

**TOWN OF ORANGETOWN
PUBLIC HEARING / WORKSHOP
TUESDAY, MARCH 28, 2017**

This Workshop Meeting was opened at 8:05 p.m. Supervisor Stewart presided and Town Clerk Madigan called the roll.

Present were: Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Guy DiVincenzo, DEME Clerk of the Works
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Kevin Nulty, Police Chief

Pledge of Allegiance to the Flag of the United States of America was led by the Town Board.

Jim Dean, Highway Superintendent, spoke about the Rockland County Stormwater Consortium's and Rockland County Soil and Water District's administration of WQIP Round 12 Grant C00386GG for Mapping MS4s, in which Orangetown is proposed to participate.

Al Samuels, Rockland Business Association, expanded on their white paper, "A Crushing Burden: Why is Rockland So Heavily Taxed?" This is available on RBA website.

HISTORY ON ESTABLISHING A NEW RPC-OP ZONING DISTRICT:

- 2/7/17 – Resolution No. 71 / INTENT TO BE LEAD AGENCY / REFERRALS / CIRCULATION LETTER / RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)
- 2/7/17 – Resolution No. 73 / AUTHORIZED APPRAISAL / RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)
- 3/15/17 – Resolution No. 153 /OPEN PUBLIC HEARING/RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)
- 3/15/17 – Resolution No. 154/CONTINUE PUBLIC HEARING 3-21-17/ RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)
- 3/15/17 – Resolution No. 155/LEAD AGENCY/TOWN BOARD/ RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)
- 3/21/17 – Resolution No. 162/CLOSE PUBLIC PORTION OF PUBLIC HEARING/ RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)
- 3/21/17 – Resolution No. 163/CONTINUE PUBLIC HEARING-3/28/17 8:00pm/RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)

RESOLUTION NO. 179

**CONTINUE PH/ RPC ZONE CHANGE
TOWN-OWNED/ROCKLAND (73.08-1-1)
PSYCHIATRIC CENTER/R-80 TO RPC-OP**

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

RESOLVED, the 8:00 pm public hearing, continued from March 21, 2017, to amend the Town Code, Chapter 43, § 2.1 and 3.11 and 3.12, and the related Use and Bulk Tables, establishing the RPC-OP Zoning District and rezoning a portion of the Town-Owned lands, formerly a part of the Rockland Psychiatric Center (and a part of Tax Lot 73.08-1-1) from R-80 to RPC-OP is hereby continued.

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

Noes: None

RESOLUTION NO. 180

**SEQRA DETERMINATION NEGATIVE
DECLARATION /RPC ZONE CHANGE
TOWN-OWNED ROCKLAND
PSYCHIATRIC CENTER R-80 TO RPC-
OP / 73.08-1-1**

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

WHEREAS, the Town of Orangetown (hereinafter the “Town”) is the owner of a certain parcel of real property, formerly a part of the Rockland Psychiatric Center, located in the Town of Orangetown, County of Rockland, State of New York, consisting of approximately 61 ± acres bounded on the north by Convent Road, on the south, east and west by other Town owned lands and/or lands of New York State (the “Property”); and

WHEREAS, at the time that the Town purchased the Property, as part of a larger purchase of 349 ± acres, it was the Town’s intent, as reflected in the later adopted Rockland Psychiatric Center Redevelopment Plan, as periodically reviewed and modified, to see the Property developed in a manner that would revitalize and enhance both the surrounding area, in particular, and the Town, more generally; and

WHEREAS, over the years, the Town has actively sought out and pursued potential opportunities for the sale and development of the more challenging portions of the larger parcel, including the 61 ± acres comprising the Property, without success, while, at the same time, developing other portions of the larger parcel to satisfy the Town’s recreation needs; and

WHEREAS, in recent weeks, the Town has been presented with a purchase and development proposal that, if approved and implemented, will result in low traffic impacts and low density development and otherwise be consistent with the development goals set forth in the Town’s Redevelopment Plan; and

WHEREAS, in order to permit the redevelopment of the Property consistent with the proposal, the Town will need to amend the Town Zoning Law applicable thereto, and take other steps, including, but not limited to, compliance with the State Environmental Quality Review Act (“SEQRA”), prior to entering into a binding Contract of Purchase and Sale; and

