

**TOWN OF ORANGETOWN
WORKSHOP/PUBLIC HEARING
TUESDAY, JUNE 5, 2018**

This meeting was opened at 8:17 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: Joseph Thomassen, 1st Deputy Clerk/Collector
Robert Magrino, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
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

Zach Witman, DVM and Wildlife Rehabitator gave a presentation regarding Orangetown Safe Turtle Crossing Project on Western Highway.

RESOLUTION NO. 341

**OPEN PH /PROPOSED ZONING TEXT
AMENDMENT / "CS" TO A "PAC"
DISTRICT / GALWAY BAY
CONTRACTING INC./ 21 N WILLIAM
ST, PEARL RIVER / a/k/a 12-16 N
MAIN ST (68.16-6-67)**

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

RESOLVED, that the public hearing on a proposed zoning text amendment / "CS" to a "PAC" District / GALWAY BAY CONTRACTING, INC. / 21 NORTH WILLIAM STREET, PEARL RIVER, (a/k/a 12-16 N Main St. 68.16-6-67) is hereby opened.

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

The Affidavit of Publication and the Notice of Posting are labeled Exhibit 06-A-18 and made a part of these minutes.

Summary of Public Comments:

Brian Quinn, Attorney for Petitioner, and Jay Greenwell, Surveyor, said this zone change would allow for Senior Housing. This project would add 2-stories to the existing building with 16 rental units (1-2 bedrooms) at market rate. There will be no impact on drainage or emergency services. They are requesting usage of parking spaces in the adjacent municipal lot. Mike Mandel, Pearl River, is against this development. Parking is an issue and the site plan does not meet the parking requirements. The Comprehensive Plan needs to be revised. Kathy Calvy, Pearl River, is in favor of additional apartments for seniors. Kevin Joyce, Pearl River, spoke about the need for senior and millennial housing. Tim and Betty Wolf, Pearl River business owners, are in favor of this project. Pearl River needs affordable housing, especially for seniors. During the day, there are many parking spots open.

RESOLUTION NO. 342

**CONTINUE PH / PROPOSED ZONING
TEXT AMENDMENT / "CS" TO A
"PAC" DISTRICT/ GALWAY BAY
CONTACTING, INC. / 21 NORTH
WILLIAM ST, PEARL RIVER a/k/a 12-
16 N MAIN ST (68.16-6-67)**

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

RESOLVED, that the public hearing on a proposed zoning text amendment / "CS" to a "PAC" District / GALWAY BAY CONTRATCING, INC / 21 NORTH WILLIAM STREET, PEARL RIVER (a/k/a 12-16 N Main St. 68.16-6-67) is hereby continued to RTBM of July 17, 2018 at 8:05 P.M.

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

RESOLUTION NO. 343

**CONTINUE PH / ZONE CHANGE
PETITION /TOWN PLAZA II
500 ROUTE 303, ORANGEBURG
(74.07-1-6)**

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

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

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

Summary of Public Comments:
There were no public comments.

RESOLUTION NO. 344

**CLOSE PH PETITION FOR ZONE
CHANGE / TOWN PLAZA II
500 ROUTE 303, ORANGEBURG
(74.07-1-6)**

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

RESOLVED, that the public portion of this public hearing is hereby closed.

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

RESOLUTION NO. 345

**NEGATIVE DECLARATION / ZONE
CHANGE / TOWN PLAZA II
500 ROUTE 303, ORANGEBURG
(74.07-1-6)**

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

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 entire parcel known as 500 Route 303 in the hamlet of Orangeburg, tax lot 74.07-1-6 from "CC" and "LI" to "CC" in its entirety.

