

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 23, 2018**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Day presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were: Supervisor Chris Day  
Councilman Thomas Diviny  
Councilman Paul Valentine  
Councilman Jerry Bottari

Absent: Councilman Denis Troy

Also present were: Amanda Hyland, Supervisor's Confidential Assistant  
Rosanna Sfraga, Town Clerk  
Robert Magrino, Deputy Town Attorney  
Teresa Kenny, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Eamon Reilly, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint

Pledge of Allegiance to the Flag of the United States of America: Michael Mandel

Summary of Public Comments (RTBM):

Mike Mandel, Pearl River, suggested a six-month trial period for the EV Charging spaces to be always open for Electric vehicles. Tax Cert Settlement Resolutions should always include the name of the School District.

Carol Baxter and Milbree Polk, Palisades, spoke about Traffic issues on Route 9W. She requested the speed limit be 35 mph along the entire stretch.

Esta Baitler, Sparkill, resents the Town Board poking fun of her. She wants the Town Board to contact O & R regarding the lights outside of Camp Venture.

Denise Hogan, Coordinator for Against Tobacco, wishes to make Cortwood Village smoke-free. She would like contact information for the Board at Cortwood Village.

Robert Tompkins, Pearl River, hopes the grant the Town received includes new traffic light poles. He is in favor digitalizing Town records.

Mr. Finn, Orangeburg, said there is a tree destroying his driveway and he wants the Highway Department to cut it down.

**RESOLUTION NO. 610**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public comments portion is hereby closed.

Ayes: Councilpersons Valentine, Diviny, Bottari  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 611**

**CONTINUE PH / ZONE CHANGE /  
“LO” to “OP” / HNA PALISADES  
PREMIER CONFERENCE CENTER –  
334 ROUTE 9W, PALISADES, NY  
78.13-1-1**

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

**RESOLUTION NO. 611 - Continued**

RESOLVED, this public hearing is hereby continued.

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

Rosanna Sfraga, Town Clerk presented the Affidavit of Publication, the Notice of Posting and Comments from outside agencies (Exhibit 10-B-18).

Summary of Public Comments:

Lino Sciarretta, Attorney for Petitioner, explained this property is currently in a Laboratory Office (LO) district and it operates under a Special Permit. The property has been used for many years as an executive conference center, a training facility, catered affairs, overnight stays, and corporate team building events.

Carol Baxter, Loren Platkin, Paul George and several other Palisades residents, have some concerns changing this to an “OP” zone: convenience shops, the FAR’s, future development, changing the character of the neighborhood and possible future subdivisions. They are okay with a sundry shop in the hotel and they are in favor of the restrictive convenient as long as it goes with the Land

**RESOLUTION NO. 612**

**CLOSE PH / ZONE CHANGE / “LO” to “OP” / HNA PALISADES PREMIER CONFERENCE CENTER – 334 ROUTE 9W, PALISADES, NY / 78.13-1-1**

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

RESOLVED, this public hearing is hereby closed.

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

The Town Board had a lengthy discussion regarding restricting possible future development of this property.

**RESOLUTION NO. 613**

**LEAD AGENCY / NEGATIVE DECLARATION / ZONE CHANGE “LO” to “OP” / HNA PALISADES PREMIER CONFERENCE CENTER 334 ROUTE 9W, PALISADES, NY 78.13-1-1**

Councilman Valentine 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 parcel known as 334 Route 9W in the hamlet of Palisades, tax lot 78.13-1-1 from “Laboratory Office” or LO” to “Office Park” or “OP”, and

WHEREAS, on or about, pursuant to Town Board Resolution 2018-459 the Town Board circulated among 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, the Town Planning Board on July 25, 2018 having indicated it had no objection to the Town Board serving as lead agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

**RESOLUTION NO. 613 – Continued**

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 annexed hereto, 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 Valentine, Bottari, Diviny  
Supervisor Day  
Noes: None  
Absent: Councilman Troy

**TOWN OF ORANGETOWN, ROCKLAND COUNTY ZONING  
TEXT AMENDMENT**

**STATE ENVIRONMENTAL AUALITY REVIEW (SEQR)  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: September 4, 2018

LEAD AGENCY: The Town Board of the Town of Orangetown  
Orangetown Town Hall  
26 Orangeburg Road  
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

**TITLE OF ACTION**

Amending the Town Zoning Law, and Zoning Map, to change the zoning classification of the parcel known as 334 Route 9W in the hamlet of Palisades tax lot 78.13-1-1 from “LO” to “OP”.

SEQRA STATUS: Unlisted Action

**DESCRIPTION OF ACTION:**

The proposed action consists of a change to the zoning classification of the entire parcel known as 334 Route 9W in the hamlet of Palisades, tax lot 78.13-1-1 from “LO” to “OP”.

**DETERMINATION:**

There will be no significant adverse environmental impact(s) as a result of the proposed action.

**REASONS SUPPORTING THIS DETERMINATION:**

The proposed action changes the zoning district of an existing tax parcel which is currently occupied by a large scale conference center, as permitted pursuant to special

**SEQRA – Continued**

permit in the LO zone. By changing the zoning classification of the parcel to OP, the conference center may include services as a hotel.

The change is consistent with the existing and proposed use of the existing lot; is consistent with the Town’s Master Plan; and is otherwise in the best planning and zoning interests of the Town and the owner of the parcel, who has requested the change of zoning classification. The only appreciable difference between the two zones is that a hotel is permitted in an OP district as of right. Conference centers are permitted in both LO and OP zones.

In addition, both 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 reviewed the proposed law, and neither has concluded that the proposed action will have any significant adverse impact.

**POTENTIAL IMPACTS DETERMINED NOT TO BE SIGNIFICANT:**

Based on the Short Environmental Assessment Form, prepared by the Town’s Director of the Office of Building, Zoning, Planning and Enforcement, and the Town Board’s familiarity with the parcels and the area in which they are situated, the Town Board has concluded that there will be no significant environmental impacts by the adoption of the zoning change specifically relating to:

- Traffic;
- Agricultural Land Resources
- Historic and Archaeological Resources
- Surface or Groundwater Quantity or Quality
- Critical Environmental Areas
- Energy
- Public Health
- Air Quality and Noise Levels
- Human Health, or
- Future Development of Adjacent and Nearby Lands

In summary, after having taken a hard look at the potential environmental impacts associated with the proposed action, the Town Board concludes that such action will not result in a significant adverse environmental impact.

**RESOLUTION NO. 614**

**ADOPT LOCAL LAW NO. 14 OF 2018,  
ZONE CHANGE / “LO” to “OP” / HNA  
PALISADES PREMIER CONFERENCE  
CENTER – 334 ROUTE 9W,  
PALISADES, NY / 78.13-1-1**

Councilman Valentine offered the following resolution, which was seconded by Supervisor Day 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, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the parcel known as 334 Route 9W in the hamlet of Palisades, tax lot 78.13-1-1 being located in the “LO” (Laboratory Office) zoning district, to change the zoning classification of the property to that of “OP” (Office Park); and



**RESOLUTION NO. 614 – Continued**

WHEREAS, by Resolution No. 613 of 2018, after notice duly given, and there being no other involved agency, by resolution duly adopted this 23rd day of October, 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 determined the issuance of Negative Declaration is appropriate; and

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

WHEREAS, the Board has concluded that the proposed zone change which changes the zoning classification of the subject parcel to a zoning district which permits a hotel use and conference centers as of right, from a zone that only permits conference centers as of right, 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

WHEREAS, the Town Planning Board, pursuant to Town Code Chapter 43, §10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 1 & m, have each reviewed the proposed law; and

WHEREAS, the Town Planning Board, by Memorandum, dated July 25, 2018, following due consideration at a public meeting held on the same date, has indicated that it does not object to the Town Board serving as Lead Agency on the matter and indicating it viewed the proposed zone change favorably; and

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

WHEREAS, the public having expressed concerns related to the potential bulk differences between the current and proposed zone, as well as general accessory uses, and

WHEREAS, the County Department of Planning, by letter review dated August 23, 2018 has recommended that the Town should do a comprehensive analysis to determine if three other adjacent parcels should remain LO or if OP or another zoning district is more appropriate; and

WHEREAS, the Town Board finds that at the current time, the parcels referenced would not be appropriate for a zone change at this time given the current uses and the issues related to the subject property, including but not limited to its current use as a conference center;

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the referenced parcel to "OP" (Office Park);

BE IT FURTHER RESOLVED, that as a condition of granting this change, the applicant has agreed to the following conditions, which shall be binding upon the applicant, its successors and assigns, and which must be incorporated in to a Restrictive Covenant to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's Office at the applicant's expense as further evidence of same:

- 1) The applicant/owner agrees that the Bulk Regulations as contained in Chapter 43, Section 3.12 Table of Bulk Regulations, as shown for the LO District, Group W, and as may be amended, shall apply for any use as a Hotel/Conference Center at the

**RESOLUTION NO. 614 – Continued**

subject property and for any other uses, the bulk regulations as applicable for LIO, as same may be amended, shall apply.

