



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday June 25, 2024

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

Councilperson Paul Valentine _____
Councilperson Jerry Bottari _____
Councilperson Brian Donohue _____
Councilperson Dan Sullivan _____
Supervisor Teresa M. Kenny _____

🌟 Pledge of Allegiance to the Flag

PRESENTATIONS:

◆ Day Camp Scholarship Presentation

- ★ Kyle John Boyce Memorial Scholarship Committee presents a check to the Parks and Recreation Day Camp for two children to attend the 2024 summer camp program

◆ Eagle Scout Project Presentation

- ★ Joshua Rodgers / Eagle Scout Fence Project at the James H. Anderson American Legion Post #1199 in Orangeburg

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. ZONE TEXT AMENDMENT PETITION WITHDRAWN / DISCONTINUE PUBLIC HEARING / SPECIAL PERMIT USE / FARM WINERY/CIDERY

WHEREAS, pursuant to Town Board Resolution No. 2023-502, the Town Board accepted the petition of the owner of the premises located at 68 Sickletown Road, Orangeburg, New York for a text amendment to the Town zoning code to permit "Farm Winery/Cidery and Agrotourism" as a Special Permit Use in the R80 and R40 zoning districts, and

WHEREAS, the petitioner, through its counsel, has advised the Town Clerk that they seek to withdraw the petition and discontinue the public hearing thereon, and

NOW THEREFORE BE IT RESOLVED, the Town Board hereby discontinues the public hearing regarding the petition for a Proposed Zone Text Amendment to Special Permit Uses to include Farm Winery/Cidery in the R80 and R40 zoning districts, with no further action to be taken on the petition.

4. OPEN PUBLIC HEARING / RTBM OF JUNE 25, 2024 AT 7:10 PM / PROPOSED ZONE CHANGE FOR 283 NORTH MIDDLETOWN ROAD, PEARL RIVER

RESOLVED, that the public hearing regarding a proposed Local Law amending Chapter 43, § 2.2 to change the zoning district of the parcel known as 283 North Middletown Road, tax lot 68.12/3/24 in the hamlet of Pearl River from "MFR" (Multi Family Residential) to "RG" (General Residence) is hereby opened.

5. CLOSE/CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR 283 NORTH MIDDLETOWN ROAD, PEARL RIVER

RESOLVED, that the public hearing regarding a proposed Local Law amending Chapter 43, § 2.2 to change the zoning district of the parcel known as 283 North Middletown Road, tax lot 68.12/3/24 in the hamlet of Pearl River from "MFR" (Multi Family Residential) to "RG" (General Residence) is hereby closed or continued to _____.

6. ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. ___ OF 2024, AMENDING THE TOWN ZONING LAW TO CHANGE THE ZONING DISTRICT, 283 NORTH MIDDLETOWN ROAD, PEARL RIVER TAX LOT 68.12-3-24 FROM "MFR" TO "RG"

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of the parcel known as 283 North Middletown Road in the hamlet of Pearl River, tax lot Section 68.12 Block 3 Lot 24 from Multi Family Residence ("MFR") to General Residence ("RG"), and

WHEREAS, on or about May 22, 2024, pursuant to Town Board Resolution 2024-262 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

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

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel affected by the proposed Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or her 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.

7. ADOPT LOCAL LAW / CHANGE ZONE / 283 NORTH MIDDLETOWN ROAD / TAX LOT 68.12/3/24 / FROM MFR TO RG

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town’s Zoning Law; and

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the parcel known as 283 North Middletown Road in the hamlet of Pearl River, identified as section 68.12 block 3 lot 24 on the Town of Orangetown tax map, being located in the “MFR” (Multi Family Residence), to “RG” (General Residence) a zoning district that already directly abuts the property, and

WHEREAS, by Resolution No. 262 of 2024, after notice duly given, and there being no other involved agency, by resolution duly adopted this 25th day of June, 2024, the Town Board assumed the role of Lead Agency under SEQRA for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law and determined the issuance of Negative Declaration is appropriate; and

