



**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING MINUTES  
March 23, 2021**

This meeting was opened at 7:00 PM. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:  
Councilperson Thomas Diviny  
Councilperson Paul Valentine  
Councilperson Denis Troy  
Councilperson Jerry Bottari  
Supervisor Teresa M. Kenny

Also Present:

Allison Kardon, Supervisor's Confidential Assistant  
Carmel Reilly, Director of Economic Development & Tourism  
Rosanna Sfraga, Town Clerk  
Rick Pakola, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Eamon Reilly, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Anthony Bevelacqua, Director of Automated Systems  
Matthew Lenihan, Computer Network Specialist  
Donald Butterworth, Police Chief

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

**The Town of Orangetown and Veterans' Angels are co-sponsoring Free Veteran Dinner Bags for Easter and Passover / For Active Military and Veteran Families / Saturday, March 27, 2021 from 12:30 pm to 2 pm / Orangetown Town Hall / RSVP to [veteran@orangetown.com](mailto:veteran@orangetown.com) or call Allison at 845-359-5100 x2293.**

**The deadline to order or renew your Military Tribute Banner will be Friday, April 16, 2021. Please email [supervisor@orangetown.com](mailto:supervisor@orangetown.com) for details.**

**The Town of Orangetown is hosting a Blood Drive, Thursday, April 22, 2021 from 9 am to 8 pm. The schedule will be shortly to sign up online.**

**South Nyack Dissolution Update**

**PRESENTATIONS:**

**Assemblyman Michael Lawler presents update on New York State Budget.**

First, Assemblyman Lawler spoke about the fatal fire at the Evergreen Court Home for Adults in Spring Valley. He recognized all the volunteer Fire Fighters in Orangetown for their dedication, responding so quickly and saving many lives. He asked everyone to keep the residents and their families in your prayers.

Currently, the Assembly and Senate are in negotiations regarding the Governor's Executive Budget, with a week left for an on-time budget (due April 1<sup>st</sup>). The Governor's Executive Budget is proposing to cut \$6.7 million from School Funding, which would result a cut to seven

of out eight Rockland County School Districts. This is a dramatic cut at a time when our residents can least afford it. He has submitted legislation to change the School State Aid formula, which is impacting that cut. Specifically, he would change the Regional Labor Cost Index from 1.314 to 1.425, which would put all Rockland County schools in line with Long Island and New York City. It would increase our direct State Aid by \$11 million to all of Rockland County schools: Pearl River, South Orangetown and Nyack schools would receive at least half million or more in additional funding, making it significant for all of our school districts. He will fight for this change now and moving forward because this is not just something that impacts our schools but also our property taxes.

In addition, the Governor’s Executive Budget cut aid to municipalities by 20% statewide (about \$13.6 million). Orangetown would loose about \$43,000; Grandview \$400; Nyack \$16,000; Piermont \$3,500 and South Nyack \$11,000. In these difficult times, these are significant cuts, especially as the Town Board is balancing their budget, keeping under the tax cap and making sure critical services are not cut.

CHIPS Funding under the Governor’s budget is held flat. In the Assembly one house budget, and in the State Senate budget, the CHIPS Funding and funding for infrastructure projects across the board has been increased.

In his opinion, legalizing Recreational Marijuana should not be grouped in the budget; it should be a “stand alone bill”. He asked for it to be removed from the budget.

His office is here to help and work with the Town as a local partner in government and to be the Town’s voice in Albany, along with Senator Elijah Reichlin-Melnick. They have been working with the Town Supervisor on a number of pieces of legislation that the Town needs assistance with.

**DISCUSSION:**

**Summer / Compressed Hours**

James Dean, Superintendent of Highways, explained the employees would work a 10-hour day either Monday thru Thursday or Tuesday thru Friday. The benefits are: saves on overtime; reduces set-up and break down times; causes more productivity; works better with outside vendors; and the moral of the employees is better.

**RESOLUTION NO. 127**

**OPEN PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE AMENDING CHAPTERS 2, 24C AND 43 AND ADDING CHAPTER 31C / SIGNS**

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

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication and Postings and the comment from Rockland County Dept. of Planning; which are labeled Exhibit 03-C-21 and made a part of these minutes.

Rick Pakola, Deputy Town Attorney, explained this amendment to the Town Code is for purpose to centralize it in the Code, and to clarify it. Some of the changes: no permits are required; temporary signs are not to exceed a certain height and width etc and signs can not be put in the Town’s right of ways.

Summary of Public Comments:

Stewart Rash, Pearl River, suggested adding “or required by law” in § 31C-5. General guidance, item D. (...agencies of the government or required by law....).