- 2) The applicant/owner agrees that Incidental convenience shops, as permitted in the “OP” zone shall mean non-free standing sundry shops, shall be permitted in this hotel.

Ayes: Councilperson Valentine, Supervisor Day  
Councilperson Bottari  
Noes: Councilperson Diviny  
Absent: Councilman Troy

**LOCAL LAW NO. 14 OF 2018 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
TOWN BOARD TO CHANGE THE ZONE OF PROPERTY LOCATED AT 334 ROUTE  
9W, PALISADES, NY (Tax Lot 78.13-1-1)**

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:

334 Route 9W, Palisades, New York (Tax Map Designation 78.13-1-1) from the “LO” (Laboratory Office) zoning district to the “OP” (Office Park) zoning district, which metes and bounds description is as follows:

*Section 2:* The following conditions are made a part of this Local Law for the subject property only:

- 1) The Bulk Regulations as contained in Chapter 43, Section 3.12 Table of Bulk Regulations, as shown for the LO District, Group W, and as may be amended, shall apply for any use as a Hotel/Conference Center at the subject property and for any other uses, the bulk regulations as applicable for LIO, as same may be amended, shall apply.
- 2) “Incidental convenience shops and services” as set forth in Chapter 43, Section 3.11 of the Table of General Use Regulation for the OP District, Column 5, shall mean internal sundry and service shops, non-free-standing, intended for use by guests and employees.
- 3) The property owner must file a restrictive covenant with the Rockland County Clerk acknowledging these conditions.

*Section 3. 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 law shall take effect immediately upon filing with the Secretary of State.

**Legal Description**

ALL that certain piece or parcel of property situate, lying and being located in the Town of Orangetown, County of Rockland, State of New York and being more particularly bounded and described as follows:

**PARCEL I:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY CORNER OF THE PREMISES HEREIN DESCRIBED, SAID POINT ALSO BEING AT THE INTERSECTION OF THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF KNIGHT AT THE WESTERLY SIDE OF NEW YORK STATE ROUTE 9W;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG THE SAID

WESTERLY SIDE OF NEW YORK STATE ROUTE 9W, SOUTH 12° 14' 30" EAST FOR A DISTANCE OF 565.92 FEET TO A POINT AT THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF CORNETTA;

THENCE ALONG LANDS NOW OR FORMERLY OF CORNETTA THE FOLLOWING COURSES AND DISTANCES:

SOUTH 73° 29' 36" WEST, 237.55 FEET;

SOUTH 16° 25' 38" EAST, 2.50 FEET;

SOUTH 73° 29' 36" WEST, 69.29 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF RAIMONDO;

THENCE ALONG SAID LANDS OF RAIMONDO, SOUTH 73° 29' 36" WEST FOR A DISTANCE OF 702.39 FEET TO A POINT ON THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF COLLINS;

THENCE ALONG SAID LANDS OF COLLINS, NORTH 3° 30' 59" WEST FOR A DISTANCE OF 744.67 FEET TO A PIPE ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF THE ROCKLAND COUNTRY CLUB;

THENCE ALONG SAID LANDS NORTH 70° 03' 14" EAST FOR A DISTANCE OF 621.03 FEET TO A POINT ON THE WESTERLY LINE OF LANDS NOW OR FORMERLY OF KNIGHT;

THENCE ALONG SAID LANDS OF KNIGHT THE FOLLOWING COURSES AND DISTANCES:

SOUTH 9° 33' 50" EAST, 215.88 FEET;

NORTH 69° 53' 16" EAST, 290.69 FEET TO THE POINT AND PLACE OF BEGINNING.

**PARCEL II:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY CORNER OF THE PREMISES HEREIN DESCRIBED, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF BONANNO AND ON THE WESTERLY SIDE OF NEW YORK STATE ROUTE 9W;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG SAID WESTERLY SIDE OF ROUTE 9W, SOUTH 12° 16' 20" EAST FOR A DISTANCE OF 281.25 FEET TO A POINT BEING THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF RAIMONDO;

THENCE ALONG SAID LANDS OF RAIMONDO, THE FOLLOWING COURSES AND

**Legal Description - Continued**

DISTANCES:

1. SOUTH 79° 56'36" WEST 308.98 FEET;

NORTH 11° 35' 04" WEST 244.17 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF BONANNO;

THENCE ALONG SAID SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF BONANNO, THE FOLLOWING COURSES AND DISTANCES:

1. NORTH 73° 29'36" EAST 69.29 FEET;

2. NORTH 16° 25'38" WEST 2.50 FEET;

3. NORTH 73° 29' 36" EAST 237.55 FEET TO THE POINT AND PLACE OF BEGINNING.

**PARCEL III:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND

BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY CORNER OF THE PREMISES HEREIN DESCRIBED, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF THE JOHN M. PERRY POST NO. 1044 OF THE AMERICAN LEGION WHERE IT IS INTERSECTED BY THE EASTERLY LINE OF THE PALISADES INTERSTATE PARK COMMISSION;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG THE SOUTHERLY LINE OF SAID LANDS OF THE JOHN M. PERRY POST NO. 1044 OF THE AMERICAN LEGION, NORTH 76° 14' 06" EAST FOR A DISTANCE OF 192.40 FEET TO AN IRON PIPE AND LANDS OF THE ROCKLAND COUNTRY CLUB;

THENCE TURNING AND RUNNING ALONG SAID LAND NOW OR FORMERLY OF THE ROCKLAND COUNTRY CLUB, THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 19° 06' 07" EAST 24.01 FEET TO AN IRON PIPE;

2. NORTH 73° 41'16" EAST 1,169.27. FEET;

3. NORTH 74° 48' 15" EAST 700.01 FEET;

4. SOUTH 15° 46' 09" EAST 32.44 FEET TO THE MEAN CENTERLINE OF A STONE WALL;

THENCE ALONG THE MEAN CENTERLINE OF SAID STONE WALL, THE FOLLOWING COURSES AND DISTANCES:

5. SOUTH 14° 09'55" EAST 52.50 FEET;

6. SOUTH 15° 49'44" EAST 65.51 FEET TO. A POINT;

THENCE CONTINUING ALONG SAID LANDS OF THE ROCKLAND COUNTRY CLUB:

7. NORTH 70° 07' 33" EAST 538.97 FEET TO AN IRON PIPE ON THE NORTHWESTERLY CORNER. OF LANDS NOW OR FORMERLY OF BONANNO;

THENCE ALONG THE WESTERLY LINE OF SAID LANDS OF BONANNO, SOUTH 3° 30' 59" EAST FOR A DISTANCE OF 744.67 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF RAIMONDO;

THENCE TURNING AND RUNNING ALONG THE NORTHERLY AND WESTERLY LINE OF LANDS OF RAIMONDO, THE FOLLOWING COURSES AND DISTANCES:

**Legal Description - Continued**

1. SOUTH 73° 22' 03!" WEST 869.53 FEET TO A MONUMENT;
2. SOUTH 4° 03' 04" EAST 257.69 FEET TO A MONUMENT;
3. SOUTH 4° 05' 55" EAST 23.15 FEET TO A PIPE;
4. SOUTH 4° 34' 49" EAST 245.13 FEET TO A PIPE AT THE NORTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF ANDERSON;

THENCE ALONG SAID LANDS OF ANDERSON, SOUTH 4° 33' .50" EAST FOR A DISTANCE OF 122.38 FEET TO A POINT BEING THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF PALISADES PARKWAY GARDENS;

THENCE ALONG SAID PALISADES PARKWAY GARDENS, THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 88° 22' 51" WEST 523.70 FEET;
2. SOUTH 48° 57' .36" WEST 442.03 FEET TO A POINT ON THE NORTHEASTERLY SIDE OF THE PALISADES INTERSTATE PARK COMMISSION;

THENCE ALONG SAID PALISADES INTERSTATE PARK COMMISSION THE FOLLOWING:

1. ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5,329.00 FEET AND A LENGTH OF 723.49 FEET TO A MONUMENT;
2. THENCE SOUTH 87° 13' 17" EAST FOR A DISTANCE OF 56.22 FEET TO A MONUMENT;
3. THENCE NORTH 4° 40' 31" WEST FOR A DISTANCE 36.32 FEET TO A MONUMENT;
4. THENCE NORTH 87° 13' 17" WEST FOR A DISTANCE OF 84.28 FEET TO A MONUMENT;
5. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5,329.00 FEET AND A LENGTH OF 473.02 FEET TO A MONUMENT;
6. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4,891.00 FEET AND A LENGTH OF 232.93 FEET TO A MONUMENT;
7. THENCE NORTH 2° 13' 29" EAST FOR A DISTANCE OF 144.31 FEET TO A MONUMENT;
8. THENCE NORTH 7° 54' 59" WEST FOR A DISTANCE OF 90.25 FEET TO THE POINT AND PLACE OF BEGINNING.

