

MEMORANDUM

DATE: July 5, 2001

TO: Comprehensive Plan Committee

FROM: Saccardi & Schiff, Inc.

RE: Land Use, Development, and Preservation Tools

The following table presents a number of possible implementation tools that could be used to guide future land use and development in the Town of Orangetown. These techniques would be used in conjunction with concepts advanced in the Comprehensive Plan regarding recreation and open space, economic development, housing, community facilities, and transportation and infrastructure, among others. As with any zoning modification or technique, the tools below would need to be fully evaluated in order to recognize the consequences and any potential positive or negative impacts that could occur as a result of their implementation.

Tool	Description	Possible Use in Orangetown
1. Overlay Zoning	Additional land development controls applicable to a specific geographic area, superimposed over existing zoning.	The Clausland Mountain area could have a natural resource protection overlay, whereby steep slope areas would be preserved and clustering of development would be mandatory. Overlay zoning has also been suggested as part of the Route 303 study.
2. Floating Zones	An unmapped zoning district that could potentially be applied to certain sites.	Senior citizen housing of various types and densities could be provided for in a floating zone with mapping requirements limited to parcels of a certain minimum size and with access characteristics, such as location on a State or County Road. Such zoning could establish traditional lot and bulk controls, and additional requirements for senior services.
3. Planned Unit Development (PUD)	Flexible zoning, within certain broad parameters, for large tracts of land, often permitting a mixture of uses, with development realized over time.	Possibly an appropriate zoning technique for the Rockland Psychiatric Center.
4. Incentive Zoning	Bonus provisions for public benefit activities.	An excellent tool for the possible creation of some affordable units as part of an overall development. Can be tied into all multifamily housing proposals and all residential re-zoning.
5. Transfer of Development Rights (TDR)	Development potential sent from one property to another so that the sending parcel can be preserved.	May not be applicable in Orangetown. Receiving area would have to be appropriate for additional development. Sending and receiving areas would have to be within the same school district.
6. Recreational Zoning*	Zoning designed to pertain to existing	May or may not be appropriate for

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	recreational use only.	private golf courses and Kaufmann Campground. If used, it should be tied to a low density cluster provision to allow some economic return on the land.
7. Conservation Easements	A voluntary agreement between a private owner and governmental entity or not-for-profit to limit development (the conservation easement provides tax benefits for the property owner).	This may be an additional tool to reduce development potential in the two open space corridors in Town (currently used on a limited basis).
8. Mandatory Clustering (Section 278 of Town Law), also known as Average Density	Reduction of lot sizes and other lot and bulk controls, but not overall site density. Land not utilized for development would be permanent open space.	Authority could be granted to the Planning Board, on a town-wide basis, for all sites or in conjunction with other tools.
9. Critical Environmental Areas (CEA)	Designated location requires intensive environmental review.**	Could be applied to areas such as the Lake Tappan-Hackensack riverway, and the Sparkill Creek area.***
10. Wetland Protection	Regulations to limit impacts on wetlands, waterbodies, streams, and adjacent areas through a permitting procedure.	Should be applicable to protect areas around Lake Tappan, Sparkill Creek, and other waterbodies and wetlands.
11. Ridge Line/Scenic Protection	Limit development in areas prone to adverse visual impacts.	Could apply to portions of Clausland Mountain, such as the Route 9W/ Tweed Boulevard Area.
12. Steep Slope Protection	Reduction in density for steep terrain and/or preservation of hillside areas.	Should apply primarily to Clausland Mountain, possibly in conjunction with an overlay district.
13. Stormwater Management Control Regulations	Addresses the impacts of development on the quality and quantity of stormwater.	Should be considered to protect Lake Tappan, Sparkill Creek, and other waterbodies in Town.

* Recreational zoning, which has been upheld in the Town of Mamaroneck, needs to be carefully considered with regard to an owner's rights to a fair return on the land.

** Previous SEQRA regulations made all activities in a CEA Type I Actions.

***One CEA currently exists in Orangetown, at the Upper Grand View/Tweed Blvd. area.