WHEREAS, the Town has commissioned and received an independent appraisal of the Property, which fixes its fair market value at \$8,540,000.00 for 61± acres, or approximately \$140,000.00 per acre, subject to “extraordinary assumptions” which include (i) the removal of the hospital structures, (ii) the site is environmentally clean, and (iii) the site is rezoned to a data center use; and

WHEREAS, the proposed sales price of \$7,500,000.00 to be paid by JPMorgan Chase Bank, National Association, far exceeds the fair market value of the Property, as determined aforesaid, taking into consideration the extraordinary assumptions; and

RESOLUTION NO. 180 - Continued

WHEREAS, by previous Resolution No. 71 of 2017, the Town Board resolved to proceed with its consideration of the proposed action, consisting of the establishment of a new zoning district, the RPC-OP zoning district; the rezoning of the Property within the District for data center and related principal and accessory uses; the proposed sale of the Property, subject to permissive referendum; and the conceptual development of the Property with a data center, by commencing the environmental and other agency review process; more specifically, (i) by making the preliminary determination that the proposed action is a Type I action under SEQRA; (ii) by declaring its intention to serve as lead agency for coordinated review, and directing the circulation of notice of same to all involved and interested agencies; (iii) by directing the circulation of same to the Rockland County Department of Planning for its review, pursuant to GML § 239; and (iv) by circulating same to other interested agencies, including the Town Planning Board, pursuant to Orangetown Town Code Chapter 43, §§ 10.521 and 10.522, all with a view toward the possible adoption of the necessary zoning and approval of the conceptual and, eventually, the site specific, development of the Property, as well as the execution of a binding Contract of Purchase and Sale; and

WHEREAS, by previous resolution No. 72 of 2017, on March 14, 15 and 21, 2017, following due and proper notice, the Town Board held a public hearing on the proposed adoption of a new zoning district, the “RPC-OP” district, and the rezoning of the Property, and other immediately adjacent state owned lands along Convent Road, and to the south of the Property from R-80 to the new district (approximately 1.15 acres), at which the Board received public comment from all interested parties; and

WHEREAS, by resolution duly adopted the 21st day of March, and more than 30-days having passed since the circulation of notice of the Town Board’s intention to serve as lead agency, and all other possible interested or involved agencies either having consented to, or failed to contest, the Town Board’s designation, the Town Board declared itself to be lead agency under SEQRA; and

WHEREAS, acting in its capacity as Lead Agency, the Town Board has considered the following plans, reports, comments and other documents, including:

The nature of the limited uses authorized, and lot regulations proposed for the new zoning district;

The conceptual plan for the proposed development of the Property;

A Full Environmental Assessment Form, Parts 1, 2 and 3, (Exhibit 03-H-17) prepared by Robert J. Foley, P.E., Dewberry Engineers, Inc., dated February 10, 2017, and reviewed by the Supervisor and Town Engineers;

The review comments by the Rockland County Department of Planning (2 letters), both dated March 15, 2017;

The review comments by the Rockland County Drainage Agency, dated February 24, 2017;

The review comments by the Rockland County Sewer District #1, dated March 9, 2017;

The consent of the N.Y.S. Department of Transportation to lead agency status, without further comment, received February 27, 2017;

The consent of the N.Y.S. Office of Mental Health to lead agency status, without further comment, received February 22, 2017;

Meeting comments from the N.Y.S. Office of Mental Health, the adjacent site occupant, and its engineering and other personnel;

The appraisal of the Property by Valuation Plus, Inc., dated March 20, 2017;

RESOLUTION NO. 180 - Continued

The fiscal impact to the Town of the cost of remediation of the Property, unless otherwise assumed by a prospective Purchaser, as contemplated here;

The SEQRA declaration issued by the State at the time of the sale of the Property;

In addition to the foregoing, the Town Board has also considered the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed development:

Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003; and

Town of Orangetown Draft Rockland Psychiatric Center Redevelopment Plan, dated January 2012; and

Public information sessions with the prospective purchaser and developer of the data center contemplated by the conceptual plan and Offer to Purchase, with focus on the traffic and other impacts to the immediately adjacent areas; and

Alternative development proposals submitted in the past, predominantly residential, and the various studies undertaken in connection therewith, including but not limited to the Draft DGEIS prepared in connection with the Hovnanian company’s proposed residential development of the Property with 500+ residential dwelling units; and,

