

**TOWN OF ORANGETOWN
WORKSHOP/PUBLIC HEARING
TUESDAY, JULY 17, 2018**

This meeting was opened at 8:05 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: Michael Lawler, Deputy Supervisor
Amanda Hyland, Supervisor's Confidential Assistant
Joseph Thomassen, 1st Deputy Clerk/Collector
Robert Magrino, Town Attorney
Teresa Kenny, Deputy Town Attorney
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

Brian Quinn, Attorney and Jessie Koplan, Engineer, presented their Petition for a Zone Change for HNA Palisades Premier Conference Center, 334 Route 9W, Palisades (78.13-1-1), from "LO" to "OP".

RESOLUTION NO. 408

**ACKNOWLEDGE RESIGNATION
RETIREMENT / CHARLOTTE
MADIGAN / TOWN CLERK**

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

RESOLVED, the Town Board acknowledges, with regret, the resignation / retirement of Charlotte Madigan, Town Clerk, effective July 17, 2018.

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

RESOLUTION NO. 409

**OPEN PH / TEMPORARY STORAGE
CONTAINER / TOWN CODE CHANGE**

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

RESOLVED, that the public hearing is hereby opened.

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

The Affidavit of Publication and the Notice of Posting are labeled Exhibit 07-A-18 and made a part of these minutes.

Summary of Public Comments:
There were no comments from the public.

RESOLUTION NO. 410

**CONTINUE / PUBLIC HEARING
TEMPORARY STORAGE
CONTAINER/ TOWN CODE CHANGE**

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

RESOLVED, that the public hearing is hereby continued to August 14, 2018, at 8:05 pm.

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

RESOLUTION NO. 411

**OPEN PH / AMEND CHAPTER 14C
COMMERCIAL FILMING**

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

RESOLVED, that the public hearing on a proposed code ordinance amendment, a proposed Local Law amending Chapter 14C regarding commercial filming in the Town of Orangetown, is hereby opened.

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

The Affidavit of Publication and the Notice of Posting are labeled Exhibit 07-B-18 and made a part of these minutes.

Summary of Public Comments:
There were no comments from the public.

RESOLUTION NO. 412

**CLOSE PH / AMEND CHAPTER 14C
COMMERCIAL FILMING**

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

RESOLVED, that the public hearing on a proposed code ordinance amendment, a proposed Local Law amending Chapter 14C regarding commercial filming, in the Town of Orangetown, is hereby closed.

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

RESOLUTION NO. 413

**LEAD AGENCY/SEQRA
DETERMINATION / AMENDING
CHAPTER 14C – COMMERCIAL
FILMING**

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

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to amending Chapter 14C of the Town Code, entitled “Filming”; and further determines that such action is a Type II action pursuant to SEQRA, that

RESOLUTION NO. 413 - Continued

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.

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

RESOLUTION NO. 414

**ADOPT LOCAL LAW NO. 6 OF 2018
AMENDING CHAPTER 14C
COMMERCIAL FILMING**

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

RESOLVED, that the Town Board hereby adopts Local Law No. 6 of 2018, amending Chapter 14C entitled "Filming" of the Town Code, to provide for the regulating and permitting of commercial filming on public and private property in the Town of Orangetown.

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

**TOWN OF ORANGETOWN
LOCAL LAW 6, 2018
AMENDING CHAPTER 14-C, FILMING**

BEIT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN
AS FOLLOWS:

The said section of the Code, Chapter 14C, is amended as follows:

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

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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.

B. Permits must be obtained from the Town Supervisor 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.

C. In addition, all applicants for said permits:

(1) Must submit their permit applications to the Town Supervisor or his/her or her designee 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 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 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

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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 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, whichever is earlier.

F. The Supervisor or his/her or her designee 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 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.

§ 14CA. 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.

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§ 14C-5. Fees.

A. The applicant shall pay to the Supervisor or his/her designee all fees set forth by Town Board resolution.

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.