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 128  
CLOSE PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE /  
AMENDING CHAPTERS 2, 24C AND 43 AND ADDING CHAPTER 31C / SIGNS**

**RESOLVED**, that the public hearing is hereby closed.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 129  
DESIGNATION OF LEAD AGENCY / PROPOSED LOCAL LAW AMENDING  
CHAPTERS 2, 24C AND 43 AND ADDING CHAPTER 31C (SIGNS) 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, amending Chapters 2, 24C and 43 and adding Chapter 31C (Signs) of the Town Code; and further determines that such action is a Type II action pursuant to SEQRA (6 NYCRR 617.5(c)(18), (21), (25), (32) and (33)), 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.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 130  
ADOPT LOCAL LAW NO. 2 OF 2021, AMENDING TOWN CODE CHAPTERS 2,  
24C AND 43 AND ADDING CHAPTER 31C OF THE TOWN CODE / SIGNS**

**WHEREAS**, in consideration of the adoption of a local law with respect to amending Chapters 2, 24C and 43 and adding Chapter 31C of the Town Code, as part of the General Municipal Law Review, the Town Board has received and reviewed a letter from the Rockland County Department of Planning dated March 4, 2021, which makes six recommendations as follows:

- (1) The Town “take a hard look” at the current sign regulations for each district and “consider updating them to better match the pattern of variance applications received that have mostly been approved by the Town.”
- (2) The Town in Section 31C-6 of the proposed amendment either provide minimum size, number of signs and size of sign letters or refer to Column 5 of the Table of General Use Regulations for each zoning district.
- (3) The Town correct a typo in Section 24C-12C.
- (4) Section 3 of the proposed Local Law calls for the removal of Section 4.22 from the Zoning Code. This section detailed prohibited signs, which are now being listed in Section 31C-5. Rather than remove this Section completely, County Planning recommends a reference to Section 31-C should be made instead.
- (5) County Planning recommends that rather than completely removing Section 4.28, reference should be made to Section 31-C for regulation of temporary signs.

**RESOLUTION NO. 130 - Continued**

(6) County Planning recommends that definitions that are being deleted from the Zoning Code should be carried over to the newly created section 31C-4.

**WHEREAS**, in reference to recommendation 1, the Town has reviewed its sign regulations for each district and does not desire to make any further changes to these regulations at this time;

**WHEREAS**, in reference to recommendation 2, the Town has amended the proposed sign law at 31C-6A to reflect that sign size, number of signs, and minimum setback standards are contained in Column 5 of the Table of General Use Regulations for each zoning district; and

**WHEREAS**, in reference to recommendation 3, the typo in Section 24C-12C has been corrected.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby overrides comments numbered 4, 5 and 6 from the Rockland County Department of Planning Letter dated March 4, 2021. The basis for the override is that one of the purposes of revising the Town’s sign law was to have one centralized section dealing with signs rather than several sections spread throughout the Town Code. All meaningful definitions and provisions have been dealt with in Section 31C, and the Town does not believe there is any need to preserve the currently existing sections, and

**BE IT FURTHER RESOLVED**, that the Town Board hereby adopts proposed Local Law No. 2 of 2021, by amending Chapters 2, 24C and 43 and adding Chapter 31C of the Town Code, creating the Sign Law of the Town of Orangetown.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**LOCAL LAW NO. 2 OF 2021 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
TOWN BOARD TO AMEND CHAPTER 2, CHAPTER 24C, CHAPTER 43 AND  
ADDING CHAPTER 31C TO THE TOWN CODE OF  
THE TOWN OF ORANGETOWN RELATED TO SIGNS.**

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

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

Chapter 31C is hereby established as set forth below. As amended, Chapter 2 entitled “Architecture and Community Board of Review” originally adopted by the Town Board on 3-8-1965 by LL No. 2-1965 and as thereafter amended; Chapter 24C entitled “Property Maintenance” originally adopted by the Town Board on 11-18-2002 by LL No. 7-2002 and as thereafter amended; Chapter 43 originally adopted by the Town Board 7-7-1969 by LL No. 4-1969 are hereby amended as follows:

**Section 1**. The Town Board hereby establishes Chapter 31C entitled “Sign Law of the Town of Orangetown” as follows:

Chapter 31C. SIGNS

**LOCAL LAW NO. 2, 2021 - Continued**§ 31C-1. Title.

This chapter shall hereafter be known and cited as the “Sign Law of the Town of Orangetown.”

§ 31C-2. Purpose.

The intent and purpose of these regulations is to establish a reasonable framework for signage that recognizes the rights of citizens to exercise free speech and facilitates communication, at the same time recognizing the need to protect the safety and welfare of the public, maintain attractive appearance in the community, and allow adequate business identification. It is the further intent of these regulations to maintain a balance between the commercial needs of business enterprises and their visual impact on residents and visitors of the Town. To these ends, the regulations seek to ensure that all signs within the Town of Orangetown:

- A. Are compatible with their surroundings and consistent with the objectives of proper design and zoning considerations.
- B. Allow and promote optimum conditions for meeting the sign user’s rights and needs while at the same time promoting an attractive environment desired by the general public.
- C. Are designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.
- D. Are visible and legible in terms of the message they are intended to convey.