WHEREAS, having carefully considered all of the above referenced documents, plans, reports, studies and comments, and the unique challenges associated with the development of the area to be rezoned, including the Property, and having taken 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 adverse environmental impacts or effects caused or occasioned by the establishment of the proposed RPC-OP zoning district, including the lot and bulk regulations contemplated, and the inclusion/rezoning of the Property, and adjacent state owned lands, from R-80 to RPC-OP as a part of the establishment of the said district, or by the conceptual development thereof with a data center of the type and size proposed, or by the sale of the Property to the prospective buyer, pursuant to the material terms set forth in the Terms Sheet before the Board, subject to a final Contract of Sale, which embodies such terms, and further site specific review of the development of the Property by the Town Planning Board and related agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board issues a Determination of Non-significance with respect to the referenced project in the form annexed hereto, and authorizes the Town Supervisor, or his designated agent, to circulate same, and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency in accordance with the applicable provisions of law.

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

Noes: None

RESOLUTION NO. 181

**ADOPT / LOCAL LAW 2, 2017 / RPC
ZONE CHANGE TOWN-OWNED
ROCKLAND PSYCHIATRIC CENTER
R-80 TO RPC-OP / 73.08-1-1**

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy and on a roll call was unanimously 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

RESOLUTION NO. 181 - Continued

WHEREAS, the Town Board has before it for consideration a proposed local law that would amend Chapter 43 (Zoning) Article II, §§ 2.1 and 2.2, of the Town Code to establish a new zoning district in the Town to be known as the Rockland Psychiatric Center Office Park (“RPC-OP”) zoning district, amending the Town Zoning Map incorporated therein by reference to reflect the areas embraced by the new zone, as well as establishing, through the addition of a new Table of General Use Regulations and Schedule of Lot and Bulk Regulations, the various permitted and accessory uses and lot controls; and

WHEREAS, after notice duly given, and no other involved agency having expressed a desire or intention to act as Lead Agency, or otherwise having contested the Town Board’s authority to act in that capacity with respect to the referenced action, the Town Board by resolution duly adopted the 21st day of March, assumed the role of Lead Agency for environmental review of the said action, among others; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant adverse environmental impacts or effects caused or occasioned by the proposed changes to the Town’s Zoning Law; and

WHEREAS, in connection with its deliberation on the proposed local law, the Town Board also has considered the following in connection with its decision:

- The nature of the limited uses authorized, and lot regulations proposed for the new zoning district;
- The conceptual plan for the proposed development of the Property;
- A Full Environmental Assessment Form, Parts 1, 2 and 3, prepared by Robert J. Foley, P.E., Dewberry Engineers, Inc., dated February 10, 2017;
- The review comments by the Rockland County Department of Planning (2 letters), both dated March 15, 2017;
- The review comments by the Rockland County Drainage Agency, dated February 24, 2017;
- The review comments by the Rockland County Sewer District #1, dated March 9, 2017;
- The consent of the N.Y.S. Department of Transportation to lead agency status, without further comment, received February 27, 2017;
- The consent of the N.Y.S. Office of Mental Health to lead agency status, without further comment, received February 22, 2017;
- Meeting comments from the N.Y.S. Office of Mental Health, the adjacent site occupant, and its engineering and other personnel;
- The appraisal of the Property by Valuation Plus, Inc., dated March 26, 2017;
- The fiscal impact to the Town of the cost of remediation of the Property, unless otherwise assumed by a prospective Purchaser, as contemplated here;
- The negative declaration issued by the State at the time of the sale of the Property;
- Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003;

RESOLUTION NO. 181 – Continued

- The Town’s Rockland Psychiatric Center Redevelopment Plan, prepared by Saccardi & Schiff, accepted by the Town Board on April 12, 2004;
- Town of Orangetown Draft Rockland Psychiatric Center Redevelopment Plan, dated as of January 2013, and, in particular § VIII thereof, identifying Data Centers and potential land uses that meet the Town’s development goals;
- Public information sessions with the prospective purchaser and developer of the data center contemplated by the conceptual plan and Offer to Purchase, with focus on the traffic and other impacts to the immediately adjacent areas; and
- Alternative development proposals submitted over 10 years, predominantly residential, and the various studies undertaken in connection therewith, including but not limited to the Draft DGEIS prepared in connection with the Hovnanian company’s proposed residential development of the Property with 500+ residential dwelling units; and