**PARCEL IV:**

ALL THAT" CERTAIN PLOT, PIECE OR PARCEL. OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF NEW YORK STATE ROUTE 9W AT THE SOUTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF CORNETTA;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG SAID WESTERLY SIDE OF ROUTE 9W THE FOLLOWING COURSES AND DISTANCES:

- SOUTH 11° 43' 44" EAST, 49.61 FEET TO A MONUMENT;
- SOUTH 79° 56' 36" WEST, 6.00 FEET TO A PIPE;
- SOUTH 17° 18' 24" EAST, 200.00 FEET;

**Legal Description - Continued**

SOUTH 20° 16' 50" EAST, 118.36 FEET TO A PIPE AT THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF ANDERSON;

THENCE ALONG SAID LANDS OF ANDERSON, SOUTH 77° 14' 09" WEST, 1,973.90 FEET TO A PIPE ON THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF COLLINS;

THENCE ALONG SAID LANDS OF COLLINS THE FOLLOWING COURSES AND DISTANCES:

NORTH 4° 34' 49" WEST, 245.13 FEET TO A PIPE;

NORTH 4° 05' 55" WEST, 23.15 FEET TO A MONUMENT,

NORTH 4° 03' 04" WEST, 257.69 FEET TO A MONUMENT;

NORTH 73° 22' 03" EAST, 869.53 FEET TO THE SOUTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF BONANNO;

THENCE ALONG THE SOUTHERLY LINE OF LANDS OF SAID BONANNO, NORTH 73° 29' 36" EAST FOR A DISTANCE OF 702.39 FEET TO A POINT BEING THE NORTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF CORNETTA;

THENCE ALONG THE WESTERLY AND SOUTHERLY LINE OF LANDS OF SAID CORNETTA THE FOLLOWING COURSES AND DISTANCES:

SOUTH 11° 35' 04" EAST, 244.17 FEET;

NORTH 79° 56' 36" EAST\* 308.98 FEET TO THE POINT AND PLACE OF BEGINNING.

**PARCEL V:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND AND STATE OF NEW YORK, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY CORNER OF THE PREMISES HEREIN DESCRIBED, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF RAIMONDO, SAID POINT ALSO BEING 1,323.61 FEET AS MEASURED WESTERLY ALONG SAID SOUTHERLY LINE OF LANDS OF RAIMONDO FROM A PIPE AT THE WESTERLY SIDE OF NEW YORK STATE ROUTE 9W;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG OTHER LANDS NOW OR FORMERLY OF ANDERSON, SOUTH 12° 50' 04" EAST FOR A DISTANCE OF 323.22 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF BOWLING;

THENCE ALONG SAID LANDS OF BOWLING AND ALONG LANDS NOW OR FORMERLY OF EWING AND PARTIALLY ALONG THE MEAN CENTERLINE OF A STONE WALL THE FOLLOWING COURSES AND DISTANCES:

SOUTH 77° 09' 56" WEST, 173.94 FEET;

SOUTH 77° 16' 56" WEST, 523.30 FEET TO A PIPE AT THE NORTHWESTERLY CORNER OF LANDS OF SAID EWING AND THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF PALISADES PARKWAY GARDENS;

THENCE ALONG SAID LANDS OF PALISADES PARKWAY GARDENS\* NORTH 4° 33' 50" WEST FOR A DISTANCE OF 203.97 FEET TO A POINT BEING THE SOUTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF COLLINS;

THENCE ALONG SAID LANDS OF COLLINS, NORTH 4° 33' 50" WEST FOR A



**Legal Description - Continued**

DISTANCE OF 122.38 FEET TO A PIPE AT THE SOUTHWESTERLY CORNER OF LANDS NOW OR FORMERLY OF RAIMONDO;

THENCE ALONG SAID LANDS OF RAIMONDO, NORTH 77° 14' 09" EAST FOR A DISTANCE OF 650.29 FEET TO THE POINT AND PLACE OF BEGINNING.

PERIMETER DESCRIPTION:

ALL THAT CERTAIN PIECE OR PARCEL OF PROPERTY SITUATE, LYING AND BEING LOCATED IN THE TOWN OF ORANGETOWN, COUNTY OF ROCKLAND, STATE OF NEW YORK AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE DIVISION LINE BETWEEN PROPERTY NOW OR FORMERLY ANDERSON, THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PROPERTY AND THE WESTERLY SIDE OF NEW YORK STATE ROUTE NO. 9W, (S.H. 8250), AKA HIGHLAND AVENUE, AS WIDENED, SAID POINT BEING THE SOUTHWEST CORNER OF "NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION MAP NO. 46, PARCEL 54";

THENCE FROM SAID POINT OF BEGINNING ALONG SAID PROPERTY OF ANDERSON, SOUTH 77° 14' 09" WEST, A DISTANCE OF 1,319.67 FEET TO A MONUMENT;

THENCE SOUTH 12° 50' 04" EAST, A DISTANCE OF 323.22 FEET TO A STONE WALL AND PROPERTY NOW OR FORMERLY DOWLING;

THENCE ALONG SAID PROPERTY NOW OR FORMERLY DOWLING AND GENERALLY ALONG A STONE WALL, SOUTH 77° 09' 56" WEST, A DISTANCE OF 173.94 FEET TO A MONUMENT;

THENCE ALONG PROPERTY NOW OR FORMERLY EWING AND GENERALLY ALONG A STONE WALL, SOUTH 77° 16' 56" WEST, A DISTANCE OF 523.30 FEET TO A MONUMENT;

THENCE NORTHERLY, WESTERLY AND SOUTHWESTERLY ALONG PROPERTY NOW OR FORMERLY PALISADES PARKWAY GARDENS THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 04° 33' 50" WEST, A DISTANCE OF 203.97 FEET TO A MONUMENT;
2. SOUTH 88° 22' 51" WEST, A DISTANCE OF 523.70 FEET TO A MONUMENT;
3. SOUTH 48° 57' 36" WEST, A DISTANCE OF 442.03 FEET TO A MONUMENT AND THE NORTHEASTERLY SIDE OF THE PALISADES INTERSTATE PARK COMMISSION; THENCE NORTHWESTERLY ALONG THE AFORESAID PALISADES INTERSTATE PARK COMMISSION THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. A DISTANCE OF 723.49 FEET ALONG A NON TANGENT CURVE TO THE LEFT OF WHICH THE RADIUS POINT LIES SOUTH 58° 28' 32" WEST A RADIUS OF 5,329.00 FEET, AND HAVING A CENTRAL ANGLE OF 07° 46' 40" TO A MONUMENT;
2. THENCE SOUTH 87° 13' 17" EAST, DISTANCE OF 56.22 FEET TO A POINT;
3. THENCE NORTH 04° 40' 31" WEST, A DISTANCE OF 36.32 FEET TO A MONUMENT;
4. THENCE NORTH 87° 13' 17" WEST, A DISTANCE OF 84.28 FEET TO A MONUMENT;



**Legal Description - Continued**

5. THENCE NORTHWESTERLY, A DISTANCE OF 473.02 FEET ALONG A NON TANGENT CURVE TO THE LEFT OF WHICH THE RADIUS POINT LIES SOUTH 50° 10' 27" WEST A RADIUS OF 5,329.00 FEET, AND HAVING A CENTRAL ANGLE OF 05° 05' 09" TO A MONUMENT;

6. THENCE NORTHWESTERLY, A DISTANCE OF 232.93 FEET ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 4,891.00 FEET AND A CENTRAL ANGLE OF 02° 43' 43" TO A MONUMENT ON THE EASTERLY SIDE OF NEW YORK STATE ROUTE NO. 340, (AKA CARTERET ROAD);

THENCE ALONG SAID EASTERLY SIDE OF NEW YORK STATE ROUTE NO, 340, (AKA CARTERET ROAD), NORTH 02° 13' 29" EAST, A DISTANCE OF 144.31 FEET; AND

THENCE NORTH 07° 54' 59" WEST, A DISTANCE OF 90.25 FEET TO A REBAR SET ON THE SOUTHERLY SIDE OF PROPERTY NOW OR FORMERLY JOHN M. PERRY POST #1044 OF THE AMERICAN LEGION;

THENCE ALONG SAID DIVISION LINE, NORTH 76°. 14' 06" EAST, A DISTANCE OF 192.40 FEET TO A MONUMENT;

THENCE SOUTH 19° 06' 07" EAST, A DISTANCE OF 24.01 FEET TO A MONUMENT;

THENCE ALONG SAID PROPERTY\* NOW OR FORMERLY JOHN M. PERRY POST #1044 OF THE AMERICAN LEGION AND PROPERTY NOW OR FORMERLY ROCKLAND COUNTY CLUB, NORTH 73° 41' 16" EAST, A DISTANCE OF 1,169.27 FEET TO A MONUMENT;

THENCE NORTH 74° 48' 15" EAST, A DISTANCE OF 700.01 FEET TO A MONUMENT;

THENCE ALONG THE MEAN CENTERLINE OF A STONE WALL THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. SOUTH 15° 46' 09" EAST, A DISTANCE OF 32.44 FEET TO A MONUMENT;