RESOLUTION NO. 345 - Continued

WHEREAS, on or about April 6, 2018, pursuant to Town Board Resolution 2018-242 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 three parcels affected by the proposed Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration (Exhibit 06-B-18), and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

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

RESOLUTION NO. 346

**ADOPT / LOCAL LAW 4, 2018
CHAPTER 43, 2.2, ZONING LAW
TOWN PLAZA II / 500 ROUTE 303,
ORANGEBURG (74.07-1-6)**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and on a roll call was unanimously 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, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the entire parcel known as 500 Route 303 in the hamlet of Orangeburg, tax lot 74.07-1-6 being located in both the “CC” (Retail-Commerce) and “LI” (Light Industrial) zoning districts, to change the zoning classification of the entire property to that of “CC” (Retail- Commerce), a zoning district that already includes and directly abuts the property

WHEREAS, by Resolution No. 242 of 2018, after notice duly given, and there being no other involved agency, by resolution duly adopted this 5th day of June, 2018, 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 determines 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 simply changes the zoning classification of the subject parcel, which has already developed in accordance with the “CC” zoning district, is consistent with the Town’s Master Plan, 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

RESOLUTION NO. 346 - Continued

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 April 10, 2018, following due consideration at a public meeting held on the same date, has indicated no further comment; and

WHEREAS, the County Department of Planning, by letter review dated April 10, 2018, has recommended "Split zoning districts for individual parcels often cause problems, and should be avoided whenever possible. The site is currently developed with a shopping center us, which currently contains several restaurant type vendors. Our biggest concern with the zone change is to ensure that adequate parking is provided for any potential uses associated with the new zoning district. Since the site fronts NYS Route 303, it is imperative that adequate parking for the site be provided. Given the design of the ingress/egress points, the fact that the parking requirement for restaurants in the LI zoning district is the same as in the CC zone, documentation that indicates that restaurant uses have already been located within the shopping center buildings with no cited parking issues, and that historically it appears that the parking lots have not been filled to capacity, based on aerial photography ranging from 2000 to 2016, the zone change should have no direct impact on the parking needs. Therefore, we offer the following comments:

1. A Review must be completed by the New York State Department of Transportation, and any comments or concerns addressed.
2. A review must be completed by the County of Rockland Drainage Agency and any comment addressed."

WHEREAS, the Rockland County Drainage Agency in an email dated April 24, 2018 has offered "No Comments" on the project, and the New York State DOT having indicated in a letter dated June 5, 2018 that it anticipates no significant impact to the State's highway system and offered no further comments,

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 parcels to "CC" Retail-Commerce in its entirety.

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

Noes: None

**LOCAL LAW 4, 2018
AMENDING CHAPTER 43, § 2.2, OF THE ORANGETOWN ZONING LAW
CHANGE THE ZONING DISTRICT OF THE PROPERTY LOCATED
AT TOWN PLAZA II, 500 ROUTE 303, ORANGEBURG, (74.07-1-6)
FROM "CC" and "LI" to "CC" IN ITS ENTIRETY**

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:

500 Route 303, Orangeburg, NY (Town Plaza II) (Tax Map Designation 74.07-1-6) from the partial "CC" (Retail-Commercial) and partial "LI" (Light Industrial) zoning districts to the "CC" (Retail-Commercial) zoning district, which metes and bounds description is as follows:

All that certain plot, piece or parcel of land with improvement erected thereon, situate lying and being in Orangeburg, Town of Orangetown, Rockland County, New York, being shown and designated as a portion of Parcel 1 on a certain map entitled "Seymour Koff" filed in the

LOCAL LAW 4, 2018 - Continued

Rockland County clerk's office on November 16, 1967 as Map No. 3646 Book 74 Page 16 being more particularly bounded and described as follows:

BEGINNING AT A POINT in the center of Mountainview Avenue (AKA Chamberlain Road) said point being the intersection of a line measured 250 feet westerly and perpendicular to the centerline of Route 303 with the center line of Mountainview Avenue and running

THENCE: North 70 degrees 39 minutes 00 seconds West 162.13 feet along the centerline of Mountainview Avenue