WHEREAS, following due notice, a public hearing was conducted on the proposed zone change amendment; and

WHEREAS, the Board has concluded that the proposed zone change which changes the zoning classification of the subject parcel to a zoning district which already abuts the parcel due to a previous zone change, is consistent with the Town’s Comprehensive Plan wherein it indicates on page IV-2 that “encouraging additional residential uses along this roadway would also be beneficial, strengthening the roadway’s mixed-use character”, and otherwise is in the best interests of the Town and the owner of the parcel, who has requested the change of zoning classification; and

WHEREAS, 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 each reviewed the proposed law; and

WHEREAS, the Town Planning Board, by Memorandum, dated June 12, 20224, following due consideration at a public meeting held on the same date, has indicated that it does not object to the Town Board serving as Lead Agency and

WHEREAS, the Town Board finds that amending the zoning classification of this property will not have a significant impact on traffic or emergency services in the area, and

WHEREAS, the County Department of Planning, by letter review dated June 3, 2024, has remanded the matter for “local decision”:

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the referenced parcel known as 283 North Middletown Road, Pearl River, tax lot 68.12/3/24 from “MFR” to “RG”.

LOCAL LAW AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT OF CERTAIN PROPERTY IN THE HAMLET OF ORANGEBURG

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following property:

283 North Middletown Road (Tax Map Designation Section 68.12 Block 3 Lot 24) from the “MFR” (Multi Family Residence) zoning district to the “RG” (General Residence) zoning district.

Section 2: This law shall take effect immediately upon filing with the Secretary of State.

8. APPROVE / WAIVE BUILDING DEPARTMENT FEE / EAGLE SCOUT FENCE PROJECT / JAMES H. ANDERSON AMERICAN LEGION POST #1199

RESOLVED, they Town Board hereby approves the request to waive the Building Department fees for Joshua Rodgers' Eagle Scout Fence Project at the James H. Anderson American Legion Post # 1199 located at 61 Hunt Road, Orangeburg in the amount of \$204 for a permit fee and for \$220 for GIS and Stream Maintenance fees, for a total amount of \$424.

9. **AUTHORIZATION FOR THE TOWN OF ORANGETOWN TO PURCHASE REAL PROPERTY LOCATED AT 149-157 PIERMONT AVE., S. NYACK, NEW YORK**

WHEREAS, the LIVING CHRIST CHURCH OF THE CHRISTIAN AND MISSIONARY ALLIANCE, INC. f/k/a SIMPSON MEMORIAL CHURCH, Inc. (the “Seller”) is the owner of that certain parcel of real property located in the Town of Orangetown, County of Rockland, and State of New York, containing approximately 6.5 acres, and having the Tax Map Identification Number: 66.54-2-11 (the “Property”); and

WHEREAS, the Seller desires to sell the Property to the Town of Orangetown (the “Town”) and the Town desires to purchase the Property from the Seller, for public purposes, including but not limited to, the development of unspecified Town facilities for use by the public; and

WHEREAS, the Town Board of the Town of Orangetown desires to act as Lead Agency for the purpose of completing an assessment of the potential adverse environmental impacts related to a proposed acquisition of the Property pursuant to Article 8 of the Environmental Conservation Law of the State of New York and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”);

NOW THEREFORE BE IT RESOLVED that the proposed acquisition of the Property constitutes an Unlisted Action as that term is defined pursuant to 6 NYCRR § 617.2(al) of the SEQRA regulations subject to an uncoordinated review conducted by the Town Board as Lead Agency pursuant to SEQRA; and be it further

RESOLVED that upon completing Parts 1, 2 and 3 of a Short Environmental Assessment Form (“EAF”) assessing the potential adverse environmental impacts of the proposed acquisition of the Property, and having thoroughly analyzed the identified areas of relevant environmental concern and comprehensively reviewed and deliberated upon the pertinent information contained in the EAF, as well as all documentation associated with the proposed acquisition, including the EAF Mapper results accompanying the EAF and the criteria set forth in 6 NYCRR § 617.7(c) of the SEQRA regulations, the Town determines that the proposed acquisition of the Property does not present a potential significant adverse environmental impact; and