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, 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 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

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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. 415

**CONTINUE PH / PROPOSED ZONING
TEXT AMENDMENT / "CS" TO A
"PAC" / GALWAY BAY
CONTACTING, INC. / 21 N WILLIAM
STREET A/K/A 14-16 N MAIN ST
PEARL RIVER (68.16-6-67)**

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

RESOLVED, that the public hearing on a proposed zoning text amendment, "CS" to a "PAC" / GALWAY BAY CONTRACTING, INC / 21 N. WILLIAM STREET, A/K/A 14-16 N. MAIN ST, PEARL RIVER (68.16-6-67) is hereby continued.

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

Brian Quinn, Attorney for applicant, said there will be no three (3) bedrooms units and they are looking at possibly changing the number of two (2) bedrooms. A long discussion took place regarding parking.

Summary of Public Comments:

There were no comments from the public.

RESOLUTION NO. 416

**CLOSE PH / PROPOSED ZONING
TEXT AMENDMENT / "CS" TO A
"PAC" / GALWAY BAY
CONTRACTING, INC. / 21 NORTH
WILLIAM STREET, A/K/A 14-16 N.
WILLIAM ST PEAL RIVER (68.16-6-67)**

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

RESOLVED, that this public hearing is hereby closed.

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

Noes: None

RESOLUTION NO. 417

**LEAD AGENCY / SEQRA
DECLARATION / A ZONING TEXT
AMENDMENT / "CS" TO A "PAC"
GALWAY BAY CONTACTING, INC.
21 N WILLIAM STREET A/K/A 14-16 N
MAIN ST PEARL RIVER (68.16-6-67)**

Councilman Valentine offered the following resolution, which was seconded by Councilman Bottari and 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 an "involved agency" under the State Environmental Quality Review Act ("SEQR") with respect to the adoption of zoning text amendments applicable to property located within the Town of Orangetown; and

WHEREAS, by Petition dated as of December, 2017, and accompanying application, Dionne's Way, LLC, as owner of property located in the Hamlet of Pearl River, located at 14-16 North Main Street (aka 21 North William Street) sbl 68.16-6-67, formally petitioned the Town Board to change the zoning classification of the said property from Community Shopping ("CS") to Planned Adult Community ("PAC") in accordance with the provisions of Local Law No. 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a "floating" district; and

WHEREAS, following its filing with, and receipt by, the Town, the Town Board caused to be circulated the said Petition and supporting documents amongst all other involved and/or interested agencies notice of its intention to assume Lead Agency status for the purpose of environmental review of the above referenced action; and

WHEREAS, more than thirty (30) calendar days have passed since the Town declared its intent to be Lead Agency for environmental review, and no other involved agency has expressed a desire or intent to act as Lead Agency, or otherwise has sought to contest the Town Board's authority to act in that capacity with respect to the referenced action, the Town Board has assumed the role of Lead Agency for environmental review; and

WHEREAS, the Town Board, acting in its capacity as Lead Agency for environmental review, having carefully considered all of the potential environmental impacts that might result from the proposed action, has concluded that there will be no significant environmental impacts

or effects caused or occasioned by the change in the zoning classification of the subject parcel and its eventual improvement with a combination of retail/community shopping uses and active adult or senior residential housing,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental impacts contained in the Short Form and Long Form Environmental Assessment Forms, and in the Negative Declaration annexed hereto, and authorizes the Town Supervisor, or his designated agent, to execute the Environmental Assessment Form and to file the Negative Declaration in accordance with the applicable provisions of law; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

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

RESOLUTION NO. 418

**ADOPT LOCAL LAW 7, 2018
ZONING TEXT AMENDMENT / "CS"
TO A "PAC" / GALWAY BAY
CONTACTING, INC. / 21 N WILLIAM
STREET A/K/A 14-16 N MAIN ST
PEARL RIVER (68.16-6-67)**