THENCE North 58 degrees 59 minutes 00 seconds West 8.64 feet along the centerline of Mountainview Avenue

THENCE North 15 degrees 40 minutes 00 seconds East 324.11 feet along the easterly line of lands now or formerly Church of the Lord

THENCE South 82 degrees 43 minutes 00 seconds East 54.88 feet along the aforementioned lands THENCE North 53 degrees 20 minutes 00 seconds East 52.61 feet along the aforementioned lands

THENCE South 03 degrees 27 minutes 00 seconds West 395.42 feet through parcel 1 and parallel with Route 303 to the centerline line of Mountainview Avenue the POINT OR PLACE OF BEGINNING.

Said property contains 1.04 Acres more or less.

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

RESOLUTION NO. 347

**OPEN PH / PROPERTY MAINTENANCE
EMERGENCY TREE HAZARD
20 LAWRENCE ST-TAPPAN**

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

RESOLVED, that the public portion of the public hearing regarding Emergency Tree Hazard at 20 Lawrence Street, Tappan, NY, is hereby opened.

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

Noes: None

Summary of Public Comments:
There were no public comments.

RESOLUTION NO. 348

**CLOSE PH / PROPERTY
MAINTENANCE /EMERGENCY TREE
HAZARD / 20 LAWRENCE ST, TAPPAN**

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

RESOLVED, that the public hearing regarding Emergency Tree Hazard at 20 Lawrence Street, Tappan, NY is hereby closed.

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

Noes: None

RESOLUTION NO. 349

**SET PH DATE / PROPOSED CHANGE
TO TOWN CODE, CHAPTER 14C
COMMERCIAL FILMING IN THE
TOWN OF ORANGETOWN**

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

RESOLVED, that the Town Board will hold a public hearing on July 17, 2018, at 8:15 p.m. on a proposed Local Law, amending Chapter 14C regarding commercial filming in the Town of Orangetown.

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

**PROPOSED LOCAL LAW
AMENDING CHAPTER 14C – COMMERCIAL FILMING**

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

The said section of the Code, Chapter 14C, is amended as follows (Additions to the existing law are **Bold and underline**; Deletions are designated by ~~strikethrough~~):

Section 1.

Chapter 14C – Filming (Originally adopted by the Town Board on 1/16/1996 by LL No. 2-1996; amended in its entirety 5/8/2006 by LL No. 7-2006; Amended on 12/19/2017 by LL No. 12-2017)

Legislative intent.

The Town Board of the Town of Orangetown recognizes that the Town’s natural beauty, geographical location and historical sites are attractive to individuals, organizations, corporations, groups and other entities involved in the businesses of still photography, motion pictures and television.

B. It is hereby found by the Town Board of the Town of Orangetown that because such filming activities may create a threat to public safety, health or welfare due to the time, location or duration of the filming, or may unduly interfere with vehicular and/or pedestrian traffic, it is necessary to provide for the regulation of the taking of still or motion pictures within the Town through the issuance of permits and that said regulation is a matter affecting the public interest and therefore should be subject to supervision and administrative control for the purpose of safeguarding the public against the impact of such activities

14C-1. Definitions.

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

FILMING — The taking of still or motion pictures, either on film, videotape, digital recording or similar recording medium, for commercial purposes intended for viewing on television, in theaters, **through online platforms including but not limited to video streaming**, or for institutional use.

PUBLIC LANDS — Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction of the Town.

PRIVATE LANDS – Any land within the unincorporated portions of the Town of Orangetown that is not public land, a public place, or a public building.

HANDHELD DEVICE — Any device that is able to be operated by a single person without substantial supporting equipment and can be held in hand, to include smartphones, camcorders, cameras, and other such similar devices, but excluding aerial drones.

§ 14C-2. Permits.