§ 31C-3. Compliance required.

- A. No person, including any owner, lessee, or other occupant of any premises, shall erect, construct or display, or permit the erection, construction, or display of any sign within the Town of Orangetown, other than in accordance with the provisions of this chapter.
- B. Amortization. A sign not complying with this chapter, but in place legally on or before the effective date of this chapter, shall be removed, or brought into compliance with this chapter, by January 1, 2024. Signs that were not placed legally represent a continuing violation and shall be removed immediately. Temporary signs shall not be amortized and must adhere to the requirements of this Chapter upon the effective date of this Local Law.
- C. Continuance. A nonconforming sign may be continued during the amortization period if it is maintained in good condition. It shall not, however, be replaced by another nonconforming sign. Change in copy, design, colors or materials constitute a nonpermitted replacement. Such sign may not be structurally altered so as to prolong the life of the sign. Additionally, nonconforming signs may not be reestablished after damage or destruction if the Building Inspector determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.

§ 31C-4. Definitions.

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

BANNER OR PENNANT — Any cloth, bunting, plastic, paper, or similar nonrigid material used for advertising purposes attached to any structure, staff, pole, line, or other framing.

BILLBOARD — A permanent off-premises outdoor advertising sign erected, maintained or used for the purpose of commercial or noncommercial messages.

**LOCAL LAW NO. 2, 2021 - Continued**

BRACKET SIGN — A sign having a size no larger than six square feet, mounted on the ground using one or more posts.

HEIGHT OF SIGN — The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.

SIGN — Any announcement, declaration, demonstration, billboard display, illustration, symbol, token, figure, device, design, banner, image or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed where it may be viewed from the outside of any structure on the premises where placed. The display of merchandise and products inside a building and located at least two feet from a window shall not be considered a sign.

SIGN, ADVERTISING — A sign that directs attention to a business, commodity, service, entertainment or attraction conducted, sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.

SIGN, ANIMATED — Any sign that uses movement or a change of lighting to depict action or create a special effect or scene.

SIGN AREA — The area within the outside perimeter of all faces of a sign, including all decorations or the entire sign, if portable, but excluding supports, if any, unless the same are illuminated. In computing “sign area,” the area of all faces of a sign shall be counted, except that the “area of a double-faced sign” shall be computed by computing the area of one side thereof. Where any neon tube, string or incandescent lights or similar device is utilized, the “sign area” shall be the area within the maximum length and total height of the lettering or device.

SIGN, BUSINESS — A sign which directs attention to a business, commodity, service, entertainment or attraction conducted, sold or offered upon the same lot where sign is displayed. A “For Sale” or “To Let” sign related to the lot on which it is displayed shall be deemed to be a “business sign.”

SIGN, DIGITAL — An exterior computer programmable sign capable of displaying words, symbols, figures or pictures images that can be altered or rearranged by remote or automatic without altering the face or surface of the sign. Typically, these signs utilize LEDs (or light-emitting diodes), plasma or LCD technology to produce the character and graphic of the display.

SIGN WALL AREA — The area of a building wall below 30 feet abutting on a street, including windows and doors.

SIGN, WINDOW — Any sign, picture, symbol or combination thereof designed to communicate information that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. An interior sign, including those on blinds and curtains, that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

TEMPORARY SIGN — Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. Banners, pennants, bunting, streamers and similar devices shall be considered temporary signs.

§ 31C-5. General guidance.

- A. The number and size of accessory signs for each zoning district is provided in Chapter 43, Zoning, Use Tables, Column 5.
- B. The respective land use boards of the Town of Orangetown have authority under various Code provisions to review and approve signage relating to land use applications. When the land use boards are considering the appropriateness of signage, they shall be guided by the provisions of this Chapter.