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 Petition dated as of March 13, 2018, and accompanying application, DIONNE'S WAY LLC, as owner of property located in the Hamlet of Pearl River, identified as 21 North William Street and 14-16 North Main Street located on the West side of North William Street and East side of North Main Street, and shown on the Tax Map of the Town of Orangetown as SBL 68.16-6-67, formally petitioned the Town Board to change the zoning classification of the said property from Community Shopping ("CS") to Planned Adult Community ("PAC") in accordance with the provisions of Local Law No. 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a "floating" district; and

WHEREAS, after notice duly given, and no other involved agency having expressed a desire or intention to act as Lead Agency, or otherwise having contested the Town Board's authority to act in that capacity with respect to the referenced action, the Town Board assumed the role of Lead Agency for environmental review in connection with the action; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant environmental impacts or effects caused or occasioned by the change in the zoning classification of the subject parcel and its eventual improvement with a combination of retail/community shopping uses and active adult or senior residential housing; and

WHEREAS, in addition to the Petition, the Town Board also has considered, among other things, the following documents and/or comments in furtherance of its obligation to evaluate whether the proposed site is both eligible and appropriate for PAC zone designation:

- (1) a project description, Concept Plan and proposed Site Plan (with proposed bulk and lot controls);
- (2) a traffic impact report from Harry Baker & Associates, dated November 27, 2017;
- (4) a vicinity map;
- (5) A market analysis provided by Kevin Joyce, Joyce Realty.
- (6) Short Form Environmental Assessment Form;

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- (7) The comments of the Rockland County Planning Department pursuant to GML § 239 1 & m, dated May 31, 2018;
- (8) The comments of the Town of Orangetown Office of Building, Zoning and Planning, dated June 5, 2018;
- (9) The comments of the Town of Orangetown Planning Board dated May 24, 2018.

and,

WHEREAS, the members of the Town Board, in general terms, are also each personally familiar with the location of the proposed development, including its proximity to the nearby roadways, parking and other development in the area; and

WHEREAS, following notice duly and properly given, a public hearing was conducted on the Petition, at which the Petitioner provided testimony and other evidence regarding various aspects of the mixed use proposed for the site under consideration, including consultants on design, market absorption, taxes and other such matters; and

WHEREAS, on the public hearing, members of the public were afforded the opportunity to speak concerning the proposed zone change and contemplated development, some of whom spoke in favor and some against the action; and

WHEREAS the Town Board has considered both the need for active adult housing within the Town as contemplated by the adoption of the PAC zoning classification, and the likely impact of such a development on the downtown Pearl River area;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 7 of 2018, amending the Town’s zoning map and zoning law to change the zoning classification from CS to PAC certain property located in the Hamlet of Pearl River, identified as 21 North William Street and 14-16 North Main Street located on the West side of North William Street and East side of North Main Street, and shown on the Tax Map of the Town of Orangetown as SBL 68.16–6–67, subject to conditions.

Specific Findings Relating to the Instant Petition

Pursuant to Chapter 43, Subsection 4.6.12, the Town Board makes the following specific Findings of Fact, pertaining to the instant Petition:

Marketability of the Proposed Units

Based on the market information provided by the Petitioner, it appears that there presently a need for rental housing in the downtown Pearl River area, meeting the specific needs and concerns of those in the 55 and older active adult age group. As of the date of this resolution, in the Town of Orangetown, there have been other sites that have been re-zoned for a Planned Adult Community use worthy of note for consideration here, in particular sites predominated by condominium ownership consisting of a site located on South Middletown Road, in the hamlet of Pearl River, on which eleven (11) adult units have been approved, two sites located on Veterans Memorial Drive, one that is immediately adjacent to the site of the Hilton Hotel, known as the “Hollows”, on which 124 units have been developed. In addition, a site on Blue Hill Road West, east of the Blue Hill Plaza complex known as “The Pointe” has been developed with approximately 160 rental units, and a site known as “Skyline Plaza” located essentially next to the proposed site at a former movie theater with approximately 14 rental units. Only the former movie theater site is located in down town Pearl River, which provides walking access to restaurants, shopping, and both rail and bus transportation.