A. No person shall film or permit filming within the unincorporated section of Town of Orangetown on public or private lands utilize public lands for filming on private property without first obtaining a permit therefor, which permit shall set forth the location of such filming, the date or dates when filming shall take place, the name, address and telephone number of the applicant, a brief description of the activities, the number of cameras on the shoot, identify if a feature commercial or industrial shoot, the name of the producer, the type of equipment and props to be used, the number of persons to be employed, specific locations where the work will be done and vehicles which are to be used, including the description thereof and their license numbers. ~~Any incidental use of public lands that obstructs any public lands or interferes with the use of any public lands requires a permit; provided, however, that nothing contained in this section shall prevent persons from temporarily loading or unloading filming equipment on any public right-of-way, provided that such loading or unloading is done without unnecessary delay, and provided that such filming equipment is not allowed or permitted to remain on such public right-of-way for a period longer than 15 minutes.~~

B. Permits must be obtained from the **Town Supervisor** ~~Police Chief~~ of the Town of Orangetown, or **his/her** designee, during normal business hours. Applications shall be in such form approved by the Town Board and accompanied by a permit fee in the amount established by the Town Board. ~~Applications for filming at public parks are subject to an additional permit to be completed and approved by the Office of Parks and Recreation.~~

C. In addition, all applicants for said permits:

(1) Must submit their permit applications to the **Town Supervisor or his/her or her designee** ~~Police Chief~~ at least seven days in advance of any anticipated filming; application(s) received less than seven days in advance of any anticipated filming will be accepted at the discretion of the **Town Supervisor** ~~Police Chief~~ and, if approved, subject to an additional fee, to be set forth by Town Board resolution.

(2) Must submit with their application a parking plan map for all vehicles to be parked on all impacted roadways **and public parking lots**, as well as a traffic detour plan/map: and

(3) Are to provide a form notification letter to be distributed by the applicant to all property owners who may be impacted by any filming, **with additional regulations as per § 14C-5, Subsections J and K.**

D. One permit shall be required for each location.

E. If a permit is issued and due to inclement weather or other good cause, not within the control of the applicant, filming does not in fact take place on the date or dates specified, the **Supervisor or his/her designee** ~~Police Chief~~ may, at the request of the applicant, issue an amended permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be required for an amended permit under this section.

F. Exemptions.

Notwithstanding the requirements of this chapter, the filming activities designated below do not require a permit to be obtained pursuant to this chapter, if such activity does not obstruct or interfere with the use of any public lands. For purposes of this section, the term “obstruct or interfere with the use of any public lands” shall mean any filming activity which impedes or which involves the blockage, interruption or closure, in whole or in part, of any public lands.

(1) Filming and coverage by news media.

(2) Filming by and intended for the exclusive use of the owner and his/her immediate family. (3) Filming occurring on public lands or on private property resulting in an incidental use of public lands, and involving the **personal, non-commercial** use of a handheld device, as defined herein.

§ 14C-3. Rules and regulations.

A. No permit shall be issued for filming on public lands or for using public lands for filming on private property unless the applicant for such permit provides proof of insurance coverage for bodily injury for any person in the amount of \$1,000,000 and for any aggregate occurrence in the amount of **\$3,000,000** ~~\$2,000,000~~ and agrees, in writing, to indemnify and save harmless the Town of Orangetown from any and all liability or damages resulting from the use of such public lands.

B. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic and shall provide traffic control personnel and approved traffic control devices as per the New York State Manual of Uniform Traffic Control Devices. The holder of the permit shall also comply with all lawful directives of the Orangetown Police Department.

C. The holder of the permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities.

D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit.

E. Unless otherwise permitted pursuant to this chapter, filming in residential zones shall generally be permitted only Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or **sunset** ~~sundown~~, whichever is earlier.

F. The **Supervisor or his/her or her designee** ~~Police Chief~~ may refuse to issue a permit whenever he determines, on the basis of objective facts and after review of the application and a report from the Orangetown Police Department, Highway Superintendent, Superintendent of Parks and Recreation and/or any other Town Department head, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public’s use of the public lands.