2. SOUTH 14° 09' 55" EAST, A DISTANCE OF 52.50 FEET TO A MONUMENT;

3. SOUTH 15° 49' 44" EAST, A DISTANCE OF 65.51 FEET TO A MONUMENT;

THENCE CONTINUING ALONG SAID PROPERTY NOW OR FORMERLY ROCKLAND CLUB, NORTH 70° 07' 33" EAST, A DISTANCE OF 538.97 FEET TO A MONUMENT;

THENCE NORTH 70° 03' 14" EAST, A DISTANCE OF 621.03 FEET TO A MONUMENT;

THENCE ALONG SAID PROPERTY NOW OR FORMERLY OF KNIGHT, SOUTH 09° 33' 50" EAST, A DISTANCE OF 215.88 FEET TO A MONUMENT;

THENCE NORTH 69° 53' 16" EAST, A DISTANCE OF 286.76 FEET TO THE NORTHWEST CORNER OF "OUT PARCEL TO BE DEDICATED TO THE PEOPLE OF THE STATE OF NEW YORK";

THENCE ALONG SAID WESTERLY SIDE OF "OUT PARCEL TO BE DEDICATED TO THE PEOPLE OF THE STATE OF NEW YORK", SOUTH 10° 33' 26"- EAST, A DISTANCE OF 453.91 FEET;

THENCE SOUTH 49°15'43" EAST, A DISTANCE OF 5.73 FEET TO THE NORTHWEST CORNER OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION PARCEL 54, MAP NO. 46;

THENCE ALONG THE WESTERLY SIDE OF PARCEL 54 AS SHOWN ON NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION MAP NO. 46 THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1. SOUTH 11° 03' 39" EAST, A DISTANCE OF 195.00 FEET;

2. SOUTH 15° 42' 40" EAST, A DISTANCE OF 108.07 FEET;

**Legal Description – Continued**

- 3. SOUTH 12° 06' 09" EAST, A DISTANCE OF 41.00 FEET;
- 4. SOUTHERLY, A DISTANCE OF 120.85 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,909.00 FEET AND A CENTRAL ANGLE OF 02° 22' 49";
- 5. SOUTHERLY, A DISTANCE OF 291.68 FEET ALONG A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 1,949.00 FEET AND A CENTRAL ANGLE OF 08°. 34' 29" TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PROPERTY, THE POINT AND PLACE OF BEGINNING.

\*\*\*

**RESOLUTION NO. 615**

**OPEN PH / WATERCOURSE  
DIVERSION PERMIT / 27 SUNRISE  
LANE, PEARL RIVER / 69.18-3-43.2**

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

RESOLVED, the public hearing pursuant to Town of Orangetown Town Code Chapter 41 to consider the Watercourse Diversion application from Lino J. Sciarretta, Esq., counsel for the property owner of 27 Sunrise Lane, Pearl River, New York, Section 69.18, Block 3, Lot 43.2, for a watercourse diversion permit, is hereby opened.

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

Rosanna Sfraga, Town Clerk presented the Affidavit of Publication, the Notice of Posting and Comments from outside agencies (Exhibit 10-C-18).

Summary of Public Comments:

Lino Sciarretta, Attorney for Petitioner, this site has an existing 24-inch storm water pipe which has to be moved in order for the proposed single-family residence to be constructed. The owner is proposing to install a new 36-inch drainage pipe, running approximately 92-feet into a RIPRAP outlet protection, more than 15-feet away from the proposed residence. Patricia Altomare, Pearl River, asked, Who is going to maintain the new pipes and the many storm drains.

**RESOLUTION NO. 616**

**CLOSE PH / WATERCOURSE  
DIVERSION PERMIT / 27 SUNRISE  
LANE, PEARL RIVER / 69.18-3-43.2**

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

RESOLVED, that the public hearing to consider the Watercourse Diversion application from Lino J. Sciarretta, Esq., counsel for the property owner of 27 Sunrise Lane, Pearl River, New York, Section 69.18, Block 3, Lot 43.2 for a watercourse diversion permit, is hereby closed.

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

**RESOLUTION NO. 617**

**APPROVE / WATERCOURSE  
DIVERSION PERMIT / 27 SUNRISE  
LANE, PEARL RIVER / 69.18-3-43.2**

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

**RESOLUTION NO. 617 – Continued**

WHEREAS, on September 26, 2018, the Town of Orangetown Planning Board conducted a public hearing and declared itself lead agency relating to the applicant's site plan application, PB #18-15, for which this watercourse diversion permit application is related, and issued a negative declaration, and further granted preliminary approval to the application, conditioned on the Town Board granting the instant permit for the watercourse diversion;

WHEREAS, upon review by the Town of Orangetown Planning Board, Highway Department, Department of Environmental Management and Engineering (DEME), and Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE), respectively, indicating no objection to the application for said watercourse diversion permit;

NOW THEREFORE, BE IT RESOLVED, pursuant to Town of Orangetown Town Code Chapter 41, the request from Lino J. Sciarretta, Esq., counsel for the property owner of 27 Sunrise Lane, Pearl River, New York, Section 69.18, Block 3, Lot 43.2, for a watercourse diversion permit is hereby approved.

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

**RESOLUTION NO. 618**

**SET PUBLIC HEARING DATE  
PROPOSED CHANGE TO  
CHAPTER 39, "VEHICLES AND  
TRAFFIC" / TRAFFIC FLOW  
ADJUSTMENT / PEARL RIVER  
TRAIN STATION**

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

RESOLVED, the Town Board will hold a public hearing on November 13, 2018, at 8:15 P.M., regarding the Town's plan to adjust traffic flow between Central Avenue and Main Street, directly in front of the Pearl River Train Station and adjacent to Braunsdorf Park in Pearl River.

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

**PROPOSED LOCAL LAW  
A LOCAL LAW AMENDING LOCAL LAW 4, 1967  
(CHAPTER 39 OF THE CODE OF THE TOWN OF ORANGETOWN  
ENTITLED "ONE-WAY STREETS AND PROHIBITED TURNS").**

Be it enacted by the Town Board of the Town of Orangetown that the Local Law No.4, 1967 (Chapter 39-12 (A) of the Code of the Town of Orangetown entitled "One-Way Streets and Prohibited Turns"), adopted on August 10, 1967, be and hereby is amended by this local law as to add anew sub-section "(10) to §39~12 (A), as follows:

10. The thoroughfare beginning at the Westerly end of Station Square off of South Main Street, and then heading North between Braunsdorf Park and the Pearl River Train Station platform, through to the intersection at East Central Avenue

This shall take effect immediately upon filing in the Office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law.

**RESOLUTION NO. 619**

**INTENT TO BE LEAD AGENCY  
SEQRA / DIRECT CIRCULATION OF  
PROPOSED LOCAL LAW / CHAPTER  
39 / TRAFFIC FLOW ADJUSTMENT  
PEARL RIVER TRAIN STATION**

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

WHEREAS, Chapter 39 of the Town Code entitled "Vehicles and Traffic" addresses issues in the Town related to the flow of traffic and parking regulations in the Town

WHEREAS, the Town Board has determined that traffic flow in the area of the Pearl River Train Station is in need of adjustment so as to provide for safer traffic and pedestrian flow in the area, 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:

The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");

The proposed action as a "Type II" action in accordance with 6 NYCRR 617.5 (c)(16)(17) and (27).

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby refers this matter to the following agencies for their review and input with respect to the proposed local law:

Orangetown Planning Board;  
Orangetown Traffic Advisory Committee;  
NJ Transit

BE IT FURTHER RESOLVED, the Town Board hereby declares its intention to serve as Lead Agency for purpose of environmental review under SEQRA as a Type II action.

Ayes: Councilpersons Valentine, Diviny, Bottari  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 620**

**SET PUBLIC HEARING DATE  
AMEND CHAPTER 39 / TAXI  
STANDS**

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 November 13, at 8:25 p.m., on a proposed Local Law, amending Chapter 39 of the Town Code, regarding "Vehicles and Traffic" to address the requirements for standing in and regulation of "taxi stands" in the Town of Orangetown.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**PROPOSED LOCAL LAW  
AMENDING CHAPTER 39 OF THE TOWN CODE  
REGARDING TAXI STANDS IN THE TOWN OF ORANGETOWN**

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

The said section of the Code, Chapter 39, and Article I is amended as follows (Additions to the existing law are Bold and underline; Deletions are designated by strikethrough):

Section 1.

§ 39~5 Prohibition of stopping, standing or parking in specified places.

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall, within the limits of the Town of Orangetown:

A. Stop, stand or park a vehicle:

10) On any portion of a public highway marked and designated by an official sign as a "taxi stand," except a taxi.

!!:. A "taxi" shall be defined as a vehicle possessing valid New York State taxi, livery, or medallion registration, and operated by a person possessing a valid Class A, B, C, or E New York State Driver's license.

b. No taxi shall be permitted to wait for longer than one hour in a taxi stand without leaving and returning to the rear of the taxi stand. Taxis within the taxi stand shall queue up in the direction of traffic. Gradually moving forward as the taxi in front of them leaves or becomes occupied. There shall be no fee for use of a taxi stand by a taxi.

