

**DEPARTMENT OF PLANNING**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

May 31, 2018

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:** 68.16-6-67

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 11/20/2017

**Date Review Received:** 5/8/2018

**Item:** *DIONNE'S WAY LLC (O-2347)*

Zoning Map Amendment to change the zoning classification of a .54 acre parcel located in the Community Shopping (CS) zoning district to also include the Planned Adult Community (PAC) overlay district. It is proposed that a new second and third floor will be added over the existing first floor, for a total of 18,300 square feet. This new space will be used for sixteen one and two-bedroom senior rental housing units, with the first floor remaining as commercial stores.

East side of North William Street (North Main Street), approximately 161 feet north of E. Central Avenue

**Reason for Referral:**

E. Central Avenue (CR 30)

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

***\*Recommend the following modifications***

1 The proposed site seems to be very deficient in meeting many of the criteria needed for the zone change to the PAC Overlay Zone. The site is undersized in acreage by 46%, and the conceptual site plan is proposing a density that is over 322% greater than permitted, and a Floor Area Ratio that is over 187% greater than allowed. In addition, the required on site parking is deficient by over 44%, and that is not factoring in the requirement of Section 4.610. to provide recreational facilities, site improvements, visitor parking, walks, clubhouse, gatehouse, landscaping, or buffer areas have been provided.

2 The Orangetown Town Board must be satisfied that all of the criteria for the rezoning of the parcel to the PAC Overlay Zone, as required under Section 4.6 of Chapter 43 are met. Specifically, it must be determined if Section 4.62, which requires frontage along a major or secondary roadway, is being met. If specific sections are not met, then justification must be provided to the Board.

**DIONNE'S WAY LLC (O-2347)**

- 3 The bulk and parking requirements, as listed in Section 4.69 must be met. Several bulk requirements, including lot area, base density and floor area ratio may either require variances or modification by the Town Board to permit this lot to be rezoned to the PAC zoning overlay district.
- 4 If the Town Board determines that a three-story building is warranted, then they must specify the number of stories permitted and building height as part of the zone change approval.
- 5 Section 4.69.B.(3) states that the minimum lot area of 40,000 sq. ft., maximum floor area ratio of .45, and density of 7 dwelling units per acre must be provided even when factoring in the contextual flexibility of the site by the Town Board. This site seems to not meet these three basic requirements.
- 6 A review must be completed by the County of Rockland Department of Highways and any concerns addressed.

  
\_\_\_\_\_  
Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
  
Jay A. Greenwell, PLS, LLC

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*