G. The **Supervisor or his/her designee** ~~Police Chief~~ may revoke a permit that has been issued due to permittee failure to comply with permit terms, but any permit fees paid or unpaid remain due.

§ 14C-4. Violations and penalties.

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$5,000 and/or to imprisonment for a term not to exceed 90 days, or both.

§ 14C-5. Fees.

A. The applicant shall pay to the Supervisor or his/her designee ~~Police Chief~~ all fees set forth by Town Board resolution. ~~In addition, filming in any public park is subject to fees as per town board resolution payable to the Office of Parks and Recreation at the time the park permit is approved.~~

B. If the applicant intends to change his or her activities in any respect that deviates from the information put forth when the permit was issued, further written application must be made to the Supervisor or his/her designee ~~Police Chief~~.

C. If, in the discretion of the Chief of the Police, Superintendent of Highways, or Superintendent of Parks and Recreation, Town personnel are needed or requested at the site, the applicant shall pay to the Town a sum for the use of Town personnel pursuant to the applicable Town Department's fee schedule or schedules for such use of personnel, but in no event shall said sum be less than \$85 per hour for each Town employee required at the site.

D. If, in the discretion of the Chief of the Police, Superintendent of Highways, Superintendent of Parks and Recreation, vehicles (which list includes but is not limited to police vehicles, Highway Department vehicles, or Parks and Recreation Department vehicles) are needed or requested at the site, the applicant shall pay to the Town a sum for the use of said vehicles pursuant to the applicable Town department's fee schedule or schedules for such vehicle use, but in no event shall said sum be less than \$15 per hour for any Town vehicle required at the site.

E. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity (which term is defined in this paragraph and henceforth in this section to include the arrival of personnel or equipment, preparation for filming, or any activity associated with the activity set forth in the permit) prior to 8:00 a.m., the applicant shall pay to the Town a sum of not less than \$500 per hour for such early-morning filming or filming activity (with a minimum assessed fee of \$500).

F. In addition to any other fees set forth in this section or in § 14-1, if the applicant does not end filming or filming activity (meaning the complete removal from the site of all participants, vehicles and equipment associated with the activity set forth in the permit) by 7:00 p.m. or sunset ~~sundown~~, whichever is earlier, the applicant shall pay to the Town a sum of not less than \$500 per hour for such post-7:00 p.m. or post-sunset ~~sundown~~ filming or filming activity (with a minimum assessed fee of \$500).

G. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity on a Saturday or Sunday or a national holiday, the applicant shall pay to the Town a sum of not less than \$500 per hour for such weekend or holiday filming or filming activity (with a minimum assessed fee of \$500).

H. In addition to any other fees set forth in this section or in § 14-1, if the applicant's permit approves use for any period of time of curbside parking spaces in a commercial area the applicant shall pay to the Town a sum of not less than \$100 per day for each parking space permitted to be used.

I. In addition to any other fees set forth in this section or in § 14-1, if an applicant seeks permission to conduct filming in or otherwise occupying any Town-owned structures, real estate or portion thereof for any period of time, such use shall be subject to license fees to be set forth by agreement with the applicant and approved by Town Board resolution for each such instance and location as it may occur. This shall also apply to Town- public roadways if a section of Town roadway is to be closed to public access or other vehicular traffic. It shall be the responsibility of the Supervisor or his/her designee, in consultation with the Superintendent of Parks and Recreation, the Chief of Police, and the Department Head primarily responsible for or otherwise occupying such Town-owned property, to make the initial determination as to the potential amount, scope, and terms of any such license agreement, which license shall be approved by the Town Board as described in this section.