Potential Saturation Within and About the Geographic Area of the Proposed Zoning Amendment.

Based on the findings set forth above, and other analyses relating to the number of eligible prospective occupants for the 16 units from within and without the Town, and the need for active adult rental housing in the relevant market area, the Town Board concludes that the approval of

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the instant zoning amendment, permitting the construction of up to 16 active adult housing units, will not saturate the neighborhood in which the site is located.

Suitability of the Site for Senior Housing; Vehicular Access, Transportation, Walking and Traffic Concerns in General.

The proposed residential component of the development will be age restricted and consist of 16 rental apartments above one or more ground floor community shopping / retail units.

The site is located in the center of the downtown Pearl River, convenient to mass transportation, downtown shopping and dining and other activities.

The apartments are moderately sized -- one-bedroom and two bedroom units, in the 750 to 1000 sq. ft. range -- and, thus, are not likely to attract more than 2 to 3 occupants each. They will be serviced by an elevator, and, as such, particularly suited to the active adult population.

Based on the letter report of Harry Baker & Associates, the proposed mixed use will generate three vehicle trips during the AM peak hour and five vehicle trips during the PM peak hour. There will be minimal impact on surrounding intersections based upon the analysis.

Parking

The project provides for 38 parking spaces on site. For the residential aspect of the project, 24 spaces are required by statute. However, 44 additional spaces are required for parking for the commercial occupants on the first floor, for a total of 68. The proposed on-site parking is less than what is required. While Chapter 43, §4.69(B)(1) of the Town Code related to PAC zoning provides that the Town Board may modify the lot and bulk controls, the Board will not alter the parking requirements as set forth in the bulk tables and hereby establishes that the minimum off-street parking requirements for this project to be 1.5 parking space per dwelling unit, making the requirement of parking for this project 24 spaces. The commercial aspect of the property requires 1 space per 200 sf, requiring 44 spaces, 24 of which cannot be counted towards this requirement as they are necessary for the residential component of the project. The applicant, as part of its site plan review, must apply for a variance, indicating that 14 spaces are provided for the commercial occupant, and 44 are required.

Compatibility of a Planned Adult Community Project With the Surrounding Environment.

The proposed senior housing component of the project is compatible with the surrounding uses which include a mix of commercial, retail, dining and residential uses.

The Petitioner has presented to the Town Board a proposed site development plan prepared by Jay A. Greenwell, PLS, building and parking, with the existing, and proposed lot and bulk controls.

Maximum Unit Count

By reason of the proposed site development plan, the Town Board further establishes 16 units as the maximum number of residential units permitted on the site.

Other Findings and Conditions

Site Development Plan and Other Required Municipal Approvals

The adoption of this resolution granting the requested zoning amendment from CS to PAC based upon the site development plan dated 11/20/2017, last revised 5/21/2018 and related materials is not intended, nor shall it be interpreted, to circumvent or usurp the authority of the Planning Board or of any other land use board having authority over site specific details. The petitioner must apply for and receive all appropriate site development plan approvals and abide by any and

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all conditions thereof, including but not limited to land reserved for recreation or money in lieu thereof pursuant to Chapter 21A-9.1(E) of the Town Code.

Age Limitations Under the PAC Designation

As required by § 4.6.5 of Local Law No.1 of 2004, occupancy of the units to be developed on the site as a result of this zoning amendment shall be restricted to persons 55 years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 21 years of age shall not be permanent residents under any circumstances. Households containing one or more adult handicapped persons (over the age of 21) shall also be eligible.

The Petitioner, prior to the conveyance of the first unit, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Petitioners and subsequent Petitioners, restricting the occupancy of the units within the PAC development as set forth in this resolution.