## LOCAL LAW NO. 2, 2021 - Continued

- C. The signs, devices and installations listed below are prohibited anywhere in the Town of Orangetown.
- (1) Flashing, moving, animated, digital (except time, date or temperature or, for gas stations, price), or fluttering signs. (Fire departments, school districts, governmental entities, religious institutions, and civic organizations such as the Rotary Club, Lions Club or Chambers of Commerce are exempt from this prohibition).
  - (2) Signs that emit smoke, visible vapors or particles, sound or odor.
  - (3) Signs of such design and location that they interfere with, compete for attention with or may be mistaken for a traffic signal.
  - (4) Billboards.
  - (5) Signs that are displayed in such a manner as to be hazardous to traffic.
  - (6) Window and door signs that exceed 15% of the glass area.
  - (7) Signs that are painted, pasted, printed on or hung from any wall, façade, roof, window, door, curbstone, flagstone, pavement or any portion of any sidewalk or street except house numbers, traffic control signs, and other signs specifically authorized by Town Code.
  - (8) Except as otherwise permitted in this chapter, signs which are not accessory to a use located on the premises.
  - (9) Highly reflective glass or fluorescent paint.
  - (10) Any sign erected, constructed, or maintained above the primary roof or roof peak of a building.
  - (11) Internally lit “can” or cabinet signs with transparent backgrounds.
  - (12) Inflatable signs or devices.
  - (13) Temporary signs that have a maximum total sign area of over 32 square feet or exceed 10 feet in height or width.
  - (14) Signs attached to utility or light poles (other than for utility identification purposes), trees, fences, traffic signs, and street markers.
- D. No sign, other than signs placed by agencies of the government, shall be placed on any public property, parkland, highway or right of way. Any signage so placed may be removed by the Town without notice.
- E. No sign shall be placed on any private property without the consent of the owner thereof.
- F. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words “STOP,” “LOOK,” “DRIVE-IN,” “DANGER,” or any other word, phase, symbol or character in such manner as to interfere with, mislead or confuse traffic. This shall not prohibit signs in private parking lots as directed by the Planning Board.
- G. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.

**LOCAL LAW NO. 2, 2021 - Continued**

- H. Sign lighting. Illuminated signs may be directly or indirectly lighted, provided that they comply with the following standards:
- (1) Illumination of directly illuminated signs shall be of the diffused lighting type.
  - (2) Indirectly illuminated signs with external spot or flood lighting must be arranged such that the light source is directed away from passersby. The light source must be directed against the sign such that it does not shine into adjacent property or cause glare for motorists and pedestrians.
  - (3) Floodlights or spotlights used for the illumination of signs, whether such lights are attached to or separate from the building, shall not project light beyond the sign. Gooseneck reflectors and lights shall be permitted, provided that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
  - (4) All lighting in connection with signs shall be extinguished by 11:00 p.m. prevailing time, or at the close of business or activity services by said signs or lights; provided, however, that the Building Inspector may authorize exterior lighting at additional hours to assist in the protection of properties which otherwise may be subject to this section when so recommended by the Chief of Police of the Town of Orangetown.

§ 31C-6. Guidance for land use boards.

Town of Orangetown land use boards when considering the appropriateness of signs, shall consider the following matters, not relating to content:

- A. Regulations relating to sign size, number of signs, and minimum setback standards are contained in Column 5 of the Table of General Use Regulations for each zoning district.
- B. All signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting so that they are complementary to the overall design of the building.
- C. Signs should reflect the character of the building and its use.
- D. Signs should respect the context of the building's location and the overall character of the area.
- E. Signs should complement the primary design elements of unique architectural features of buildings.
- F. Signs should not cover or obscure important architectural features of the building.
- G. Primary signs should contain only the name of the business and/or its logo or the address.
- H. The colors and lettering styles should complement the building façade.
- I. The design and alignment of signs on multiple use buildings should complement each other such that a unified appearance is achieved.
- J. The size of letters and graphics should be no larger than what is necessary to display a legible and aesthetic text.



**LOCAL LAW NO. 2, 2021 - Continued**§ 31C-7. Temporary signs.

In all zoning districts, temporary signs are authorized as follows:

- A. Bracket signs with a maximum total sign area of six square feet are authorized without set back limitations.
- B. Temporary signs that have a maximum total sign area of 32 square feet or less.
- C. Temporary signs shall not exceed 10 feet in height or width.
- D. All temporary signs that are not bracket signs must have a set back from the designated street line of a minimum of 5 feet.
- E. All temporary signs shall be removed within 90 days of their initial placement and may not be re-posted for a period of 60 days.

§ 31C-8. Administration and enforcement; penalties for offenses.

- A. Administration. This chapter shall be administered by the Building Inspector of the Town of Orangetown, who shall be responsible for the inspection, investigation and pursuit of compliance through enforcement of all the provisions of this chapter.
- B. Enforcement.
  - (1) The Building Inspector, his or her subordinates, and Town officials with code enforcement authority shall enforce all provisions of this chapter and are empowered to cause any sign, place or premises to be inspected and to order in writing the remedying of any condition found to exist in violation of any provision of this chapter.
  - (2) All written notices issued shall be by first class mail and shall be posted on the premises in full view, or by certified mail, return receipt requested, to the last known address of an owner, tenant, lessee or other cited person or business entity.
  - (3) For the purposes of any prosecution pursuant to this chapter, it shall be presumed that the owner, tenant, lessee, agent, property manager, sign company, contractor or any other person involved with the building where a violation of this chapter has been committed or exists is subject to penalties in accordance with the provisions of this chapter.
  - (4) Any sign placed on Town property or in a Town right of way in violation of this Chapter may be removed by the Town without notice to the owner of the sign. The cost of such removal may be charged to the owner of the sign and the person responsible for placing the sign.
- C. Penalties. Any person, firm or corporation who shall violate any of the provisions of this chapter shall be punishable by a penalty as set forth in Chapter 41A of this Code, as well as being required to pay for the reimbursement of costs to the Town associated with removal of the sign.