WHEREAS, following due and proper notice, on March 14, 15 and 21, 2017, the Town Board held a public hearing on the proposed local law establishing the new zoning district, and the district’s use and lot and bulk controls, which district would encompass and rezone the Property for imminent development as a data center, from rural residence (“R-80”), at which time the Town Board received public comment from all interested parties; and

WHEREAS, a number of persons spoke, all in favor of the proposed local law, albeit with some specific concerns over issues such as site lighting, water use, noise, the use of pesticides in proximity to the Lake Tappan reservoir, traffic and the preservation of the WPA murals located in some of the dilapidated buildings slated for removal if the core property is redeveloped; and

WHEREAS, the attorney for the proposed Purchaser, and its design engineer, addressed the various concerns, raised by the public, noting:

- That the proposed data center use will generate approximately 90 cars daily, far less than any other use previously proposed or considered by the Town Board for the site;
- That any development would adhere to Town standards and requirements regarding pesticide use to protect the lake and any indigenous species;
- That back-up generators on site would meet Town performance standards for noise;
- That all site lighting would be directed and hooded to limit the foot candle reach and/or glare, noting that actual site development will be almost 400 ft. from the nearest residences along Convent Road;
- That the building would be designed to LEED standards for energy efficiency; and

That utilizing the best and latest technology, the proposed data center, when designed, will use about 10% of the water used for the cooling of similar sized data centers only 10 years ago,

And,

WHEREAS, the prospective purchaser’s representatives further agreed to work with the Town in an attempt to preserve certain of those murals on site capable of being relocated, noting,

RESOLUTION NO. 181 - Continued

in the process, that (i) some of the murals were painted on plaster or concrete and cannot be removed or preserved, other than through photographs or video; and (ii) in the course of the preparation of the Draft DGEIS for the earlier failed attempt to redevelop the Property, the Town had reached out to a number of federal, state and local agencies, museums and historical societies, including the N.Y.S. Office of Parks, Recreation and Historic Preservation, the N.Y.S. Archives and Museum, the GSA Fine Arts Program, and the Rockland County Historical Society, as well as a number of auction houses, none of which had expressed an interest in acquiring the murals; and

WHEREAS, the rezoning of the approximately 65± acres in the heart of the Rockland Psychiatric Center for a data center use will address many of the long standing concerns of both the Town Board and the adjacent state property occupant, the N.Y.S. Office of Mental Health, including traffic on and along Convent Road and the interior roads within the RPC campus; and

WHEREAS, the Town Board, and each of its members, are personally familiar with the interchange locations affected by the proposed zoning text amendment;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts the proposed Local Law, amending Chapter 43 (Zoning) Article II, §§ 2.1 and 2.2 of the Town Code, and the Town Zoning Map incorporated therein by reference, to establish a new zoning district in the Town to be known as the Rockland Psychiatric Center Office Park (“RPC-OP”) zoning district, and establishing the said district’s boundaries, and further establishing, through the adoption of a new Table of General Use Regulations and Schedule of Lot and Bulk Regulations, the various permitted and accessory uses and lot and area controls.

In adopting the within local law, the Town Board, pursuant to General Municipal Law § 239, has solicited, received and considered the comments and conditions of the Rockland County Department of Planning, set forth in 2 separate responsive letters, each dated March 15, 2017, and adopts or overrides such comments and conditions as follows:

**The Rockland County Planning Department’s
Comments and Conditions**

- 1) *Letter Comments: March 15, 2017*
Item: Town of Orangetown – Creation of the RPC-OP Zone (O-2317)

County Comments 1 and 2 relate to the absence of a definitive parking standard for the data center use as a part of the district’s general use regulations , allowing the Town Planning Board to fix the number of parking spaces at the time of site development plan approval, as well as, when required, to allow parking within a designated yard. The County notes that, in the context of data centers in the LIO zoning district definitive standards apply. To the extent the County Planning Department requires that an objective standard be provided, *the Town Board overrides both such conditions.*

The Town Board disagrees that there is a need for a definitive standard, or that the absence of same waters down the regulation of parking within the district. Based not only on the information provided by the proposed purchaser and developer of the site now in question, but from its experience with recently developed data centers elsewhere within the Town, the Board is aware of the nature of the data center use, and the limited parking needs associated with that use. The fact that the Town Board did not change then existing parking regulations in the LIO zoning district when other data centers were constructed therein, and data center developers were able to develop within the constraints of those existing requirements, does not mean that in a new, and uniquely located zoning district, with far fewer permitted uses, the Planning Board cannot be trusted to make a fair determination of both the actual parking needs, and appropriate locations therefor – as it does with other site elements -- when it plans the site.