Parking

As addressed *infra*, in connection with the Board’s review of the County Planning Department’s comments, the housing units, and the occupant’s thereof, are subject to whatever parking regulations shall apply, now or in the future, within the downtown area, including those that limit overnight parking. Nothing in this Local Law is intended to, nor shall it, absolve any person of the obligation to comply with such regulations. The Board finds that Chapter 24 of the Town Code provides for 24/7 parking permits which may alleviate parking issues for residents of the proposed project.

Contribution Toward Parking Improvements

In recognition of the immediate impact upon municipal parking imposed by the proposed zone change and development, this zone change is expressly conditioned on payment by the Petitioner for the benefit of the Pearl River Parking District the sum of \$60,000.00, the full sum to be paid prior to the signing of an approved Site Plan as approved by the Planning Board.

Maximum number of bedrooms per unit

The building shall consist of one and two bedroom units only, no three or more bedroom units are permitted. The building shall have no more than ten 2 bedroom units. The Planning Board shall determine the location, size and distribution of the units as part of its site plan review, with these conditions applicable.

Lot and Bulk Controls

Pursuant to Town Zoning Law § 4.69(B), the Town Board hereby modifies the lot and bulk controls for this site, which is a “redevelopment site within a CS District”, and establishes as the applicable lot and bulk controls those that appear on the site development plan submitted by the Petitioner.

The Lot and Bulk controls for this zone change are therefore as set forth below. Items marked with an ^ will require a variance from the lot and bulk requirements established. Items marked with a * are hereby modified in accordance with §4.69(B)(1). All others are as determined pursuant to this Local Law:

	REQUIRED Per §4.69(A)	PROVIDED AND ESTABLISHED PURSUANT TO THIS LOCAL LAW Per §4.69(B)
Minimum lot area	1 Arce	<u>.54 acre</u>[^]

RESOLUTION NO. 418 - Continued

Base Density	6 Dwelling Units Per Acre	<u>16 units (29.6)^</u> <u>dwelling units</u> <u>per acre</u>
Potential Bonus Density*	1 dwelling unit per acre	N / A
Maximum Floor area Ratio	.40	<u>1.15^</u>
Maximum Building Coverage	TBD	_____
Minimum Open Space	TBD	_____
Maximum building height	is 2 stories or 35 feet, Unless otherwise specified By Town Board as part of PAC approval, in which 3 Stories may be allowed	3 stories and* 34'8"
Minimum Perimeter Buffer	TBD	N o n e
Minimum Yards **	Unless otherwise specified by the Town Board as part of PAC approval, the following yards shall be provided;	
Minimum Front Yard	TBD	0 feet
Minimum Side Yard	TBD	0 feet
Minimum Rear Yard	TBD	0 feet
Minimum Street Frontage	100 feet	100 feet and 90 feet*
Minimum off-street parking	1.5 spaces per dwelling unit	spaces per dwelling unit
Minimum indoor/outdoor Recreation	TBD	NONE

Rockland County Planning Department Conditions

The Town Board has received, and has considered, the General Municipal Law § 239 l & m review letter, dated May 8, 2018 submitted by the Rockland County Department of Planning, and responds to its comments and conditions as follows:

County Comment 1 indicates site appears to be deficient in meeting many of the criteria of the PAC zone, including density, lot size and parking. No proposed modifications are set forth.

Response: To the extent that this constitutes a modification, the Town Board hereby votes to override County Planning Comment No. 1. The basis for this override is that the unique characteristics of the site, including its location in down town Pearl River and its proximity to public transportation set forth herein, make the required modifications to the lot and bulk controls set forth above appropriate. The PAC overlay statute provides for many lot and bulk controls “to be determined” based upon the specific site, as such, flexibility in design and requirements was anticipated when the statute was passed. With that said, the petitioner must still obtain appropriate variances as set forth herein.