§ 31C-9. Severability.

The phrases, clauses, sentences, paragraphs, and subsections of this chapter are severable, and if any phrase, clause, sentence, paragraph, or subsection of this chapter shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree, injunction or order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and subsections of this chapter.

**LOCAL LAW NO. 2, 2021 - Continued**

**Section 2.** The Town Board hereby amends Chapter 24C entitled “Property Maintenance” as follows:

§ 24C-12. Signs.

- ~~A. In the unincorporated portion of the Town of Orangetown all political signs, posters, stickers, and advertising shall be removed from all poles, structures and other public areas within 30 days of an election, general election or primary election by the candidate or his or her committee.~~
- ~~B. In the unincorporated portion of the Town of Orangetown all event signs, garage sale, tag sale, rummage sale, yard sale or sale event signs, posters, stickers and advertising shall be removed from all public areas (where otherwise permitted) within seven days of the sale, or be subject to removal by the Town, notwithstanding the provisions of § 24C-15 of this chapter.~~
- ~~C. In the unincorporated portion of the Town of Orangetown all "For Sale" signs or signs which offer items for sale, employment, merchandise, products and services and/or any other advertising or temporary sign are prohibited within the public highway right of way.~~
- ~~D. Any signage placed on the public highway or right of way in violation of this section shall be removed without notice. Any signage remaining after the expiration of the time period referred to in § 24C-12A and B above shall be removed without notice, and a report by the Superintendent of Highways will be filed with the Town Board showing the cost and expense of such removal.~~
- A. The owner or tenant of a building or premises shall properly maintain all signs on his or her property. All signs, awnings and canopies, together with their framing, supports, braces and anchors shall be kept in repair and a proper state of preservation. The display surfaces of all signs, awnings and canopies shall be kept neatly painted or posted at all times, free from paint scaling or breaks, tears and defacing.
- B. Unsafe signs or unsightly, damaged, or deteriorated signs or signs in danger of falling shall be removed upon written notice. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the Town and the costs assessed to the property owner.
- C. The owner or tenant of a building or premises shall remove all temporary signs within the appropriate timeframe required by Section 31C-7E.

**Section 3.** The Town Board hereby amends Chapter 43, entitled “Zoning”, Article IV entitled “Additional Use Regulations” as follows:

§ 4.2. Additional regulations for signs and artificial lights.

4.21. General controls over signs: No sign, billboard, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this Code, State, eCounty and Town signs and private traffic signs installed for public purposes shall be excluded from the total sign area permitted for business and advertisement signs where used solely for traffic safety and direction.

~~4.22. Prohibited signs. The following types of signs or artificial lights are prohibited:~~

- ~~(a) Flashing signs.~~
- ~~(b) Signs (except signs painted on awnings or signs on theater marquees) which project more than one foot over the street.~~

## LOCAL LAW NO. 2, 2021 - Continued

- ~~(c) — Any artificial light or reflecting device connected to or used with a sign or otherwise located or displayed where such light interferes with, competes for attention with or may be mistaken for a traffic signal.~~
- ~~(d) — Illuminated signs outlining any part of a building such as a gable, roof, side wall or corner.~~
- ~~(e) — A sign illuminated with a light not shielded so that the direct rays therefrom are visible elsewhere than on the lot where such illumination occurs, or a sign where the light therefrom is visible through a transparent panel.~~
- ~~(f) — Unshielded neon signs.~~

4.22. (Reserved)

....

4.28. ~~Temporary signs. The following regulations shall apply to temporary signs (for purposes of these regulations, portage signs, flags, pennants, bunting, streamers and similar devices shall be considered temporary signs):~~

- ~~(a) — The Building Inspector may grant special permission for the maintenance of a temporary sign or signs to a charitable or nonprofit organization for a period not to exceed 30 days. No fee is to be charged for such.~~
- ~~(b) — Temporary signs announcing the grand opening of premises shall be permitted in CS, CC and CO Districts for a period not to exceed 15 days before the date of opening and 15 days after the date of opening. Such sign shall not be hung from public utility poles, trees or other public property. Special event, holiday signs, grand openings and announcement signs heralding special sales or events may be permitted in these districts for a period not to exceed 15 days.~~
- ~~(c) — No sign, other than signs placed by agencies of the government, shall be placed on any public property unless written consent is first obtained from the Orangetown Town Board. No sign shall be placed on any private property without the consent of the owner thereof. No sign shall be placed or painted on any tree or rock. No sign shall be placed on any utility pole except for utility identification or similar purposes.~~
- ~~(d) — One contractor sign per frontage, with a maximum size of 24 square feet, shall be permitted, provided that such signs are located at ground floor level and shall be erected no more than five days prior to the beginning of construction for which a valid permit has been issued and shall be removed within five days after completion of the project.~~
- ~~(e) — A temporary sign announcing the anticipated occupancy of a site or building may be permitted for a period not to exceed three months without the Building Inspector's approval. Such sign shall not exceed 24 square feet if it is affixed to a building or wall and not more than 40% of the window area if an interior sign.~~
- ~~(f) — One temporary nonilluminated sign advertising the sale or rental of the premises on which such sign is situated may be permitted, with an area of not over four square feet, provided that such sign is located on the front wall of the building or, if freestanding, then not nearer than 15 feet to any street, except at street intersections, where setback shall be 35 feet.~~