J. In addition to any other fees set forth in this section or in § 14-1, all applicants engaging in after-hours filming as described in Subsections E and F of this section, where said filming is determined by the Supervisor or his/her designee, in consultation with the Chief of Police, to be high impact on the area, shall provide or offer direct compensation to residents affected by said filming in a minimum 50 yard radius from the location and shall provide an affidavit to the Supervisor or his/her designee showing that a reasonable effort was made to contact all such residents and all residents that were contacted were provided said compensation (or signed a written declination) prior to issuance of a film permit. The radius for said compensation may be increased by the Supervisor or his/her designee should, in consultation with the Chief of Police, it is determined that the impacts of said filming will reach beyond said 50 yard radius, and the Supervisor or his/her designee shall notify the applicant of this wider radius prior to the issuance of a film permit. This subsection shall not be construed as a cap or limitation on compensation to residents impacted by filming, and the applicant shall be free to offer additional compensation in any manner they desire to any resident they desire.

K. In addition to any other fees set forth in this section or in § 14-1, all applicants engaging in filming on a public roadway or sidewalk where said filming is determined by the Supervisor or his/her designee to obstruct access by the public to businesses in the area that would normally be operational at the time of filming, shall provide or offer direct compensation to each said affected businesses for times of obstructed access and shall provide an affidavit to the Supervisor or his/her designee showing that a reasonable effort was made to contact all such businesses and all businesses that were contacted were provided said compensation (or signed a written declination) prior to issuance of a film permit. The Supervisor or his/her designee at his/her discretion shall indicate the area of businesses with obstructed access for the applicant for each such application based on the area the filming is to take place. This subsection shall only apply to the hours in which obstruction and the regular business hours of each individual affected business overlap. Further, this subsection shall not be construed as a cap or limitation on compensation to businesses impacted by filming, and the applicant shall be free to offer additional compensation in any manner they desire to any business they desire.

Section 2. Severability Clause

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

Section 3. Effective Date.

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

RESOLUTION NO. 350

**DECLARE INTENT OF TOWN BOARD
TO SERVE AS LEAD AGENCY
PURSUANT TO SEQRA / CHAPTER
14C / COMMERCIAL FILMING IN
THE TOWN OF ORANGETOWN**

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

WHEREAS, the Town Code currently provides for the issuance of permits for commercial filming within the Town of Orangetown under certain circumstances as more fully set forth in Chapter 14C, and

WHEREAS, the Town Board has determined that as the desire for commercial filming has become more prevalent, and certain changes to the Code are necessary to address filming on public and private property, the circumstances under which additional fees shall be provided for and that any permitting is more appropriately directed out of the Town Supervisor's Office, and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed action as an "Unlisted" action; and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239-1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

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

Noes: None

RESOLUTION NO. 351

**SET PH / PROPOSED CHANGE TO
TOWN CODE, CHAPTER 43, ARTICLE
V AND ARTICLE XI / REGULATION
OF TEMPORARY STORAGE
CONTAINERS (PODS)**

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

RESOLVED, that the Town Board will hold a public hearing on TBWS July 17, 2018, at 8:05 P.M., on a proposed Local Law, amending Chapter 43, Article V and Article XI providing for the definition and regulation of temporary storage containers (PODS).

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

Noes: None

RESOLUTION NO. 352

**INTENT OF TOWN BOARD TO SERVE AS
LEAD AGENCY/ PURSUANT TO SEQRA
REGULATION OF TEMPORARY STORAGE
CONTAINERS (PODS)**

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

WHEREAS, temporary storage containers, also known as PODS, are more frequently being used by homeowners for temporary storage either during renovation work or at other times and necessary, and

WHEREAS, the use of these temporary storage containers are convenient for homeowners, however the Town Board finds that there is a need to regulate their use so as to not create a permanent structure on the property and for consideration of the neighborhoods and the impact of permitting such temporary storage containers have on the aesthetics and values of neighboring properties, and

WHEREAS, the Town Board finds that it would be appropriate to provide for the regulation of the use of temporary storage containers throughout the Town and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action; and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239-1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