Motion to Override was made by Councilman Troy, Seconded by Councilman Valentine and on a roll call vote, the Board voted to override comment number one as follows:

- Councilman Botari: Yes
- Councilman Diviny: No
- Councilman Troy: Yes
- Councilman Valentine: Yes
- Supervisor Day: Yes

The motion to override carried by supermajority vote.

RESOLUTION NO. 418 - Continued

County Comment 2, indicates that the Town Board must be satisfied that all of the criteria for rezoning to PAC pursuant to Section 4.6, Chapter 43 are met. Specifically, the County indicates the Town must determine if frontage along a major or secondary road way is met.

Response: The Town Board is satisfied and hereby determines that the property “fronts” and has access to both North Main Street and North William Street, and that these are roads the meet the criteria as provided for in the code regarding secondary roadways. In addition, the property is located only one or two parcels away from Washington Avenue and Central Avenue on both sides, both of which are easily accessible from the site.

County Comment 3 relates to bulk and parking requirements of Section 4.69 and indicates these must be met otherwise they shall require variances or modifications.

Response: The Board has made a determination as to those lot and bulk requirements that the code permits it to set as part of this local law. In addition, the Board has modified the lot and bulk control requirements as set forth more fully above. The requirement for variances is noted and will be addressed as part of site plan review by the Planning Board and Zoning Board of Appeals.

County Comment 4, indicates that the Town must specify the stories permitted.

Response: The Board has set the stories at three as set forth above.

County Comment 5, indicates the site does not meet the minimum lot area, maximum floor area ration and density requirements of the code.

Response: This comment is similar comment number 1. To the extent this comment is a modification which requires an override, the Town Board hereby overrides comment number 5 for the reasons set forth above, namely that the Board is aware of the limitations of the site but has determined that the use as proposed would provide a benefit to the community by providing for additional rental senior living in the down town Pearl River area. Any variances in the areas specified by County Planning will be address as part of site plan review by the Planning Board and Zoning Board of Appeals.

County Comment 6, indicates that a review must be completed by the Rockland County Department of Highways.

Response: The Rockland County DOH was provided a copy of the proposed local law more than thirty days prior to its adoption. As of the date of adoption, County DOH has not provided any comments.

The aforesaid resolution was moved by Councilman Troy, seconded by Councilman Valentine, and adopted by a vote of Four Ayes One Nay and zero Abstentions, as follows:

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

Schedule “A” Description of Premises

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Pearl River, Town of Orangetown, County of Rockland and State of New York being described as the NORTHERLY 40 feet of Lot 16 and all of Lots 17, 8 and 7 in Block 8 as shown on a map entitled “Commissioner’s Map of the Estate of Julius E. Braunsdorf, deceased, at Pearl River, New York, resurveyed by L. Wilson, as assistant to James S. Haring, C.E. dated August 1983” and filed in the Office of the Clerk of the County of Rockland on March 26, 1894.

RESOLUTION NO. 418 - Continued

BEGINNING at a point on the Westerly side of William Street distant 150 feet Southerly from the corner formed by the intersection of the Westerly side of William Street and the Southerly side of Washington Avenue; running thence Southerly along the Westerly side of William Street South 03 degrees 4 minutes 33 seconds West 90 feet to the Northerly side of a 10 feet right of way; running thence Westerly along the Northerly side of said 10 feet right of way, parallel with the Southerly side of Washington Avenue, North 86 degrees 35 minutes 27 seconds West 150 feet; running thence Southerly along the Westerly side of said 10 feet right of way, parallel with the Westerly side of William Street, South 03 degrees 24 minutes 33 seconds West 10 feet to an iron pipe; running thence North 86 degrees 35 minutes 27 seconds West 50 feet to an iron pipe; running thence North 77 degrees 09 minutes 07 seconds West 60 feet to a point on the Easterly side of Main Street; running thence along the Easterly side of Main Street, North 12 degrees 50 minutes 53 seconds East 100 feet to an iron pipe running thence South 77 degrees 09 minutes 07 seconds East 94 feet, running thence North 03 degrees 24 minutes 33 seconds East 6.40 feet; running thence Easterly and parallel with the Southerly side of Washington Avenue, South 86 degrees 35 minutes 27 seconds East 150 feet to the point or place of Beginning.