£: The Town Board shall designate the location of any Taxi Stand by resolution.

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. 621**

**DECLARE INTENTION TO BE  
LEAD AGENCY / SEQRA / DIRECT  
CIRCULATION OF PROPOSED  
LOCAL LAW / CODE, CHAPTER 39  
TAXI STANDS**

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

WHEREAS, Section 39-5 of the Town Code currently provide for the regulation of parking and obedience to traffic control devices, including areas that may be designated as taxi stands, and

WHEREAS, the Town Board is desirous of providing for the location and definition of taxi stands and regulations related thereto by amending the Code as necessary, and

**RESOLUTION NO. 621 - Continued**

WHEREAS, the proposed action a Type II action as set forth under the State Environmental Quality Review Act (“SEQRA”);

1. The following are involved or interested or involved agencies in the review process:

- Orangetown Planning Board;
- Orangetown Traffic Advisory Board

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.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 622**

**SET PUBLIC HEARING DATE  
BLOOMBERG HELIPAD / SPECIAL  
PERMIT**

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

WHEREAS, The Town Board has received an application from Bloomberg, LLC, 155 Corporate Drive, Orangeburg, New York, for a special permit pursuant to Chapter 43, Article 4.32(A) of the Town Zoning Code seeking permission for use of a helipad at the site of their data center located on Corporate Drive, and

WHEREAS, Bloomberg, LLC has also submitted necessary applications seeking Site Plan Approval from the Town Planning Board, including documentation necessary for appropriate SEQRA review, and

WHEREAS, Bloomberg, LLC has made a presentation to the Town Board and has represented that its intentions for the helipad are for emergency situations such as the need for equipment or personnel to keep the data center functioning and

WHEREAS, as part of its presentation, Bloomberg, LLC has provided proof of FAA approval of the proposed flight plan, including the necessity to remove trees on certain properties, and has provided a tree replacement plan for same, and

WHEREAS, the Town Board has indicated that any such approval of a special permit will include conditions that the helipad may only be used in emergency situations and shall not accept regular take offs and landings at the site,

NOW THEREFORE, BE IT RESOLVED, that, having viewed the plans and finding that it is appropriate to move the matter for further consideration, the Town Board hereby refers the matter to the Town Planning Board for preliminary site plan and SEQRA review, and, if such preliminary site plan approval is granted, referral to the Town Zoning Board of Appeals as necessary for consideration of any variances from the Town Zoning Code as may be required, and

BE IT FURTHER RESOLVED, that the application for a special permit is hereby referred to the Rockland County Department of Planning for its NYS GML review and.

BE IT FURTHER RESOLVED, that the Town Board hereby sets the matter for a public hearing to be held on November 27, 2018, at 8:05 p.m., regarding upon



**RESOLUTION NO. 622 – Continued**

application of Bloomberg, LLC for a special permit to permit the installation of a helipad at its property located at 155 Corporate Drive, Orangeburg, New York,

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

**RESOLUTION NO. 623**

**AUTHORIZE FUNDING / PEARL RIVER / CHAMBER OF COMMERCE DOWNTOWN PEARL RIVER HOLIDAY LIGHTS**

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

RESOLVED, that the Town Board hereby authorizes up to \$15,000.00 from the off-street Parking Account SP.5650.457 to help the Pearl River Chamber of Commerce supply holiday lights.

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

**RESOLUTION NO. 624**

**ACCEPT STATE & MUNICIPAL FACILITIES PROGRAM GRANT (#15451) / \$250,000 FOR TOWN IMPROVEMENTS / TRAFFIC SIGNAL REPLACEMENT AT CENTRAL AVENUE AND WILLIAM STREET INTERSECTION IN PEARL RIVER (\$212,000) / LARGE SCALE SCANNING EQUIPMENT (\$38,000)**

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

WHEREAS, the Town of Orangetown has been approved by the State of New York to receive a State and Municipal Facilities Program (SAM) grant to be administered by the Dormitory Authority of the State of New York (DASNY) for Orangetown recreation projects, Project Identification #15451, in the amount of \$250,000.00 and

WHEREAS, the Town has agreed that the funding shall be used for two projects in the Town, to be formally approved at a later date, the first being a the replacement of a traffic signal at the intersection of Central Avenue and William Street in the amount of \$212,000.00, the second being for the purchase of large drawing scale digital scanning equipment in the amount of \$38,000.00, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the SAM Grant from the State of New York, to be administered by DASNY, in the amount of \$250,000.00, to be apportioned as follows: \$38,000.00 to be utilized with respect to the purchase of large scale digital scanning equipment; \$212,000.00 to be utilized with respect to the replacement of a traffic signal at the intersection of Central Avenue and William Street in the amount of \$212,000.00, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute any and all documents necessary to accept and administer the grant in



**RESOLUTION NO. 624 – Continued**

accordance with DASNY requirements, subject to review and approval of the Town Attorney’s Office.

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

**RESOLUTION NO. 625**

**AGREEMENT / MOBILE PARKING  
PAYMENT SERVICE / DOWNTOWN  
PEARL RIVER / PARKMOBILE**

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

WHEREAS, the Town of Orangetown is desirous of providing an alternative for paying parking fees to the standard parking meters for the convenience of Town residents, business owners and visitors, without any change to the existing method of paying with coins at parking meters, and

WHEREAS, Parkmobile of Atlanta, Georgia has submitted a Marketing Agreement for "Parking Meter Services" through the National Cooperative Purchasing Alliance contract number 26-16, which the Town may award a contract by way of “piggyback” pursuant to Town Code §1A-13; and,

WHEREAS, Parkmobile will provide a method whereby parking meter fees may be paid through an online application or website at no cost to the Town, with the only cost to be borne by persons interested in utilizing the application or website instead of placing coins in the meter,

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into a contract with Parkmobile for Parking Meter Services at no cost to the Town, for a period of three years, commencing on October 30, 2018 and terminating on October 30, 2021, subject to automatic renewal for successive one year terms, which such automatic renewals shall in no event extend beyond October 30, 2023, and which contract shall be subject to review and approval by the Town Attorney's Office prior to its execution and effectiveness.

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

**RESOLUTION NO. 626**

**REPLACE PARKING METER MAPPING  
DOWNTOWN PEARL RIVER PARKING  
ZONE**

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

RESOLVED, that pursuant to the Orangetown Town Code Sections §26-2(H), entitled “Meter Zones, Hours, and Time Limits;” Section §26-13, entitled “Parking Meter Zones Designated;” and Section §26-4, entitled “Spaces Designated,” the Town Board hereby adopts the attached map entitled the “Pearl River Meter District” dated 10/23/2018, which authorizes the location of parking meters, durational limitations, permit parking, loading zones, taxi stands, and electric vehicle parking spaces, in the Pearl River Meter District as set forth thereon.

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

**RESOLUTION NO. 627**

**DESIGNATE PARKING SPACES &  
INSTALLATION OF EV CHARGING  
STATIONS / DEPOT SQUARE  
(SPARKILL) & PEARL RIVER TRAIN  
STATION**

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

RESOLVED, that, pursuant to Town Code Section 26-4, the Town Board hereby designates two parking spaces at each of the following existing parking locations, both of which are depicted on the attached maps, which are incorporated by reference herein:

- 1) Sparkill: On the north west side of the middle island of Depot Square, which spaces are the two northern most spaces in that area.
- 2) Pearl River: Spaces currently located on the West Side of Braunsdorf Park, directly across from the Pearl River Train Station platform between E. Central Avenue and Main St., which spaces are the two southern most spaces along the west-side of Braunsdorf Park, as electric vehicle parking spaces; and

BE IT FURTHER RESOLVED, the Town Board authorizes the installation of electric vehicle charging equipment within the parking spaces designated above, pending the acceptance of all necessary paperwork and approvals of the Town Highway Department issued work permits.

Ayes: Councilpersons Valentine, Diviny, Bottari  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 628**

**SET REGULATIONS / PARKING  
RULES / ELECTRIC VEHICLE  
PARKING SPACES**

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

WHEREAS, the Town Board passed Local Law 12 of 2018 on September 25, 2018, allowing for the regulation and placement of Electric Vehicle Spaces by Town Board resolution;

THEREFORE, BE IT HEREBY RESOLVED, that all Electric Vehicle Spaces in the Town of Orangetown shall be used for not more than 2 consecutive hours per vehicle; and

BE IT FURTHER RESOLVED, that such spaces may be used by Electric Vehicles or non-Electric Vehicles, provided they comply with said time limit; and

BE IT FURTHER RESOLVED, that the cost for any Electric Vehicle to charge at the Public Use Electric Vehicle Charging Station at each such Electric Vehicle Space shall be 25 cents per kilowatt hour of electricity used, with any payment processing fees to be charged to the user additional to such charge; and

BE IT FURTHER RESOLVED, that any Electric Vehicle Spaces within the Pearl River Parking District shall, in addition to said charging fees, be charged 25 cents per hour of parking, whether the vehicle parking in said spot be an Electric or non-Electric Vehicle, with any payment processing fees to be charged to the user additional to such additional hourly charge; and

BE IT FURTHER RESOLVED, that these rules shall be conspicuously posted at each Electric Vehicle Space in the Town as soon as such Electric Vehicle Spaces are complete; and

**RESOLUTION NO. 628 – Continued**

BE IT FURTHER RESOLVED, that the penalties for violating the regulations adopted herein shall be in accordance with §26 of the Orangetown Town Code.

