

**TOWN OF ORANGETOWN
WORKSHOP/PUBLIC HEARING
TUESDAY, MARCH 20, 2018**

This meeting was opened at 8:00 p.m. Supervisor Day presided and the Deputy Clerk, called the roll. Present were:

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

Also present:

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

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

Ryan Slattery, Eagle Scout Troop #2097, received a Certificate of Recognition, from the Town Board, for his hard work in improving and fixing the Bogert Cemetery in Pearl River.

Brian Quinn, Attorney for Galway Bay Contracting Inc. and Dione's Way LLC, and Kevin Joyce, Joyce Realty, gave an update on the Zone Change Petition for 12-16 N Main St., Pearl River. They wish to add 2-stories, consisting of 16 upscale senior residential units (1 & 2 bedrooms). Rents in multi-family homes range from \$1,500 to \$3,050 so the rents will be what the market bears. There are 38 parking spaces on site and they are looking to use the municipal parking lot next door.

RESOLUTION NO. 196

**MEMORANDUM OF AGREEMENT
2018 / JAMES BROWN, CAPTAIN,
ORANGETOWN POLICE
DEPARTMENT**

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

RESOLVED, that the Town Board hereby approves the memorandum of agreement by and between The Town of Orangetown and JAMES BROWN, Captain, Orangetown Police Department.

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

Noes: None

RESOLUTION NO. 196A

**MEMORANDUM OF AGREEMENT
2018 / DONALD BUTTERWORTH,
CAPTAIN, ORANGETOWN POLICE
DEPARTMENT**

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

RESOLUTION NO. 196 - Continued

RESOLVED, that the Town Board hereby approves the memorandum of agreement by and between The Town of Orangetown and DONALD BUTTERWORTH, Captain, Orangetown Police Department.

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

RESOLUTION NO. 197

**MEMORANDUM OF AGREEMENT
2018 / KEVIN NULTY, CHIEF OF
POLICE, ORANGETOWN POLICE
DEPARTMENT**

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

RESOLVED, that the Town Board hereby approves the memorandum of agreement by and between The Town of Orangetown and KEVIN NULTY, Captain, Orangetown Police Department.

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

RESOLUTION NO. 198

**AMEND RESOLUTION NO. 192/2018
HELICOPTER LANDING ON TOWN
OWNED PROPERTY AT NIKE PARK
AS PART OF FILM PERMIT AND
LICENSE AGREEMENT WITH ABC**

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

WHEREAS, the Town has issued a film permit to, and otherwise has entered into a short-term revocable license with, ABC Studios New York LLC (“ABC”), allowing filming, and preparation for filming, on Town owned lands at Nike Park (the “Site”); and

WHEREAS, in connection with such permit and license, ABC has requested permission to land a helicopter at the Site on one day, between March 28 and March 30, between the hours of 6 p.m. and 10 p.m.; and

WHEREAS, the helicopter and crew have determined that the aircraft can safely arrive at, and depart from, the Site, in compliance with all federal, state and local regulations, and without interference to Town or County operations thereat; and

WHEREAS, the aircraft company, Hover Views Unlimited, Inc. and Al Cerullo, will provide the Town with liability insurance coverage at a heightened level, to wit, TWENTY FIVE MILLION DOLLARS (\$25,000,000.00), naming the Town as an additional insured thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes ABC and Hover Views Unlimited, Inc. and Al Cerullo to operate a helicopter at and above Town owned lands at Nike Park, in connection with the previously issued film permit, on no more than two dates in and between March 28 and March 30, 2018, between the hours of 6 a.m. and 10 p.m., or on any other date or dates as may be made necessary by inclement weather or other circumstances, subject to:

- evidence of general liability insurance covering as named insured, Hover Views Unlimited, Inc. and Al Cerullo, in an amount no less than \$25,000,000.00, and naming the Town of Orangetown, its officers and

RESOLUTION NO. 198 - Continued

employees as additional insured thereon; and compliance with all federal, state and local regulations