RESOLVED that the Town Board therefore issues a Negative Declaration pursuant to 6 NYCRR § 617.7 of the SEQRA regulations for the proposed acquisition of the Property; and be it further

RESOLVED that the Supervisor for the Town of Orangetown (the “Supervisor”) or her designee is hereby authorized to execute an agreement to purchase the Property for \$3,050,000.00 (Three Million Fifty Thousand Dollars) on the terms and conditions detailed in that certain Purchase and Sale Agreement between the Seller and Town and to execute any and all documents necessary to effectuate the purchase, transfer and acquisition of the Property from Seller; and be it further

RESOLVED that the Supervisor or her designee is hereby authorized and directed to have performed appropriate inspections of the property, and to have a title search performed by a licensed New York State title agency, and upon completion of sale, have recorded with the Rockland County Clerk the bargain and sale deed and, as necessary, any other documentation related to the purchase of the Property by the Town of Orangetown; and be it further

RESOLVED that this resolution be subject to Permissive Referendum; and be it further

RESOLVED that the Town Clerk duly advertise for the Permissive Referendum related to the purchase of the Property, as required by law; and be it further

RESOLVED that the Town Clerk of the Town of Orangetown shall cause a certified copy of this Resolution to be duly recorded in the Office of the Clerk of Rockland County within ten (10) days of the adoption of this Resolution.

TOWN ATTORNEY

10. **ACCEPT HOLD HARMLESS AND INDEMNIFICATION / LIFRIERI / 2 HENRY STREET**

RESOLVED, upon the recommendation of the Superintendent of Highways and upon review and approval of the Town Attorney, accept a Hold Harmless and Indemnification / License Agreement from Frank Lifrieri and Patricia Lifrieri, 2 Henry Street, Orangeburg, New York, with respect to two stone pillars in Town right of way, and authorize the Town Attorney to execute same on behalf of the Town.

11. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. PIERMONT RIVER ESTATES LLC V. TOWN OF ORANGETOWN (TAX LOTS #66.54-2-16.1 & 16.2)**

RESOLVED that, upon the recommendation of the Tax Assessor, approve and authorize Robert V. Magrino, Town Attorney, and any of his Deputy Town Attorneys, to sign settlement documents regarding the tax certiorari proceeding *Piermont River Estates LLC v. Town of Orangetown, and Nyack Union Free School District* (NYS Supreme Court, Rockland County, Index Numbers 033214/2020, 034402/2021, 033245/2022 & 033527/2023), for property commonly known as 170-190 Piermont Avenue, South Nyack (Tax Map Designations: 66.54 -2-16.1 & 66.54-2-16.2), for the tax certiorari filing years 2020 through 2023, for a total refund by the Town of \$4,592.00, a total refund by the School District of \$13,713.00, and a total refund by the County of \$1,353.00. The Board of Education, of the Nyack Union Free School District, has approved of this settlement. Interest on the Town's liability, as a result of a property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

12. **APPROVE / STIPULATION OF SETTLEMENT / THE VILLAGE OF SOUTH NYACK V. YESHIVA VIZNITZ DKHAL CHAIM, INC.**

WHEREAS, the Village of South Nyack commenced an action under Rockland County Index No. 031081/2021 entitled *The Village of South Nyack v. Yeshiva Viznitz Dkhal Chaim, Inc.* with respect to the use and occupancy of certain properties located in the former village that is owned by the named defendant, which formally constituted the grounds of Nyack College, and

WHEREAS, upon the dissolution of the Village of South Nyack, the Town of Orangetown, pursuant to the relevant sections of Article 17-a of the New York General

Municipal Law, undertook to prosecute the matter in the name of the Town of Orangetown as plaintiff, and or against the local government entity to be dissolved shall abate by reason of its dissolution, and the case now being prosecuted by “The Town of Orangetown as successor to Village of South Nyack”, and