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

**RESOLUTION NO. 629**

**MEMORIALIZING RESOLUTION  
DIGITIZE ORANGETOWN RECORDS &  
DIGITAL RECORDS MANAGEMENT**

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

WHEREAS, in recent decades, the world has moved further into the digital age, with consumers expecting the efficiency and availability of services that come from online technologies; and

WHEREAS, these same consumers, as residents of Orangetown, expect that level of digital access for public and governmental services; and

WHEREAS, now that information is so freely shared across the Internet, the expectations placed on government to be more transparent and accessible continue to increase; and

WHEREAS, by proactively posting information of high interest to the public, municipalities can cut down on Freedom Of Information Law (FOIL) requests and service calls, an administrative burden which uses substantial staff time and resources; and

WHEREAS, digitization and practice of digital records management would increase the overall efficiency of locating records and speed and ease of managing processes, which would thereby allow civil servants and administrators to make better use of their expertise through improved levels of customer service and increased efficiency in conducting their jobs; and

WHEREAS, increased levels of efficiency and productivity due to digitization and automation efforts will result in direct savings to Orangetown's taxpayers, along with increased convenience and a higher standard of service; and

WHEREAS, the Town of Orangetown holds itself to an elevated standard of transparency when it comes to serving its very engaged constituency;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Orangetown and all of its departments will move all external and internal processes and records management for new records to digitized systems except where physically or legally impossible; and

BE IT FURTHER RESOLVED, that the required systems, software, hardware, and any other digital infrastructure required for such an effort shall be ready and at least in part operational within three months of the date of this resolution; and

BE IT FURTHER RESOLVED, that any and all digitized systems shall place a priority on interoperability and shared functionality between departments, as well as ease of access and use; and

BE IT FURTHER RESOLVED, that existing paper records shall be digitized so that paper files can be eliminated, with no new paper records added to existing files once systems are in place to prevent such a need, provided it is done in such a manner as to be compliant with relevant law, such that the digital copy becomes the "official copy" of the record, and all departments shall be responsible for creating an inventory of approximate quantity and type of

**RESOLUTION NO. 629 – Continued**

records requiring digitization, to be delivered to the Town Supervisor within two months of the date of this resolution; and

BE IT FURTHER RESOLVED, that the Information Technology Systems Department, under the direction of the Town Supervisor, is authorized to implement software and other automated processes to achieve these goals, with a goal of full completion of digitizing all internal and external processes and new records no later than one year from the date of this resolution, and a goal of full digitization of all existing records of no later than five years from the date of this resolution.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 630**

**2018 – 2019 / LEASE AGREEMENT  
WITH TOSHIBA / COPIER  
EQUIPMENT**

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

RESOLVED, that pursuant to, and in accordance with, the Town’s procurement policy, the Town Board hereby approves the lease of office copier, fax and related equipment and supplies through Toshiba Business Solutions, at a monthly cost not to exceed \$2,800 for a period of 60 months as well as a 5-year service agreement, at an annualized cost not to exceed \$33,600.00, subject to renewal at the then prevailing rate; and

BE IT RESOLVED, that in furtherance of the aforesaid, the Supervisor or his designated representative shall be authorized to sign the necessary documents and agreements, subject to approval of Town Attorney's office.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 631**

**ACCEPT / RECEIVE / FILE  
DOCUMENTS / TOWN CLERK’S  
OFFICE**

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

RESOLVED, that the following documents are accepted, received and filed in the Town Clerk’s Office:

1. Town Board Meeting minutes: September 4, 2018 Police Commission; September 4, 2018 Workshop; September 8, 2018 Special Town Board Meeting; and September 25, 2018 Regular Town Board Meeting.
2. Agreement: School Resource Officer Program (SRO) with South Orangetown Central School District, dated August 20, 2018.
3. Agreement w/Eamon Reilly, Commissioner of DEME, dated 9/19/18.
4. Agreement w/Pearl River Fire District for use of Town-Owned property located at 175 Hunt Rd, Orangeburg, dated September 18, 2018.
5. Official Statement & Bond Determinations Certificate, dated October 9, 2018, regarding \$8,357,564 Public Improvement (SERIAL) Bonds, 2018 Series A.

Ayes: Councilpersons Bottari, Diviny, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 632**

**2018 / CERTIFICATE OF SEWER  
REGISTRATION**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2018 Sewer Work is approved to:

Innovative Excavating, Ltd., 15 Conklin Drive, Stony Point, NY 10980

Ayes: Councilpersons Diviny, Valentine, Bottari  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 633**

**APPROVE LIT TORT SETTLEMENT  
KATHLEEN DOWLING V. TOWN OF  
ORANGETOWN**

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

RESOLVED, that the Town board hereby approves the settlement of a pending litigation, arising out of an incident at the corner of Middletown Road and Washington Avenue, in the matter of Kathleen Dowling v. Town of Orangetown, Rockland County Index No. 030949/2016, for the sum of Thirty Thousand Dollars (\$30,000.00).

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 634**

**RECLASSIFY SENIOR CLERK  
TYPIST / SECRETARIAL  
ASSISTANT II / OBZPAE**

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

RESOLVED, upon the recommendation of RC Personnel reclassify the position of Senior Clerk Typist, Grade 5 in OBZPAE, to Secretarial Assistant II, Grade 10, effective October 24, 2018.

Ayes: Councilpersons Valentine, Bottari, Diviny  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 635**

**APPOINT ELIZABETH DECORT  
SECRETARIAL ASSISTANT II OBZPAE**

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

RESOLVED, appoint Elizabeth DeCort to the reclassified position of Secretarial Assistant II, as recommended by RC Personnel, provisional, Grade 10, Step 1 at a salary of \$54,522.00, effective October 24, 2018.

Ayes: Councilpersons Valentine, Bottari, Diviny  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 636**

**ACCEPT / US DEPARTMENT OF JUSTICE GRANT (#14541) \$300,338 FOR ASSISTANCE TO ADDRESS OPIOID ADDICTION PROBLEMS  
NEGATIVE DECLARATION PURSUANT TO SEQRA**

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

WHEREAS, the Town of Orangetown has been awarded a grant by the US Department of Justice, for a project entitled "Town of Orangetown Opioid Prevention" pursuant to 34 USC 10701 and the Comprehensive Opioid Abuse Site-Based Program,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the US DOJ Grant from the US Federal Government in the amount of \$300,338.00, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute any and all documents necessary to accept and administer the grant in accordance with the Cooperative Agreement with the US DOJ Bureau of Justice Assistance, subject to review and approval of the Town Attorney's Office.

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

**RESOLUTION NO. 637**

**APPOINT / CHRISTINE BANTA SENIOR RECORDS CLERK-TYPIST (LAW ENFORCEMENT) / PROVISIONAL**

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

RESOLVED, appoint Christine Banta to the position of Senior Records Clerk- Typist (Law Enforcement), provisional, Grade 10, Step 5, at a salary of \$65,393.00, effective October 24, 2018.

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

**RESOLUTION NO. 638**

**APPOINT / ALAINA A. WALKER PARKING ENFORCEMENT AIDE (PART-TIME) / EL #15018**

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

RESOLVED, that the Town Board hereby appoints Alaina A. Walker to the position of Parking Enforcement Aide (Part-Time) from EL#15018 (OC), permanent, at a salary of \$20.00 per hour, effective October 24, 2018.

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



**RESOLUTION NO. 639**

**AUTHORIZE / SUBMISSION OF  
GRANT APPLICATION / NEW YORK  
STATE JUSTICE COURT  
ASSISTANCE PROGRAM 2018-19**

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

RESOLVED, that the Town of Orangetown authorizes the Orangetown Town Court to apply for a Justice Court Assistance Program grant in the 2018-19 grant cycle in the amount of approximately \$14,000.