RESOLUTION NO. 181 - Continued

Comments 1 & 2, on the Override:

Roll call:	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

County Comment 3 relates to the absence of specific standards for business signs, sign areas and setbacks, again delegating to the Planning Board the jurisdiction to make sign related decisions in the course of site plan development.

The Town Board is of the view, again given the unique location and character of the lands comprising the new RPC-OP zoning district, including the fact that, unlike other districts distributed throughout the Town, the RPC-OP district is limited to a single, largely self-contained, area that the Planning Board is well equipped to make determinations regarding the size and location of business signs.

To the extent the County requires the Town to create specific sign standards, *the Town Board overrides Condition 3.*

Comment 3, on the Override:

Roll call:	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

County Comment 4 relates to land coverage, and the fact that the maximum coverage regulation in the new RPC-OP zoning district will be 80%, higher by 5% than that allowed in any other district. The County questions that decision, particularly where the lands comprising the district are presently zoned R-80, the least dense zoning district in the Town, and the property's proximity to Lake Tappan, a public water supply.

Initially, the existing R-80 zoning designation is of no significance. Until purchased by the Town in 2003, the property comprising the district, as well as the hundreds of acres surrounding it, were owned by the state, and improved without regard for the density or other limitations of the R-80 zone. In effect, the R-80 designation was a place holder, and one certainly intended to be changed when the Town purchased the property.

Likewise, although in proximity to Lake Tappan, the property being rezoned is a considerable distance from the Lake. Indeed, among other uses located between it and the Lake is an aged state operated power plant, a former laundry, and maintenance buildings, seemingly far more troubling uses in the context of the public water supply.

The Town Board believes that the proposed 80% maximum coverage requirement is appropriate for the area and the proposed uses. As always occurs, due consideration of the public water supply shall be given by the Planning Board in the site development plan process.

The Town Board overrides County Comment 4.

RESOLUTION NO. 181 - Continued

Comment 4, on the Override:

Roll call:	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

County Comments 5, 6 and 7 relate to reviews by other agencies, specifically the Palisades Interstate Park Commission, the Rockland County Department of Highways and the Rockland County Department of Health.

A full review package was sent to the Rockland County Highway Department in connection with the Town Board’s notice of intent to be lead agency, as well as to the R. C. Drainage Agency (“RCDA”), which is a part of the County Department of Highways. The Highway Department did not submit independent substantive comments. The RCDA has reported that the proposed zone change is outside of its jurisdiction, but wishes to see project drawings and calculations when same are available for development. The County Health Department will be included for review purposes, as required during the site plan review process, and its comments addressed at that time.

The requirement that the Town satisfy unspecified comments and concerns, under the umbrella of GML § 239, of agencies which the Town is not required to involve at this stage of the process is unreasonable. Such concerns will be addressed, if required, at the appropriate stage of the process where information and calculations relevant to an identified concern are available. The purpose of GML 239 is to address regional planning concerns, not to sharp shoot an as yet unfiled application for individual site development.

Notwithstanding the above, the Town Board recommends that the Planning Board, if and when an application for site plan development is filed consider the comments and concerns of the specified agencies. To the extent, however, items 5, 6 and 7 constitute conditions of approval, the Board expressly overrides such conditions.

Comments, 5, 6 and &7, on the Override:

Roll call:	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

- 2) ***Letter Comments: March 15, 2017***
Item: Town of Orangetown –Zone Change R-80 to RPC-OP (O-2064F)

County Comment 2 relates to the suitability of other areas within the RPC campus for inclusion in the RPC-OP zoning district.

The Town Board has overseen the development of the Town owned lands formerly a part of the former Rockland Psychiatric Center since the date of purchase, now more than 14 years ago. At this time, it does not envision further development of the remaining lands outside of the boundaries of the proposed zoning district with the uses permitted hereunder.