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

RESOLUTION NO. 199

**ADS ENVIRONMENTAL SERVICES/
MONITOR / ANALYZE AND REPORT
FINAL FLOW REDUCTIONS / NYACK
SANITARY SEWER SYSTEM**

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

WHEREAS, an Order on Consent from the New York State Department of Environmental Conservation (NYSDEC) was imposed upon the Town of Orangetown in 2014 to eliminate overflows at the Nyack pump station,

WHEREAS, the Town of Orangetown was directed to devise a plan of action to comply with said order,

WHEREAS, the Town of Orangetown proposed to rehabilitate key segments of the sanitary sewer system in Nyack to reduce inflow and infiltration into the sanitary sewer system using the Cured In Place Pipe (CIPP) method, thereby reducing wet weather flows to the Nyack pump station to ultimately eliminate overflows,

WHEREAS, the Town of Orangetown was required to analyze the current flows in the Nyack sanitary sewer system subsequent to the CIPP sewer rehabilitation, report the results to the NYSDEC, and hired ADS Environmental Services to prepare said report,

WHEREAS, the NYS Department of Environmental Conservation requires further information that will require further flow investigations,

THEREFORE, be it resolved to authorize ADS Environmental Services to monitor, analyze and report on flow reductions achieved in the Nyack sanitary sewer system in smaller sub-sections for an additional fee of \$45,300.00.

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

RESOLUTION NO. 200

**OPEN CONTINUATION PH/ ORANGEBURG
COMMONS ZONING TEXT AMENDMENT
SPECIAL PERMIT AMENDMENT / CHILD
DAY-CARE CENTER / MIXED USE
DEVELOPMENTS AND MIXED USE
EXPANSIONS / LI ZONING**

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

RESOLVED, that the public portion is hereby opened and continued.

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

Summary of Public Comments:
Mary Cardenas, Town Historian, is against this amendment and she reiterated her safety concerns of the close proximity to the railroad tracks and Route 303.

RESOLUTION NO. 201

**CLOSE PUBLIC HEARING
ORANGEBURG COMMONS / ZONING
TEXT AMENDMENT /SPECIAL PERMIT
AMENDMENT / CHILD DAY-CARE
CENTER / MIXED USE DEVELOPMENTS
AND MIXED USE EXPANSIONS/ LI
ZONING**

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 202

**DECLARE LEAD AGENCY / ZONING
TEXT AMENDMENT / SPECIAL
PERMIT AMENDMENT CHILD
DAY-CARE CENTER/ MIXED USE
DEVELOPMENTS AND MIXED USE
EXPANSIONS / LI ZONING DISTRICT**

Councilman Valentine offered the following resolution, which was seconded by Councilman Troy and on a roll call was adopted:

WHEREAS, the Town Board has before it an application seeking an amendment to the Town Zoning Law, at Chapter 43, § 4.32(O), adding Child Day-Care as a permitted use within Mixed Use Developments and Mixed Use Expansions in the LI Zoning District, together with an application for amendment of an existing Mixed Use Expansion special permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcel 74.15, Block 1, Lot 22; and

WHEREAS, by resolution 112 of 2018, duly adopted the 13th day of February 2018, the Town Board declared its intention to serve as Lead Agency for the environmental review of such proposed action under the State Environmental Quality Review Act (SEQRA), and further directed that that a Lead Agency Coordination Letter, be circulated to and among the various involved and/or interested agencies; and,

WHEREAS, furtherance of the aforesaid resolution, on February 14, 2018, the Town Attorney circulated a letter, together with relevant documents, to the following involved and/or interested agencies, advising of the Town Board’s stated intention and requesting the consent of each thereto:

- Orangetown Planning Board;
- Rockland County Department of Planning;
- Rockland County Sewer District No. 1;
- Rockland County Drainage Agency;
- Rockland County Department of Health;
- N.Y.S. Department of Environmental Conservation;
- N.Y.S. Department of Transportation;
- Palisades Interstate Park Commission

And,

WHEREAS, more than 30 days have passed since notice of the Board’s intention was circulated and no other agency has contested, or objected to, the Town Board’s decision to serve as Lead Agency,

RESOLUTION NO. 202 - Continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby declares itself to be Lead Agency for the coordinated environmental review of the proposed action, and, acting in such capacity, makes the further determination that the proposed action is an “unlisted action” under SEQRA.

