.

ADJOURNMENTS

22. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Jared Lloyd**, *Spring Valley Firefighter, Fifteen-Year Veteran and Hero*

❖ **Joseph Procida**, *Father of Piermont Resident William Procida*