Ayes: Councilpersons Valentine, Bottari, Diviny  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 640**

**2018 SHARE CHRISTMAS &  
HOLIDAYS / BRAUNSDORF PARK  
PEARL RIVER**

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

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, trash barrels & message board from the Highway Dept., and police detail from the Police Dept., for the Rotary Club of PR annual Share Christmas & Holidays at Braunsdorf Park, on Friday, December 7, 2018 (rd: 12.14.18), from 6 pm to 10 pm.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 641**

**FORMALLY CLARIFY AND  
CONFIRM CORRECT STREET  
NAME / ROADWAY REFERRED TO  
"ELWIN AVENUE" SHOULD BE  
"ELWIN STREET" (PEARL RIVER)**

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

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board authorizes the following clarification:

WHEREAS, there are conflicting official documents which at time refers "Elwin Street" as "Elwin Avenue"; and

WHEREAS, Rockland County 9-1-1 Emergency Services and the Rockland County Planning Department-GIS Division requires that roads with addressable structures be formally named, and the United States Postal Service requires numbered and named street addresses for mail delivery; and

WHEREAS, formally confirming the correct street name of "Elwin Street" would assist first responders when they are dispatched by the Orangetown Police Department to an emergency on said roadway; and will aid the United States Post Office in delivery of mail to property owners thereupon; and



**RESOLUTION NO. 641 - Continued**

WHEREAS, the property owners acknowledge that the Town of Orangetown has standardized requirements for street signs, and clarification of the roadway's name "Elwin Street" is necessary to remove conflict and uncertainty; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby clarifies that the roadway located off W Jefferson Ave, identified on the attached Rockland County Planning Department map with "\*", a copy of which is attached hereto, is and shall continue to be known as "Elwin Street".

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

**RESOLUTION NO. 642**

**ADOPT-A-ROAD COMMERCIAL SPONSOR / MOUNTAIN VIEW AVENUE (WESTERN HIGHWAY TO BRIDGE) / ROUTE 303 TO GREENBUSH ROAD / ORANGEBURG**

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

RESOLVED, the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, New York 10962, expressly authorizes and approves the Adopt-A-Road Committee, a Commercial Sponsor with NYS Senator David Carlucci, as part of the Adopt-A-Road Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Town Property located at Mountainview Avenue (Western Highway to bridge/ Route 303 to Greenbush Road) Orangeburg, NY, by performing necessary and/ or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Commercial Adopt-A-Road Agreement between the Town of Orangetown and NYS Senator David Carlucci, dated October 16, 2018.

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

**RESOLUTION NO. 643**

**ACCEPT / DONATION OF A MEMORIAL BENCH / TAPPAN MEMORIAL PARK / IN MEMORY OF LYNN & SAM JACOBS**

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

RESOLVED, that the Town hereby accepts with gratitude the donation of a memorial bench to be placed at Tappan Memorial Park. Engraving to read: "In Memory of Lynn & Sam Jacobs."

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

**RESOLUTION NO. 644**

**SHOWMOBILE / 2018 PEARL RIVER  
ROTARY SHARE CHRISTMAS &  
THE HOLIDAYS**

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

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$400.00 by the Pearl River Rotary Club for their Share Christmas & The Holidays on Friday, December 7, 2018, (rain date of Friday, December 14th) with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

Ayes: Councilpersons Diviny, Valentine, Bottari  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 645**

**GRANT PERMISSION / DEME JOHN  
WINTERSTEIGER ATTEND  
NEIWPC LABORATORY  
PROCEDURES**

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

RESOLVED, that the Town Board grants permission for John Wintersteiger to attend the NEIWPC Laboratory Procedures, Yorktown Heights, NY, from October 30-31, 2018 at a total cost of \$365.01 to be charged to Account 8130.441 and 8130.480.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 646**

**AWARD CONTRACT / 2018-2020  
ELECTRICITY SUPPLY TO  
BLUE ROCK ENERGY**

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

RESOLVED, based on the bid results for electricity supply for the Town of Orangetown's streetlights, the Town of Orangetown hereby awards the contract to Blue Rock Energy, the lowest cost qualified bidder. The term is for 29 months and will be coterminous with the existing electricity contract for the rest of the Town. The electricity supply price is fixed for 29 months at \$0.04617/kwh. The start date of the contract will be December 1, 2018.

Ayes: Councilpersons Valentine, Bottari, Diviny  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 647**

**APPROVE / 2018 BUDGET  
ADJUSTMENTS**

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

RESOLVED, that upon the recommendation of the Director of Finance, the Town Board hereby authorizes the following adjustments to the 2018 budget:

**RESOLUTION NO. 647 - Continued**

<u>Fund, Sub Fund, Account No.</u>	<u>Account Description</u>	<u>2018 Original Budget</u>	<u>2018 Adjusted Budget</u>
A A.1622.457	Shared Services Contracts w/outside Vendors	115,000	265,000
A A.1310.443	Finance Maintenance Agreements	30,000	
A A.1355.485	Assessor – Certiorari Expense	15,000	32,500
A A.9060.800	Hospitalization Fringe Benefits	2,456,114	2,258,614
A A.9950.800	Interfund Transfers	69,607	3,656,104
A A.3599.000	Appropriated Fund Balance	700,000	4,286,497
B 16 B.3120.011.16	Police Permanent Staff Police	10,068,113	10,720,790
B 16 B.3120.012.16	Police Time & One-Half Police	1,450,000	1,670,000
B 16 B.3120.016.16	Police Holiday Pay Police	150,000	250,000
B 16 B.9060.800.16	Hospitalization Fringe Benefits Police	4,485,608	4,155,608
B 16 B.2401.000.16	Interest Earnings Police	24,000	194,000
B 16 B.3599.000.16	Appropriated Fund Balance Police	500,000	972,677
D 4 D.5110.011.04	Highway Repair & Improv Permanent Staff Pt-Time	2,484,907	3,234,907
D 4 D.9060.800.04	Hospitalization Fringe Benefits Part Town	933,247	688,247
D 4 D.3599.000.04	Appropriated Fund Balance	505,000	
G G.8110.011	Sewer Administration Permanent Staff	591,810	631,810
G G.8120.011	Sewer Collection System Permanent Staff	1,049,008	1,084,008
G G.8120.012	Sewer Collection System Time & One-Half	30,000	70,000
G G.8120.020	Sewer Collection System Double Time	30,000	72,000
G G.8130.011	Sewerage Treatment Plant Permant Staff	1,548,302	1,715,302
G G.8130.012	Sewerage Treatment Plant Time & One-Half	70,000	94,000
G G.9060.800	Hospitalization Fringe Benefits	1,292,242	1,192,242
G G.9061.800	Dental Insurance Fringe Benefits	46,049	76,049
G G.3599.000	Appropriated Fund Balance	200,000	478,000
V V.9710.600.84	SERIAL BOND Debt Service Bond Principal	205,000	3,545,000
V V.1380.457	Fiscal Agent Fees Contract w/outside Vendors	246,497	
V V.5031	Interfund Transfers	3,586,497	

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

**RESOLUTION NO. 648**

**APPROVE / TAX CERTIORARI  
DAIKIN AMERICA INC. / 20  
OLYMPIC DRIVE / 73.15-1-15**

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

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Daikin America Inc. v. The Board of Assessors, et al., Tax Map designation 73.15-1-15 (20 Olympic Drive) for the tax assessment years 2016, 2017 and 2018, for a total refund by the County of \$5,793, a total refund by the Town of \$18,324 and a total refund by the Pearl River School District of \$102,731. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Rockland County Finance Department.

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

**RESOLUTION NO. 649**

**CONSOLIDATE AGENDA ITEMS**

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

RESOLVED, agenda items 40 thru 42 are hereby consolidated.

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

**RESOLUTION NO. 650**

**AMEND RESOLUTION NO. 558/2018  
SET PUBLIC HEARING / LIBRARY  
DISTRICTS / LIBRARY SERVICES  
2019 CONTRACTS**

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

RESOLVED, as an amendment to Resolution No. 558 of 2018, pursuant to Town Law, Chapter 494, of the Laws of 2012 - 184, the Town Board will hold a Public Hearing at a Special Town Board meeting on November 8, 2018, at 4:00 P.M., to consider 1-year contracts for the 2019 Orangetown Library Services for the following libraries, Blauvelt Free Library, Orangeburg Library, Palisades Free Library & Tappan Free Library.

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

**RESOLUTION NO. 651**

**AMEND RESOLUTION NO. 557/2018 SET  
PUBLIC HEARING / BLAUVELT FIRE  
PROTECTION FIRE DISTRICT 2019  
CONTRACTS**

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

RESOLVED, as an amendment to Resolution No. 557 of 2018, pursuant to Town Law Sect. 184, the Town Board will hold a Public Hearing at a Special Town Board meeting on November 8, 2018, at 4:05 pm, to consider a contract with the Blauvelt Volunteer Fire District, for the 2019 Fire Protection Services in an throughout the Blauvelt volunteer Fire District, within Town.

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

**RESOLUTION NO. 652**

**AMEND RESOLUTION NO. 496/2018 SET  
PUBLIC HEARING / 2019  
PRELIMINARY BUDGET**

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

RESOLVED, as an amendment to Resolution No. 496 of 2018, the Town Board affirms the previously scheduled public hearing on the 2019 Preliminary Budget for November 8, 2018, at 4:10 P.M., and authorizes the Town Clerk to publish the meeting notice, publish the Preliminary Budget, and have it available on the Town website and in the Town Clerk's Office for public viewing.

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

**RESOLUTION NO. 653**

**PAY VOUCHERS**

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

RESOLVED, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers for seven (7) warrants for a total amount of \$2,037,474.30.

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

**RESOLUTION NO. 654**

**SET PUBLIC HEARING DATE  
CHAPTER 22 – NOISE CODE**

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

RESOLVED, the Town Board will hold a public hearing on November 27, 2018, at 8:15 pm, regarding proposed amendments to Chapter 22 of the Town Code, “Noise”.