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

RESOLUTION NO. 203

**NEGATIVE DECLARATION
ZONING TEXT AMENDMENT
SPECIAL PERMIT/ CHILD
DAY-CARE CENTER/ MIXED
USE DEVELOPMENTS AND
MIXED USE EXPANSIONS / LI
ZONING DISTRICT**

Councilman Troy offered the following resolution, which was seconded by Councilman Valentine and on a roll call was adopted:

WHEREAS, in connection with its consideration and review of a proposed Local Law, amending the text of the Town Zoning Law at Chapter 43, §4.32(O), to add Child Day-Care Center as a permitted use in Mixed Use Developments and Mixed Use Expansions in the LI Zoning District, and a related application seeking the amendment of an existing Mixed Use Expansion special permit for property in the vicinity of the intersection of State Route 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcel 74.15, Block 1, Lot 22, the Town Board by resolution of even date herewith, assumed the role of lead agency for the environmental review of such action under the State Environmental Quality Review Act, and made the further determination that the proposed action (the adoption of the text amendment and issuance of a special permit) are unlisted actions under the State Environmental Quality Review Act (“SEQRA”); and,

WHEREAS, in furtherance of its obligations as lead agency, the Town Board has reviewed and considered the following information, studies and documents submitted in connection with the proposed action:

1. Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
2. Traffic Assessment, prepared by Maser Consulting P.C., dated November 14, 2017;
3. Fiscal Impact Analysis, dated November 15, 2017, reflecting the estimated increased tax revenues as a result of the proposed Child Day Care use, as well as the limited impact on Town Services;
4. Plans and Drawings, “The Learning Experience at Orangeburg Commons”, dated 11/1/2017, last revised 11/20/17, including the following:
 - Overall Site Plan;
 - Concept Plan;
 - Grading Drainage and Utility Plan; Erosion Control Plan;
 - Landscaping Plan; Lighting Plan;
 - Construction Details;
 - Storm and Sanitary Profiles;
 - Site cap plan and details;
 - Overall map and survey, prepared by Jay A. Greenwell, PLS, LLC, dated October 23, 2013, last revised November 5, 2014;
 - Propose Learning Experience elevations, prepared by Murray J. Miller Architecture;
 - Space Plan, prepared by Jarmel Kizel Architects and Engineering, Inc., Livingston New Jersey; and

RESOLUTION NO. 203 – Continued

- Pylon Signage, prepared by Allied Signage, dated November 20, 2017; and

WHEREAS, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed-Use Development and Mixed Use Expansion provisions of the Town Zoning Law (expressly incorporated herein by reference), including the most recent Mixed Use Expansion Special Permit approved by Resolution 74 of 2015, as well as the empirical evidence that now exists relating to, and as a result of mixed-use developments approved under such zoning provisions; and

WHEREAS, the Town Board has carefully considered the public presentations by and/or on behalf of the parties who petitioned for the proposed amendments; and

WHEREAS, the members of the Board are each familiar with the locations affected by the proposed amendment and amended special permit; and

WHEREAS, the Town Board has further considered the comments of the Rockland County Department of Planning, dated March 9, 2018, concluding that the proposed zoning amendment will not have any adverse impacts on County-Wide interests,

NOW, THEREFORE, BE IT RESOLVED, having taken a hard look at all of the potential environmental impacts that might result from the proposed action, the Town Board, acting in its capacity as Lead Agency under SEQRA, concludes that there will be no significant environmental impacts or effects caused or occasioned by the adoption of the proposed Local Law or Amended Special Permit for a Mixed Use Expansion, and issues a Determination of Non-Significance with respect to the referenced action in the form annexed hereto, and authorizes the Town Supervisor, or his designated agent, to sign and circulate same, and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency in accordance with the applicable provisions of law.