**Section 4.** The Town Board hereby amends Chapter 43 entitled “Zoning”, Article XI – “Definitions and Word Usage” as follows:

**LOCAL LAW NO. 2, 2021 - Continued****SIGN**

For all definitions relating to signs, see § 31C-4.

~~Any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, flag, device or representation which is in the nature of, or which is used as, an announcement, direction or advertisement, for commercial purposes or otherwise. A "sign" includes a billboard, also a neon tube, string of lights or similar device outlining or hung upon any part of a building or lot, but does not include the flag or insignia of any nation or group of nations or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, business or like campaign, drive, movement or event.~~

**SIGN, ADVERTISING**

~~A sign, including the type commonly known as a "billboard," which directs attention to a business, commodity, service, entertainment or attraction conducted, sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.~~

**SIGN AREA**

~~The area within the outside perimeter of all faces of a sign, including all decorations or the entire sign, if portable, but excluding supports, if any, unless the same are illuminated. In computing "sign area," the area of all faces of a sign shall be counted, except that the "area of a double-faced sign" shall be computed by computing the area of one side thereof. Where any neon tube, string or incandescent lights or similar device is utilized, the "sign area" shall be the area within the maximum length and total height of the lettering or device.~~

**SIGN, BUSINESS**

~~A sign which directs attention to a business, commodity, service, entertainment or attraction conducted, sold or offered upon the same lot where sign is displayed. A "For Sale" or "To Let" sign related to the lot on which it is displayed shall be deemed to be a "business sign."~~

**SIGN, DIRECTIONAL**

~~A sign with sign area of not over two square feet indicating the direction or route to an establishment.~~

**SIGN, FLASHING**

~~Any directly or indirectly illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color, at all times when in use.~~

**SIGN, ILLUMINATED**

~~Any sign intensified by artificial or natural light, or a sign incorporating a device or material designed to increase reflected light, such as iridescent or fluorescent paints, scotch lite, sequins or disc reflectors.~~

**SIGN WALL AREA**

~~The area of a building wall below 30 feet abutting on a street, including windows and doors.~~

**Section 5.** The Town Board hereby amends Chapter 43 entitled "Zoning," Attachment 8, Table of General Use Regulations (§ 3.11), LO District, Column 5, as follows:

11. 1 illuminated business sign equal or less than 30 square feet (1 side) or 60 square feet from any lot line, and not extending more than 18 feet high. Sign areas may be combined to form a

**LOCAL LAW NO. 2, 2021 - Continued**

~~single directory sign or part of the sign may be included in the directory sign and part on the establishment.~~

11. 1 illuminated business sign equal or less than 30 square feet (1 side) or 60 square feet (2 sides) not less than 20 feet from any lot line, and not extending more than 18 feet high. Sign areas may be combined to form a single directory sign or part of the sign may be included in the directory sign and part on the establishment

**Section 6.** The Town Board hereby amends Chapter 2 entitled “Architecture and Community Appearance Board of Review” as follows:

§ 2-5. Recommendations.

B. Inappropriateness of a structure or land development in relation to any other structure or land development existing or for which a permit has been issued or to any other structure or land development included in the same application with respect to one or more of the following features:

- (1) Cubical contents.
- (2) Gross floor area.
- (3) Height of building or height of roof.
- (4) Other significant design features such as material or quality or architectural design, roof structures, chimneys, exposed mechanical equipment and service, service and storage enclosures, ~~signs~~, landscaping, retaining walls, parking areas, service and loading docks, dividing walls, fences, lighting posts and standards provided that a finding of inappropriateness existed to provoke beyond reasonable doubt one or more of the harmful effects set forth in § 2-1.
- (5) Signs. In the Board’s review of signs, the Board shall consider and apply the provisions of Chapter 31C – Signs.

\*\*\* \*\*

**RESOLUTION NO. 131  
OPEN PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Summary of Public Comments:

Mike Mandel, Pearl River Parks & Activity Committee, requested the Town Board to support Lending Assistance for the Pearl River Annual July Fourth Celebration.