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

**PROPOSED LOCAL LAW  
OF THE INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
AMEND CHAPTER 22 OF THE TOWN CODE ENTITLED “NOISE”**

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

As amended, Additions are underlined. ~~Deletions are striken.~~ Chapter 22-Noise, originally adopted by the Town Board on 08/17/1981 by LL No. 10-1981, is hereby amended as follows:

Section 1.

§ 22-2 ~~Excessive~~ Unnecessary noise prohibited.

It shall be unlawful for any person to make, continue or cause or permit to be made or continued any unnecessary noise ~~unnecessary, unusually loud, or unusually disturbing noise~~ within the limits of the Town.

“Unnecessary noise” means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether unnecessary noise exists in a given situation, include but are not limited to the following:

- 1 The intensity of the noise
2. Whether the nature of the noise is usual or unusual
3. Whether the origin of the noise is natural or unnatural
4. The intensity of the background noise
5. The proximity of the noise to sleeping facilities
- 6 The nature and the zoning district of the area within which the noise emanates
- 7 The time of the day or night the noise occurs
8. The duration of the noise
9. Whether the sound source is temporary
10. Whether the noise is continuous or intermittent

**Proposed Local Law – Continued**

11. Whether alternate methods are available to achieve the objectives of the sound producing activity.

§ 22-3 Prohibited noises General Prohibition.

~~The following acts are declared to be excessive, unusually loud, unusually disturbing and unnecessary noises in violation of the local law.~~

~~A. — Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Town of Orangetown, except as a danger warning; the sounding of any such device for an unnecessary and unreasonable period of time; and the use of any such signaling device when traffic is for any reason held up.~~

~~B. — Television sets, reproduced music and audio, bands, etc. The playing, using, operating or permitting to be played, used or operated of any television set, musical instrument, band, music or audio playback device or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, tranquility and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing of the person or persons who are in the place, room, vehicle or chamber in which such set, machine, instrument, band or device is played or operated and who are voluntary listeners thereto. The playing or operation of any such set, tape recorder, instrument, band, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the place, building,~~

~~C. — Loudspeakers and amplifiers for advertising. The playing, using, operating or permitting to be played, used or operated of any radio receiving set, television set, musical instrument, band, tape recorder, phonograph, loudspeaker, sound amplifier, or other machine or device for the purpose of producing or reproducing of sound which is placed upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.~~

~~D. — Yelling and shouting. Yelling and shouting on the public streets between the hours of 11:00 p.m. and 7:00 a.m. or at any other time or at any other place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.~~

~~E. — Animals. The keeping of any dog or other animal which, by causing frequent or long or continued barking or other noise, shall disturb the comfort or repose of any persons in the vicinity.~~

~~F. — Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution, or which noise disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.~~

~~G. — Hawkers and peddlers. The shouting, yelling and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.~~

No person shall make, continue or cause or permit to be made any unnecessary noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury or damage to property or business in accordance with the standards set forth in §22-2(B).

The following acts are declared to be prima facie evidence of a violation of this article and are prohibited, but said enumeration shall not be deemed to be exclusive.

A. — The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Town of Orangetown, except as a danger warning.

B. — The playing, using, operating or permitting to be played, used or operated of any television set, musical instrument, band, music or audio playback device or other machine or device for the producing or reproducing of sound, loudspeaker, sound amplifier, in such manner as to disturb the peace, quiet, tranquility and comfort of the neighboring inhabitants or the public at large, as follows:

i. — Between the hours of 7:00 a.m. and 11:00 p.m, that has a volume of 80 decibels or greater at the point of alleged disturbance if at a distance of less than 50 feet , or 70 decibels or greater at the point of alleged disturbance if at a distance of 50 feet or more, from the property line of the property of the noise source, or from the place, device, or vehicle if on the public streets, in which it is located; or



**Proposed Local Law – Continued**

ii. Between the hours of 11:00 p.m. and 7:00 a.m., that has a volume of 60 decibels or greater at the point of alleged disturbance if at a distance of less than 50 feet, or 40 decibels or greater at the point of alleged disturbance if at a distance of 50 feet or more, from the property line of the property of the noise source, or from the place, device, or vehicle if on the public streets, in which it is located.

C. Noises of any type arising from construction or maintenance of property, to include any landscaping equipment, as follows:

At or above the level of 40 decibels at or beyond the property line of the property on which said construction or property maintenance takes place shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and between the hours of 9:00 p.m. and 8:00 a.m. on weekends.

This prohibition shall exclude construction and property maintenance activities of an emergency nature, recycling services, garbage services and/or Town street cleaning.

D. The keeping of any dog or animal which:

i. Engages in frequent or long continued barking, howling or other noise at 60 decibels or greater at or beyond the property line of the property of the noise source, or from the place, device, or vehicle if on the public streets, such that said noise is:

ii. Between the hours of 10:00 p.m. and 8:00 a.m. of a duration longer than 10 consecutive minutes, and disturbs the comfort or repose of any persons in the vicinity; or

iii. Between the hours of 8:00 a.m. and 10:00 p.m. of a duration of more than one hour, and disturbs the comfort or repose of any persons in the vicinity.

E. Noise at or above the level of 60 decibels at the point of alleged disturbance on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution, or which noise disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

F. Any other noise at a level at or above 80 decibels at the point of alleged disturbance between the hours of 8:00 a.m. and 11:00 p.m., which point must be at or beyond the property line of the property of the noise source if the source is located on private property.

G. Any other noise at a level at or above 50 decibels at the point of alleged disturbance between the hours of 11:00 p.m. and 8:00 a.m., which point must be at or beyond the property line of the property of the noise source if the source is located on private property.

22-3A Exemptions.

The following activities shall be exempt from the provisions of this code:

1. Operation of lawnmowers, leaf blowers, or similar devices between the hours of 8:00 a.m. and 8:00 p.m.;

2. Operation of snow blowers or other snow removal equipment at any time during or within 48 hours of the conclusion of a snowfall;

3. Construction activity as permitted in Chapter 6 of this code, except as restricted herein under subsection C of this section;

4. Public meeting; parades or processions as permitted by Chapter 7A of this code;

5. The emission of sound by generators during emergencies.

6. Organized sporting events held between the hours of 8:00 a.m. and 10:00 p.m.

§ 22-4 Penalties for offenses.

Any person violating any of the provisions of this local law shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$250 or be imprisoned for a period not exceeding 15 days or to perform up to 50 hours of community service, or by any combination of said penalties 10 days, or by both such fine and imprisonment.

§ 22-5 Additional remedies.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery or activities conducted at a property in such manner so as to constitute a violation of any provision hereof which continually, regularly or repeatedly causes such violation, and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.



**Proposed Local Law – Continued**

§ 22-5A Enforcement.

The provisions of this chapter shall be enforced by the Police Department of the Town of Orangetown, the Town of Orangetown Office of Building Planning Zoning Administration and Enforcement, or such other officials as designated by the Town Board.

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. 655**

**DECLARE INTENT TO BE LEAD AGENCY / SEQRA / DIRECT CIRCULATION OF PROPOSED LOCAL LAW / CHAPTER 22 “NOISE”**

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

WHEREAS, Chapter 22 of the Town Code entitled “Noise” addresses excessive and prohibited noise in the Town and provides for penalties for persons who violate the provisions of that section of the Code, and

WHEREAS, the Town Board has determined that the current code is in need of further clarity in order to address the concern of unnecessary noise in the Town and provide for a standard that is easily understandable for the public and enforcement thereof, 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 a “Type II” action; and
3. The Following are involved or interested or involved agencies in the review process:

Orangetown Planning Board

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.

Ayes: Councilpersons Diviny, Valentine, Bottari  
Supervisor Day

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 656**

**DISCRIMINATION & HARASSMENT POLICY**

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

WHEREAS, the Town believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace and is committed to a policy of protecting and safeguard the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace; and

**RESOLUTION NO. 656 – Continued**

WHEREAS, it is the Town’s policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law; now therefore, be

RESOLVED, the Town hereby adopts the TOWN OF ORANGETOWN POLICY AGAINST DISCRIMINATION AND HARASSMENT; be it further

RESOLVED, upon the effective date of this Policy, the provisions of this Policy shall superseded and replace any previous Town policies and regulations regarding employee discrimination and harassment, including but not limited to Town Board Resolution No. 452, adopted on September 13, 2016.

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

**RESOLUTION NO. 657**

**ENTER EXECUTIVE SESSION  
PERSONNEL MATTERS / SALE OF  
PROPERTY / LITIGATION**

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

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

RESOLVED, at 10:03 pm, the Town Board entered Executive Session to discuss personnel matters, sale of Town-Owned property and litigation. Supervisor Day said there will be no further votes.

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

**RESOLUTION NO. 658**

**RE-ENTERED RTBM/ADJOURNED**

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

RESOLVED, at 10:45 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned.

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

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**Rosanna Sfraga, Town Clerk**