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

RESOLUTION NO. 204

**ADOPT/ LOCAL LAW NO. 2, 2018
ZONING TEXT AMENDMENT
SPECIAL PERMIT/ CHILD
DAY-CARE CENTER/ MIXED USE
DEVELOPMENTS AND MIXED USE
EXPANSIONS / LI ZONING
DISTRICT**

Councilman Troy offered the following resolution, which was seconded by Councilman Valentine and on a roll call was adopted:

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

WHEREAS, by letter application dated December 22, 2017, and Petition dated April 20, 2017, FB Greenbush, LLC and other related entities petitioned the Town Board to amend the Town Zoning Law, to amend Town Code, Chapter 43 (Zoning) at § 4.32(O)(iii) to add “Child Day-Care Center” to the list of uses permitted within Mixed Use Developments and Mixed Use Expansions, relating to properties located in the “LI” zoning district in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown; and

WHEREAS, by resolution 112 of 2018, duly adopted the 13th day of February 2018, the Town Board declared its intention to serve as Lead Agency for the environmental review of such proposed action under the State Environmental Quality Review Act (SEQRA), and further

RESOLUTION NO. 204 – Continued

directed that that a Lead Agency Coordination Letter, be circulated to and among the various involved and/or interested agencies; and,

WHEREAS, furtherance of the aforesaid resolution, on February 14, 2018, the Town Attorney circulated a letter, together with relevant documents, to the following involved and/or interested agencies, advising of the Town Board’s stated intention and requesting the consent of each thereto:

- Orangetown Planning Board;
- Rockland County Department of Planning;
- Rockland County Sewer District No. 1;
- Rockland County Drainage Agency;
- Rockland County Department of Health;
- N.Y.S. Department of Environmental Conservation;
- N.Y.S. Department of Transportation;
- Palisades Interstate Park Commission

And,

WHEREAS, more than 30 days having passed since notice of the Board’s intention was circulated and no other agency has contested, or objected to, the Town Board by resolution of even date herewith (but adopted prior to this resolution), the Town Board declared itself to be Lead Agency for the within action, and, acting in such capacity, concluded that there would be no significant adverse environmental impact as a result thereof, whereupon it issued a Determination of Non-significance; and

WHEREAS, in addition to the letter application, Petition, Proposed Local Law, and Determination of Non-significance, the Town Board has further considered, the following in connection with its review of the proposed text amendment:

- 1) Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
- 2) Traffic Assessment, prepared by Maser Consulting P.C., dated November 14, 2017;
- 3) Fiscal Impact Analysis, dated November 15, 2017, reflecting the estimated increased tax revenues as a result of the proposed Child Day Care use, as well as the limited impact on Town services;
- 4) Plans and Drawings, “The Learning Experience at Orangeburg Commons”, dated 11/1/2017, last revised 11/20/2017, including the following:
 - Overall Site Plan;
 - Concept Plan;
 - Grading Drainage and Utility Plan; Erosion Control Plan;
 - Landscaping Plan; Lighting Plan;
 - Construction Details;
 - Storm and Sanitary Profiles;
 - Site cap plan and details; and
 - Overall map and survey, prepared by Jay A. Greenwell, PLS, LLC, dated October 23, 2013, last revised November 5, 2014;
 - Proposed Learning Experience elevations, prepared by Murray J. Miller Architecture;
 - Space Plan, prepared by Jarmel Kizel Architects and Engineers, Inc., Livingston New Jersey; and
 - Pylon Signage, prepared by Allied Signage, dated November 20, 2017;

and,

WHEREAS, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed-Use Development and Mixed Use Expansion provisions of the Town Zoning Law (expressly incorporated herein by reference), including the

RESOLUTION NO. 204 – Continued

most recent Mixed Use Expansion Special Permit approved by Resolution 74 of 2015, as well as the empirical evidence that now exists relating to, and, as a result of, mixed-use developments approved under such zoning provisions; and

WHEREAS, the Town board has carefully considered the public presentations by and/or on behalf of the parties who petitioned for the proposed amendments; and

WHEREAS, the members of the Board are each familiar with the locations affected by the proposed amendment and special permit; and