RESOLUTION NO. 181 - Continued

Of particular concern to the Town in expanding the boundaries of the RPC-OP district is the continuing viability of deed restriction in the deed that conveyed the property to the Town, that the Town designate 216 acres of the 349 acre conveyance for recreation or municipal use. The Town has not yet made such designation, and the number of acres that remain available to satisfy that requirement are a limitation on the Town’s action at this time.

The Town Board is satisfied with its analysis of the location and magnitude of the lands on the RPC campus to be incorporated within the RPC-OP zoning district at this time. Nor is the Board believe that the within local law may constitute spot zoning. To the extent County Comment 2 requires a further or different analysis, the Board expressly overrides such condition.

Comment 2, on the Override:

Roll call:	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

County Comment 3 relate to review a review by the Rockland County Department of Highways, and satisfaction of any comments or concerns issued thereby.

For the reasons set forth in regard to Comments 5, 6 and 7 above, *the Town Board overrides this County Comment 3.*

Comment 3, on the Override:

Roll call:	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

On the Adoption of the Local Law:

The aforesaid resolution, adopting the proposed local law, set forth below, was moved by Councilman Diviny seconded by Councilman Troy, and adopted by a vote of 5 Ayes 0 Nays and 0 Abstentions, as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	X		
Councilman Diviny	X		
Councilwoman Valentine	X		
Councilman Bottari	X		
Supervisor Stewart	X		

**TOWN OF ORANGETOWN
LOCAL LAW 2, 2017
AMENDING CHAPTER 43, § 2.1 AND 3.11 AND 3.12, OF THE ZONING LAW OF THE
TOWN OF ORANGETOWN TO ESTABLISH A NEW RPC-OP ZONING DISTRICT
AND CHANGING THE ZONING DISTRICT OF PROPERTY, FORMERLY A PART
OF THE ROCKLAND PSYCHIATRIC CENTER
(A PORTION OF TAX LOT 73.08-1-1) RPC**

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1: Amend the Town Code of the Town of Orangetown, Chapter 43, entitled “Zoning”, at Article II §§ 2.1 and 2.2, and the Town Zoning Map, incorporated therein by reference, to create a new “RPC-OP” Rockland Psychiatric Center Office Park) zoning district.

Section 2: The permitted uses, special permit uses, conditional uses, accessory uses, parking and additional requirements permitted and/or required in the RPC-OP Zoning District shall be as set forth on the Table of General Use Regulations, 43 Attachment 12A, RPC-OP Zoning District, attached hereto, and established hereby, and made a part of Chapter 43, § 3.11.

Section 3: The lot and bulk regulations for lots within the newly established RPC-OP Zoning District shall be as forth on the Table of General Bulk Regulations, 43 Attachment 17A, RPC-OP Zoning District, attached hereto, and established hereby, and made a part of Chapter 43, § 3.12.

Section 4: The following Town owned lands, formerly a part of the Rockland Psychiatric Center, and consisting of a portion of Tax Lot 73.08-1-1, presently zoned “R-80 (Rural Residence)” shall be re-zoned RPC-OP.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, County of Rockland and State of New York, shown and designated as PARCEL 1 on a CERTAIN map entitled "MAP OF THE LANDS OF THE PEOPLE OF THE STATE OF NEW YORK, ACTING BY AND THROUGH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, ROCKLAND PSYCHIATRIC CENTER, Town of Orangetown, County of Rockland, New York State," made by Hawk Engineering, P.C., Binghamton, N.Y. dated Sept 5, 2000 and amended on Sept.13,2000; Jan.11, 2001; May 7,2002; May 21,2002; May 22, 2002; Sept. 25, 2002; and last amended on Jan. 8, 2003 and filed in the Rockland County Clerk's Office under Index No. 0104/03 and being more particularly bounded and described pursuant to said filed map as follows:

BEGINNING at an iron pin on the southerly side of Convent Road, said point being the northeasterly corner of the premises hereinafter to be described, being the northwesterly corner of Parcel-15 on the aforesaid filed map, said point being distant westerly as measured along the southerly side of Convent Road the following two (2) courses and distances from an iron pin in the southwesterly line of lands of the Palisades Interstate Parkway where same intersects the southerly side of Convent Road, namely:

a) South 87° 42' 57" West along the southerly side of Convent Road 621.05 feet to a point thence;

b) South 88° 31' 56" West still along the southerly side of Convent Road 408.32 feet to the northeasterly corner of the premises hereinafter to be described (Parcel-01 on the aforesaid filed map), being the northwesterly corner of Parcel-15 on the aforesaid filed map and running thence;