WHEREAS, the parties to the action had been directed by the Court to participate in mediation in an effort to resolve the matter, and, as part of the mediation process, the defendant has undertaken to obtain necessary approvals, including building permits and certificates of occupancy, for various buildings on the campus, to the satisfaction of the Town’s Office of Building Zoning, Planning, Administration and Enforcement (OBZPAE) and the Court, and the parties have agreed to resolve the matter through a Stipulation of Settlement, a copy of which is annexed hereto for reference,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the matter to be settled by entering into a Stipulation of Settlement between the Town and the defendant, which Stipulation requires the defendant to not perform any physical or structural alterations at the property without appropriate permits, and to not occupy any buildings without appropriate approvals, otherwise the defendant would be subject to contempt proceedings under New York State Judiciary Law, and authorizes counsel for the Town to execute any and all documents necessary to implement the purposes of this resolution.

13. APPROVE RETAINER AGREEMENT WITH WILSON ELSER / FAY V. ORANGETOWN

RESOLVED, on the recommendation of the Town Attorney, approve the retainer of Wilson Elser to represent the Town in connection with the matter of Fay v. Orangetown, Rockland Index No. 031509/2024, on the terms and conditions set forth in a proposed Engagement Letter, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

HIGHWAY

14. AWARD BID/ SCHULTZ FORD/ 2024 FORD ESCAPE HYBRID

RESOLVED, based on the recommendation of the Superintendent of Highways, award bid for (1) 2024 Ford Escape Hybrid to Schultz Ford, Nanuet, NY, the low bidder in the amount of \$ 38,352.83 in accordance with NYS OGS Vehicle Marketplace Solicitation 23166 to be charged to H.5130.200.08.

15. **APPROVE / REVISED 2024 PAVEMENT PRESERVATION PROGRAM LIST OF ROADS /AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES / ORANGETOWN 2024 PAVEMENT PRESERVATION REPAIR / IMPROVEMENT PROGRAM**

WHEREAS, Resolution No. 2024-237 approved the agreement expenditure of Highway Monies/ Orangetown 2024 Pavement Preservation/ Repair Improvement Program

WHEREAS, the Superintendent of Highways has submitted a revised list of roads which will be treated in the 2024 Pavement Preservation Program.

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Highways, approve the following revise list roads to be treated in the 2024 Pavement Preservation Program:

PEARL RIVER

Adams Ct
Buchanan St
Eric Dr
Fillmore St
Franklin Ave
Harding St
Hawk St
Jay St
Kerry Ct
Lark St
Mercury Dr
Mountainview Ave
Railroad Ave
Renee Ln
Robin St
Stone Haven Rd
Van Buren St
Villa Dr

ORANGEBURG

Bunker Hill Rd
Deer Park Rd
Fort Lee Pl
Jim Dean Dr
Kingswood Dr
Monmouth Ct
North Queen's Ct
Prince's Gate
Ramland Rd
Rutgers Rd E.
Rutgers Rd W.
South Queen's Ct

BLAUVELT

Blauvelt Rd
Burrows Ln
Derfuss Ln

Eisenhower Ct
Ellsworth Dr
Garber Hill Rd
Glenwood Dr
Holly Ct
Hoover St
John F Kennedy Dr
Johnson Ln
Lapin Ln
Michael Dr
Milton Grant Dr
North Moison Rd
Paul Ct
Terry Ln

TAPPAN

Brandt Ave
Campbell Ave
Lexington Rd
Rockland Park Ave
Van Wardt Pl
Washington Ave
Wayne Ln

SPARKILL

William St

SOUTH NYACK

Chase Ave
College Ave
Elysian Ave
Lowland Drive
Prospect Street
Ross Ave
Upland Drive
Washington St
White Ave

AUDIT

16. 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 **\$2,238,948.69**.

EXECUTIVE SESSION

17. ENTER EXECUTIVE SESSION

RESOLVED, at ____ pm, the Town Board entered Executive Session to discuss matters relating to personnel.

ADJOURNMENTS

18. RE-ENTER RTBM / ADJOURNED / MEMORY

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