WHEREAS, the proposed zoning text amendment and related documents also were circulated for comment to the N.Y.S. Department of Transportation and the Palisades Interstate Park Commission, which, to date, have not offered comments; and

WHEREAS, in addition to the aforesaid, the Town Board also has evaluated the proposed amendments in the light of the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed amendment:

- Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003, and, in particular, Sections III-3 and V-1 relative to the intersection area embraced by the proposed zoning text amendment;
- The Town’s existing Route 303 Overlay Zoning District zoning provisions;
- The Route 303 Sustainable Development Study, dated December 2002, prepared by Wilbur Smith Associates, for the Town of Orangetown, the New York State Department of Transportation, the County of Rockland, the New York State Metropolitan Transportation Council.

and,

WHEREAS, the members of the Board are each familiar with the location affected by the proposed amendments; and

WHEREAS, following various public presentations and discussions of the proposed amendment by and before the Board, following notice duly published, a public hearing on the proposed Local Law was conducted on March 13 and 20, 2018, at which time all members of the public wishing to speak were afforded the opportunity to do so; and

WHEREAS, the within application and Petition were circulated to the Rockland County Department of Planning for review and comment pursuant to General Municipal Law §§ 239-1 & m, which responded by letter dated March 8, 2018, recommending approval and concluding that the amendment will not have any adverse impacts on County-wide interests,

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 2, of 2018, amending the Town Code of the Town of Orangetown, Chapter 43, Zoning, adding “Child Day-Care Center” to the list of permitted uses in Mixed Use Developments and Mixed Use Expansions at § 4.32(O)(iii), relating to properties located in the “LI” Zoning District, in the vicinity of the intersection of State Route 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown, as more fully set forth in Local Law No. 2 of 2018, below, and expressly incorporated herein by reference.

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

**LOCAL LAW NO. 2 of 2018
AMENDING CHAPTER 43 § 4.32(O) OF THE TOWN CODE, RELATING
TO SPECIAL PERMITS IN THE “LI” ZONING DISTRICT FOR MIXED
USE DEVELOPMENT AND MIXED USE EXPANSIONS**

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

Section 1: Section 4.32(O)(iii) shall be amended to add a new permitted use, Child Day-Care Center”. As amended, Section 4.32(O)(iii) shall read:

iii. Permitted uses:

- (a) Business, medical and professional offices.
- (b) Research, experimental and testing laboratories.
- (c) Hotels.
- (d) Conference centers.
- (e) Banks.
- (f) Retail stores.
- (g) Personal service establishments.
- (h) Restaurants, excluding fast-food restaurants.
- (i) Theaters.
- (j) Child Day-Care Center, with all outdoor play areas complying with all required yards, as provided for in § 4.32(O)(v).

Section 2. Severability. If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

Section 3: This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 205

**TOWN ATTORNEY TO FILE NYS
TOWN LAW §135(1) AND/OR §268(2)
INJUNCTIVE ACTION AGAINST
DYNAMIC EVENT GROUP INC.
D/B/A DYNAMIC PRODUCTIONS
USA, 300 BLAISDELL REALTY LLC,
BRIAN ROSENBLUM AND BARRY
ROSENBLUM**

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

RESOLVED, that the Town Board hereby authorizes the Office of Building, Zoning & Planning Administration & Enforcement, and the Office of the Town Attorney, to file/commence an action or proceeding against Dynamic Event Group Inc. d/b/a Dynamic Productions USA, 300 Blaisdell Realty LLC, Brian Rosenblum and Barry Rosenblum, in NYS Supreme Court, Rockland County, pursuant to NYS Town Law §135(1) and/or §268(2),

RESOLUTION NO. 205 - Continued

seeking a Court Order and/or Judgment granting a preliminary and/or permanent injunction to restrain, prevent, correct and/or abate violations of the Code of the Town of Orangetown, and the New York State Uniform Fire Prevention and Building Code, that have continued since on or about November 27, 2017, at 300 Blaisdell Rd., Orangeburg (73.20 – 1– 1.2).