1. South 2° 06' 36" West along the easterly line of the premises and the westerly line of Parcel-15 on the aforesaid filed map 1,115.47 feet to a 5/8 inch rebar with O.M.H (Office of Mental Health) cap at the northwesterly corner of Parcel-16 on the aforesaid map, thence;

2. South 0° 32' 06" East still along the easterly line of the premises and along the westerly line of said Parcel-16 on the aforesaid filed map 320.70 feet to a 5/8 inch rebar with O.M.H. cap in the northerly line of Parcel-02 on the aforesaid filed map and being the southwesterly corner of said Parcel-16, thence;

LOCAL LAW 2, 2017 - Continued

3. Southwesterly and southerly still along the easterly line of the premises and along the northerly and westerly lines of Parcel-02 on the aforesaid filed map the following six (6) courses and distances:

a) South $89^{\circ} 27' 54''$ West 99.13 feet to a 5/8 inch rebar with O.M.H. cap at the northerly terminus of a curve, thence;

b) Southeasterly on a curve to the left having a radius of 40.35 feet, the arc length of 51.83 feet to a 5/8 inch rebar with O.M.H. cap at a point of reverse curvature, said curve being subtended by a chord bearing of South $37^{\circ} 19' 53''$ East and a length of 48.34 feet, thence;

c) Southeasterly on a curve to the right having a radius of 45.00 feet, the arc length of 48.76 feet to 5/8 inch rebar with O.M.H. cap at a point of compound curvature, said curve being subtended by a chord bearing South $43^{\circ} 05' 14''$ East and a length of 46.41 feet, thence;

d) Southeasterly, southerly and southwesterly on a curve to the right having a radius of 220.61 feet, the arc length of 107.17 feet to a 5/8 inch rebar with O.M.H. cap at a point of tangency, said curve being subtended by a chord having a bearing of South $1^{\circ} 52' 09''$ West and a length of 106.12 feet, thence;

e) South $15^{\circ} 47' 07''$ West 167.48 feet to a 5/8 inch rebar with O.M.H. cap at the northerly terminus of a curve, thence;

f) Southwesterly on a curve to the left having a radius of 441.01 feet, an arc length of 166.13 feet to a 5/8 inch rebar with O.M.H. cap at the northeasterly corner of Parcel-17 on the aforesaid filed map, said curve being subtended by a chord having a bearing of South $4^{\circ} 59' 29''$ West and a length of 165.15 feet, thence;

4. Southerly along the westerly and southerly lines of Parcel-17 on the aforesaid filed map the following six (6) courses:

a) Southeasterly on a curve to the left having a radius of 441.01 feet, an arc length of 149.81 feet to a 5/8 inch rebar with O.M.H. cap, said curve being subtended by a chord having a bearing at South $15^{\circ} 31' 42''$ East and a length of 149.09 feet, thence;

b) Southeasterly on a curve to the right having a radius of 170.41 feet, an arc length of 110.10 feet to a 5/8 inch rebar with O.M.H. cap, said curve being subtended by a chord having a bearing of South $6^{\circ} 45' 11''$ East and a length of 108.19 feet, thence;

c) South $11^{\circ} 45' 20''$ West 113.17 feet to a 5/8 inch rebar with O.M.H. cap at the northerly terminus of a curve, thence;

d) Southwesterly on a curve to the right having a radius of 32.40 feet, an arc length of 44.01 feet to a 5/8 inch rebar with O.M.H. cap said curve being subtended by a chord having a bearing South $50^{\circ} 40' 00''$ West and a length of 40.70 feet, thence;

e) South $89^{\circ} 34' 40''$ West to a 5/8 inch rebar with O.M.H. cap, thence;

f) South $89^{\circ} 34' 40''$ West 15.91 feet to a point at the southwesterly corner of Parcel-17 on the aforesaid filed map, thence;

5. Southwesterly and northwesterly along the southerly line of the premises and along the northerly line of Parcel-02 following four (4) courses and distances:

a) South $89^{\circ} 34' 40''$ West 733.72 feet to a 5/8 inch rebar with O.M.H. cap, thence;

b) North $01^{\circ} 22' 03''$ West 30.82 feet to a point, thence;

c) North $77^{\circ} 11' 18''$ West 81.21 feet to a point, thence;