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

Noes: None

**PROPOSED LOCAL LAW
AMENDING CHAPTER 43 OF THE TOWN CODE ARTICLE V AND ARTICLE XI
DEFINITION AND REGULATION OF TEMPORARY STORAGE CONTAINERS
(PODS)**

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:

Section 1.
A) ARTICLE V

Section 5.2 Exceptions to bulk regulations
5.330 Temporary portable storage containers shall be permitted under the provisions of this section. Not more than one container shall be allowed per residential lot. Enclosed containers

shall not exceed 128 square feet and eight feet in height. The temporary storage container must be a minimum of 5 feet from any side or rear yard property line; in no instance shall the container be placed in a required front yard, unless in a permitted driveway, nor shall it be placed in a public right-of-way or easement. A permit is required from the Building Inspector for the placement of a temporary portable storage container after being in place for more than 30 days. The permit shall authorize such container to remain for a period not to exceed 180 days thereafter. No permit shall be issued for another temporary storage container for the same residential lot until two years from the issuance of a previously issued permit, except if the ownership of the lot changes. The permit must be displayed in a conspicuous place on the temporary portable storage container. Failure to obtain a permit and/or any container that is situated in violation of an issued permit or this section shall constitute a violation of the zoning code, subject to penalty as per §10.6 of the code. The fee for the permit for the temporary storage container shall be established as per Town Board resolution.

B) ARTICLE XI

Section 11.2 Definitions:

TEMPORARY STORAGE CONTAINER

Any portable container, receptacle, or device of a type commonly used for the temporary storage of personal property and other matter. The term shall include, but not be limited to, portable on-demand storage units (PODS).

Section 2. Severability Clause

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

Section 3. Effective Date.

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

RESOLUTION NO. 353

**AGREEMENT EXTENSION
ORANGETOWN SUMMER DAY CAMP
THE NOBLE NINTH, INC / PICNIC
GROUNDS**

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

RESOLVED, that the Town Supervisor is hereby authorized to sign The Letter of Extension Agreement with The Noble Ninth, Inc., dated May 2018, for use of the Noble Ninth’s picnic grounds for the Town of Orangetown’s 2018 Summer Day Camp, from June 27, 2018 through August 3, 2018, under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated, May 18, 1991, as received and filed in the Town Clerk’s Office.

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

RESOLUTION NO. 354

**APPOINT / THOMAS FITZMAURICE
MAINTENANCE SUPERVISOR
(SEWAGE SYSTEMS) PERMANENT**

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

RESOLVED, the Town Board appoints Thomas Fitzmaurice, Maintenance Supervisor (Sewage Systems), DEME, permanent, from EL #18006 (OC), effective 06/06/2018.

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

RESOLUTION NO. 355

**APPOINT / STEPHEN FORDHAM
ASSISTANT MAINTENANCE
SUPERVISOR (SEWAGE SYSTEMS)
PERMANENT**

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

RESOLVED, the Town Board appoints Stephen Fordham / Assistant Maintenance Supervisor (Sewage Systems), DEME, permanent, from EL #18007 (PROM) effective 06/06/2018.

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

RESOLUTION NO. 356

**ENTERED EXECUTIVE SESSION
PENDING LITIGATION**

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Troy, Diviny, Valentine and Bottari, Robert Magrino, Teresa Kenny, and Jeff Bencik.

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

RESOLVED, at 9:38 pm, the Town Board entered Executive Session to discuss pending litigation. Supervisor Day said there will be no further votes.

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

RESOLUTION NO. 357

**RE-ENTERED WORKSHOP AND
ADJOURNED**

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

RESOLVED, at 10:03 pm, the Town Board re-entered the Workshop and adjourned, in memory of Sue Ann Esposito, South Nyack; Margaret Kelly, Pearl River; and Stanley Simon, RCSWMA former Accountant.

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

Charlotte Madigan, Town Clerk

Joseph Thomassen, Deputy Clerk