Public Comments made regarding Rockland Cider Works

Sean O’Sullivan, Jim Linekin, Eric DiVito, Jamie Failing, Jeffrey Shaylen, Tim O’Donahue, Pearl River; Julia O’Sullivan & Taryn Saridis, Employees; Donna Avdoyan, Blauvelt; are **in favor** of this operation. This small family run business brings entertainment and joy to the community. This entertainment operates Saturdays & Sundays, 2pm – 5pm. Bands are not

playing late or too loud. Give them a chance to dot their “I’s and cross their “T’s and come into compliance.

Kevin McCormack, Michael Aligodema, Paul & Faith Custer, Charlene Reynolds, Gerry Goggin, Orangeburg; Stewart Rasch, Sharon Van Houten, Kelly Van Houten Spadaccini, Mike & Linda Kolodner, Cory Burr, Susan McWhinney, Lynn Flattery, Karen Costello, Susan Reynolds, Caseyann Sarli, Pearl River; are **opposed** to this operation. There are cars parking on the road and blocking driveways, loud music & generators, and people vandalizing the neighborhood and urinating on lawns. Quality of life is being negatively affect. Alcohol is being served in a residential neighborhood and to minors.

Alex Shah, Attorney for the Neighborhood, has written letters to the Town. There are many code violations and they have not stopped operating. This operation is illegal and should be shut down.

**RESOLUTION NO. 132  
CLOSE PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 133  
ADOPT / TOWN OF ORANGETOWN PUBLIC EMPLOYER HEALTH EMERGENCY PLAN**

**WHEREAS**, effective September 7, 2020, the State of New York required each public employer in the State to prepare a plan for the continuation of operations in the event the governor declares a public health emergency involving a communicable disease pursuant to New York Labor Law §27-C, and

**WHEREAS**, the Town of Orangetown Emergency Management Committee has undertaken to consult with all Town Department Heads and union representatives and prepared a Public Employer Health Emergency Plan in accordance with the requirements of Labor Law §27-C, and

**WHEREAS**, in accordance with the requirements of the law, the plan was formally presented to the certified representatives of the unions representing the Town’s employees on February 4, 2021 for their review and comment, which comments have been addressed and incorporated into the final plan, and

**WHEREAS**, the Town Board having had an opportunity to review the plan as prepared by the Emergency Management Committee and having accepted its guidance and recommendations,

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby adopts the Town of Orangetown Public Employer Health Emergency Plan dated March 23, 2021 as prepared in accordance the requirements of New York Labor Law §27-C for implementation upon the declaration of a public health emergency by the Governor of the State of New York related to a communicable disease.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 134  
ADOPT ORANGETOWN POLICE REFORM AND REINVENTION  
COLLABORATIVE PLAN**

**WHEREAS**, pursuant to New York State Governor Executive Order 203, issued on June 12, 2020, the Governor required every local government which has a police entity to perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices and to develop a plan for improvement as set forth more fully in EO 203, which is incorporated herein by reference, and

**WHEREAS**, EO 203 required each Chief Executive of such local government to convene the head of the local police agency, and stakeholders in the community to develop such plan in accordance with the requirements of EO 203, and

**WHEREAS**, the Town Supervisor, as Chief Executive of the Town, has undertaken to coordinate with the Chief of Police and local stakeholders to develop a plan in accordance with the directives of EO 203, and

**WHEREAS**, a Police Reform and Reinvention Committee was formed, its membership consisting of residents and community members, elected officials from the Town of Orangetown, Village of Nyack and County of Rockland, and representatives from the Orangetown Police Department, Rockland County District Attorney’s Office, Rockland County Public Defender Office, Orangetown PBA, and Orangetown Town Attorney’s Office, and which held meetings on October 20, 2020, November 10, 2020, December 1, 2020, December 15, 2020, February 2, 2021, February 16, 2021, and March 16, 2021, participated in informational presentations from the Rockland Behavioral Health Response Team, Mental Health Committee of the Rockland Coalition to End the New Jim Crow, Orangetown Police Department, and Rockland County Police and Public Safety Academy, invited public questions and comment at multiple meetings and via a dedicated and confidential email address, and created a written plan entitled Town of Orangetown Police Reform and Reinvention Collaborative Plan, and

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby adopts the Town of Orangetown Police Reform and Reinvention Collaborative Plan dated March 23, 2021, as prepared in accordance with New York Governor Executive Order 203, and authorizes the Town Supervisor to transmit a Certification of to the New York State Director of the Division of the Budget certifying that the process set forth in EO 203 has been complied with and that this resolution has been adopted accepting such Plan.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 135  
APPROVE AGREEMENT / VALUATION PLUS / APPRAISAL SERVICES**

**RESOLVED**, the Town Board hereby approves the retention of Valuation Plus, Inc., to conduct a fair market value appraisal of certain Town owned lands formerly a part of the Rockland Psychiatric Center, at a cost of \$3,000.00, pursuant to a written proposal dated March 17, 2021, incorporated herein by reference.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 136**

