

**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*

July 23, 2018

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:** 73.10-1-5

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

**Map Date:** 3/28/2017

**Date Review Received:** 6/27/2018

**Item:** *THE CLUB AT PEARL RIVER PHASE II (O-1856BB)*

Zoning code amendment to rezone 25.87 acres of land, located in the Office Park (OP) zoning district to the Planned Adult Community (PAC) overlay district. A concept plan is proposed to construct five rental residential buildings containing 104 units for residents aged 55 years and older. In addition, a clubhouse, recreation center, associated parking, driveways, landscaping and 15.16 acres of open space are proposed.

South side of Veterans Memorial Drive, east side of Blue Hill Plaza, just east of Kevin Reilly Street

**Reason for Referral:**

Veterans Memorial Drive (CR 20)

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 As the demand for office space has diminished, and the need for senior housing has increased, the proposed zone change from OP to PAC seems reasonable. However, the zone change should be done comprehensively, and not for just this parcel. The Town of Orangetown should determine if tax parcel 73.10-1-6, also zoned OP, should be rezoned to PAC as part of the proposed zone change. In addition, the three parcels to the east of the site owned by Corwick Realty Corp. (73.10-1-3, 73.14-1-1, and 73.14-1-2) and should also be reviewed to determine if the current zoning designation is appropriate, or if they too should be rezoned to another classification. Lastly, any zoning amendments should also include an update to the Town's Official Zoning Map and Comprehensive Plan.
- 2 Since Veterans Memorial Drive is a county highway, a review must be completed by the County of Rockland Department of Highways, and any concerns addressed.

**THE CLUB AT PEARL RIVER PHASE II (O-1856BB)**

3 With regard to the report provided by BNE Real Estate Group dated April 2018, we offer the following comments:

- A. On page 5 of the report, the water supplier must be changed to Suez.
- B. Addendum G, Public Hearing Notice is missing from the document.

4 With regard to the environmental assessment of the site, as required under the State Environmental Quality Review Act, below are our comments:

A. A short environmental assessment form (SEAF), dated April 5, 2018, is included in the report for the proposed zone change. In addition, a full environmental assessment form (FEAF), dated June 22, 2018, has been provided with the materials. The FEAF specifies which government agencies must provide approvals. Missing from the list is the Rockland County Highway Department, which must issue permits for the parcel since it fronts Veterans Memorial Drive, a county highway. This list on page 2 of 13 must be updated to reflect this agency.

B. Question C.2. on the FEAF indicates that there is no town comprehensive plan which includes the site in question. The Town adopted a comprehensive plan in May 2003 entitled "Town of Orangetown Comprehensive Plan." Page III-3 identifies this area, indicating that "future development in this area could include office uses or other compatible land uses in an open space setting." Further within the document is Table III-1, which provides a listing of properties that the town should pursue for open space preservation, and includes tax parcel 73.10-1-5. Therefore, the answers to C.2. must be changed to yes in the FEAF. A comprehensive plan update may also be required if this parcel is rezoned.

C. Question D.2.c. of the FEAF lists Orangetown as the name of the district or service area for the water company. This should be Suez instead.

D. Question E.2.I. lists the name of the aquifer to be "principal aquifer." Instead it should be listed as "Lake Tappan."

*Ardene Miller*

Douglas J. Schuetz

Acting Commissioner of Planning

cc: Supervisor Chris Day, Orangetown  
Rockland County Department of Highways  
Rockland County Department of Health  
New York State Department of Environmental Conservation

Donald Brenner, P.C.

Marc Panrier

*\*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.*