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

RESOLUTION NO. 206

**TOWN ATTORNEY TO FILE NYS
TOWN LAW §135(1) AND/OR §268(2)
INJUNCTIVE ACTION AGAINST
ANDREI MELNIKOV, AND MAX
MELNIKOV D/B/A ANDRE IMPORT
EXPORT**

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

RESOLVED, that the Town Board hereby authorizes the Office of Building, Zoning & Planning Administration & Enforcement, and the Office of the Town Attorney, to file/commence an action or proceeding against Andrei Melnikov, and Max Melnikov d/b/a Andre Import Export, in NYS Supreme Court, Rockland County, pursuant to NYS Town Law §135(1) and/or §268(2), seeking a Court Order and/or Judgment granting a preliminary and/or permanent injunction to restrain, prevent, correct and/or abate violations of the Code of the Town of Orangetown, and/or the New York State Uniform Fire Prevention and Building Code, that have continued since on or about June 30, 2015, at 1159 Route 9W, Upper Grand View (66.17-2-18).

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

RESOLUTION NO. 207

**TOWN ATTORNEY TO FILE NYS
TOWN LAW §135(1) AND/OR §268(2)
INJUNCTIVE ACTION AGAINST 28
ROUTE 303 REALTY CORP., ROUTE
303 AUTO REPAIR INC., AND JOHN
HOWARD CHO**

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

RESOLVED, that the Town Board hereby authorizes the Office of Building, Zoning & Planning Administration & Enforcement, and the Office of the Town Attorney, to file/commence an action or proceeding against 28 Route 303 Realty Corp., Route 303 Auto Repair Inc. and John Howard Cho, in NYS Supreme Court, Rockland County, pursuant to NYS Town Law §135(1) and/or §268(2), seeking a Court Order and/or Judgment granting a preliminary and/or permanent injunction to restrain, prevent, correct and/or abate violations of the Code of the Town of Orangetown, and/or the New York State Uniform Fire Prevention and Building Code, that have continued since on or about 03/22/2011, at 28 Route 303, Tappan (77.15-1-44).

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

RESOLUTION NO. 208

**AGREEMENT / CLUB CAR LLC,
AND LEASE FINANCING / DE- LAGE
LANDEN PUBLIC FINANCE LLC /
GOLF CARTS BLUE HILL GOLF
COURSE**

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

RESOLVED, that the Town Board hereby approves an Agreement with Club Car, LLC, for a 5-year lease of 108 gas powered golf carts, to be financed through De Lage Landen Public Finance LLC, at an annual cost of \$88,970.40, plus pass through maintenance by Club Car at a further annual cost of \$6,480.00, both to be paid in six monthly installments between April and September of each year.

AND BE IT FURTHER RESOLVED, that the Town Supervisor, or his designated representative, shall be authorized to sign the said Agreement and all related financing documents.

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

RESOLUTION NO. 209

**CONTRACT / TREE REMOVAL FOR
GREENBUSH ROAD BICYCLE BY- PASS
PROJECT O'SULLIVAN TREE CARE,
INC., WEST NYACK**

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

RESOLVED, that, in furtherance of the Town’s previously approved participation in a Cooperative License Agreement with the Palisades Interstate Park Commission, the Town Board hereby accepts a proposal from O’Sullivan Tree Care, Inc. and approves a contract for O’Sullivan to provide tree removal, clearing, grubbing and rough grading of the easement path for the proposed Greenbush Road Bicycle By-Pass Project in the amount of \$25,000.00.

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

RESOLUTION NO. 210

**ENTER EXECUTIVE SESSION
INSURANCE CONTRACTS**

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Troy, Diviny, Valentine and Bottari, Mike Lawler, Amanda Hyland, Rob Magrino and Teresa Kenny.

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

RESOLVED, at 9:15 p.m., the Town Board entered Executive Session to discuss insurance contracts.

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

RESOLUTION NO. 211

RE-ENTERED WORKSHOP/ADJOURNED

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

RESOLVED, at 10:35 pm, the Town Board re-entered the Workshop and adjourned in memory Joseph (Coach) Ryan, Pearl River.

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

Charlotte Madigan, Town Clerk