**APPOINT MATT LENIHAN / MEMBER / ORANGETOWN OFFICE OF EMERGENCY SERVICES COMMITTEE / 1 YEAR TERM**

**RESOLVED**, that Matt Lenihan is hereby appointed, as Member, to the Orangetown Office of Emergency Services, for a period of one (1) year, commencing on January 1, 2021 and expiring on December 31, 2021.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 137**

**SETTLE CLAIM / BELINDA FERGUSON V. TOWN OF ORANGETOWN**

**WHEREAS**, on or about September 2, 2020, an accident occurred whereby individual Belinda Ferguson claimed that a Town of Orangetown (“Town”) Department of Environmental Management and Engineering vehicle struck the front left of her unoccupied vehicle resulting in property damage; and

**WHEREAS**, on or about September 19, 2020, the Town has received and been served with a Notice of Claim, for the cost of vehicle repair in the amount of \$2,320.99 as damages.

**WHEREAS**, the Town investigated this claim and obtained, by referral of Gallager Bassett, a Condition Report from Property Damage Appraisers concerning the condition of the damaged vehicle and the repairs performed, and

**WHEREAS**, the Town has agreed to pay, subject to Town Board approval, the amount of \$1,500.00 as full and final settlement of the damages asserted in the Notice of Claim,

**NOW THEREFORE BE IT RESOLVED**, that the claim by Belinda Ferguson in the amount of \$2,320.99 shall be settled and paid by the Town in the full and final amount of \$1,500.00, and

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 138**

**APPROVE / LEND ASSISTANCE / ROCKLAND GAA / NOEL O’CONNELL FUN RUN/WALK / HIGHWAY DEPT**

**RESOLVED**, upon the completion of all the necessary paperwork, the Superintendent of Highways has forwarded for approval by the Town Board use of cones, trash receptacles and recycling kiosks by the Rockland Gaelic Athletic Association for their Noel O’Connell Memorial 5k Run/Walk Event, Saturday, March 27, 2021, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.



**RESOLUTION NO. 138 - Continued**

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 139**

**APPROVE / LEND ASSISTANCE / 2021 ROCKLAND GAA NOEL O'CONNELL MEMORIAL 5K RUN/WALK / SHOWMOBILE**

**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 the Rockland Gaelic Athletic Association for their Noel O'Connell Memorial 5k Run/Walk Event, Saturday, March 27, 2021, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 140**

**ACCEPTS / IMPROVEMENTS / ERIE PATH TRACK EXHIBIT**

**RESOLVED**, that upon the recommendation of the Superintendent of Park and Recreation accept with gratitude improvements to be made to the Erie Path Track Exhibit located at the entrance to the rail trail near Kips Crossing in Sparkill NY. Work to be performed by the Piermont Historical Society at no cost to the Town of Orangetown.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Supervisor Teresa M. Kenny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 141**

**ACCEPT DONATION / MEMORIAL TREES / JOHN PAULDING ENGINE COMPANY LADIES AUXILIARY**

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of two trees by the John Paulding Engine Company Ladies Auxiliary to be planted in Sparkill Park in memory of Bullock family members and Pauline McCullough.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 142  
ACCEPT RESIGNATION / RETIREMENT POLICE OFFICER MICHAEL MCNALLY  
EFFECTIVE MARCH 29, 2021**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Michael McNally, from the Orangetown Police Department effective March 29, 2021.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 143  
LEND ASSISTANCE/ ANNUAL PEARL RIVER JULY FOURTH CELEBRATION  
SUNDAY, JULY 4, 2021**

**RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway Department, Parks Department and Police Department to lend assistance for the Pearl River Annual July Fourth Celebration. Assistance includes: the use of trash receptacles and large dumpster, snow fence, barricades and a secure event perimeter, an electronic message board and field cleanup from the Highway Department; Six port-o-sans (4 Regular and 2 ADA Complaint) from the Parks Department; and a police detail, provided by the Police Department, for the Pearl River Parks and Activity Committee, Inc., to celebrate the Annual July Fourth Celebration on Sunday, July 4, 2021 (rain date of Friday, July 9, 2021).

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 144  
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 four (4) warrants (attached) for a total of **\$2,711,832.90**.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 145  
ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Teresa M. Kenny Councilpersons Denis Troy Thomas Diviny, Paul Valentine and Jerry Bottari, Rob Magrino (virtual), Rick Pakola, Jeff Bencik, Jane Slavin and Donald Butterworth.

**RESOLVED**, at 9:05 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

**RESOLUTION NO. 145 - Continued**

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,  
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 146**

**RE-ENTER RTBM / ADJOURNED / MEMORY**

**RESOLVED**, at 10:00 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Vicki Linderman**, *Wife of Former Orangetown Parks Department Employee, George Linderman* and **Walter J. Wheatley**, *Resident of Pearl River & Retired Orangetown Fire Inspector*.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,  
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

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**Rosanna Sfraga, Town Clerk**