TOGETHER with an easement for all purposes of ingress and egress in, over and upon the Southerly 10 feet of Lot 16 as shown on the aforementioned map.

Identified further as 21 North William Street and 14-16 North Main Street located on the west side of William street and east side of North Main Street, and shown on the tax map of the Town of Orangetown as SBL 68.16-6-67.

**TOWN OF ORANGETOWN
LOCAL LAW 7, 2018
AMENDING CHAPTER 43, ZONING**

The zoning designation on the Town Zoning Map and Zoning law of property identified as 21 North William Street and 14-16 North Main Street, located on the West side of North William Street and East side of North Main Street and shown on the Tax Map of the Town of Orangetown as Section 68.16, Block 6, Lot 67, in the Hamlet of Pearl River, is hereby changed from the Community Shopping (CS) district to the Planned Adult Community (PAC) floating district and the Town Zoning Map shall be amended accordingly.

RESOLUTION NO. 419

**AID / SHOWMOBILE / NYACK PARK
CONSERVANCY INC / MUSIC ON
THE HUDSON CONCERT SERIES**

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

RESOLVED, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$400.00 (each event) by the Nyack Park Conservancy Inc. for their Music on the Hudson Concert Series on Tuesday, June 19, 2018, Tuesday, June 26, Tuesday, July 24 & Tuesday, July 31, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

RESOLUTION NO. 420

**ACCEPT RESIGNATION / BRIAN
TERRY / ACABOR AND PARKS
DEVELOPMENT ADVISORY
COMMITTEE**

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

RESOLUTION NO. 420 – Continued

RESOLVED, that the Town Board hereby accepts the resignation of Brian Terry, as a Member of the Architecture and Community Appearance Board of Review and the Orangetown Parks Development Advisory Committee, effective July 5, 2018.

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

RESOLUTION NO. 421

**SET PH / AMENDING CHAPTER 39 -
“VEHICLES AND TRAFFIC
“TOWING OF VEHICLES ON POSTED
PARADE, STREET FAIR OR SPECIAL
EVENT ROUTES”**

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

RESOLVED, a public hearing on a proposed local law, amending Chapter 39 (“Vehicles and Traffic”) of the Town Code by adding a new Section 39-38 entitled “Towing of Vehicles on Posted Parade, Street Fair or Special Event Routes” for July 24, 2018, at 8:15 p.m.

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

RESOLUTION NO. 422

**APPROVE / REPLACEMENT OF
TOWN HALL (OLD SIDE) CHILLER /
JOHNSON CONTROLS**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation and pursuant to §1A-13(F) of the Town Code, and NY General Municipal Law §103(16) providing for “piggybacking” of municipal purchases, award the contract for the replacement of the Town Hall Old Side Chiller in the amount of \$70,790.00 to Johnson Controls Inc. of Hawthorne, NY using NJPA (National Joint Powers Alliance) contract number: # 030817-JHN and subject to a formal written agreement with the Town as approved by the Town Attorney’s Office.

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

RESOLUTION NO. 423

**ENTERED EXECUTIVE SESSION
PERSONNEL MATTERS**

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

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

RESOLUTION NO. 423 – Continued

RESOLVED, at 9:25 pm, the Town Board entered Executive Session to discuss Personnel matters. Supervisor Day said there will be no further votes.

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

Noes: None

RESOLUTION NO. 424

**RE-ENTERED WORKSHOP AND
ADJOURNED**

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

RESOLVED, at 9:43 pm, the Town Board re-entered the Workshop and adjourned, in memory of Elizabeth Saloman, Blauvelt.

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

Noes: None

Joseph Thomassen, Deputy Clerk