LOCAL LAW 2, 2017 - Continued

d) North 89° 59' 01" West 173.11 feet to the southwesterly corner of the premises, thence;

6. Northwesterly, southwesterly, northwesterly, northeasterly, and northwesterly along the westerly line of the premises and the easterly line of Parcel-02, Parcel-03, Parcel-04 and the westerly and northerly lines of Parcel-11 the following nine (9) courses and distances:

a) North 18° 51' 48" West 162.68 feet to a point, thence;

b) South 76° 32' 47" West 24.31 feet to a point, thence;

c) North 0° 32' 56" West 425.04 feet to a 5/8 inch rebar with O.M.H. cap at the southerly terminus of a curve, thence;

d) Northwesterly, northerly and northeasterly on a curve to the right having a radius of 1055.63 feet, an arc length of 117.91 feet to a 5/8 inch rebar with O.M.H. cap at a point of compound curvature, said curve being subtended by a chord having a bearing of North 2° 39' 04" East and a length of 117.85 feet, thence;

e) Northeasterly on a curve to the right having a radius of 168.00 feet, the arc length of 78.76 feet to a 5/8 inch rebar with O.M.H. cap at a point of reverse curvature, said curve being subtended by a chord having a bearing of North 19° 16' 53" East and a length of 78.04 feet, thence;

f) Northeasterly on a curve to the left having a radius of 101.52 feet, an arc length of 58.51 feet to a PK nail at a point of tangency, said curve being subtended by a chord having a bearing of North 16° 06' 52" East and a length of 58.00 feet, thence;

g) North 0° 28' 51" West 1259.56 feet to a 5/8 inch rebar with O.M.H. cap at the southwesterly corner of Parcel-11 on the aforesaid filed map, thence;

h) North 0° 28' 51" West 196.10 feet to a 5/8 inch rebar with O.M.H. cap at the northwesterly corner of Parcel -11 on the aforesaid filed map, thence;

i) North 88 °49' 41" East 248.37 feet to a 5/8 inch rebar with O.M.H. cap at the northeasterly corner of Parcel-11 on the aforesaid filed map, thence;

7. Easterly along the southerly side of Convent Road the following two (2) courses and distances:

a) North 88° 49' 41" East 330.80 feet to a point, thence;

b) South 89° 45' 04 East 598.89 feet to an iron pin at the northwesterly corner of Parcel-15 on the aforesaid filed map being the northeasterly corner of the premises hereinabove described and the point or place of BEGINNING, containing 60.9611 acres of land, more or less.

Section 4: This local law shall take effect immediately on filing with the Secretary of State.

**AMENDMENT TO ORANGETOWNZONING LAW
RPC- OFFICE PARK**

Summary:

Amend

Article I, General Provisions:

Section 2.1 Establishment of Districts

Add the following new zoning district, following the RPC-R zoning district:

RPC-OP -- Rockland Psychiatric Center Office Park

Local Law 2, 2017 - Continued

A m e n d

Article III, §§ 3.11 and 3.12 Tables of General Regulations

Add the following tables:

43 Attachment 12 A – Table of General Use Regulations (§ 3.11) RPC-OP District (Exhibit 03-I-17)

43 Attachment 17A - - Table of General Buk Regulations (§3.12) RPC-OP District

**Town of Orangetown
Table of General Bulk Regulations
Sections 3.12
RPC-OP District**

District	For Uses Listed Below	Max. Floor Area Ratio	Min. Lot Area	Min. Lot Width (feet)	Min. Street Frontage (feet)	Required Front Yard (feet)**	Required Side Yard (feet)	Total Side Yards (feet)	Required Rear Yard (feet)	Max. Bldg. Height
RPC - OP	Data Centers	.4	10 acres*	150 ft.	150 ft.	100 ft.**	100 ft.**	250 ft.**	100 ft.**	55 ft.***
	Business Office	.4	10 acres*	150 ft.	150 ft.	100 ft.**	100 ft.**	250 ft.**	100 ft.**	55 ft.***
	Executive Conference / Lecture Center	.4	10 acres*	150 ft.	150 ft.	100 ft.**	100 ft.**	250 ft.**	100 ft.**	t.***

*In the RPC-OP District, Maximum Land Coverage shall not exceed Eighty percent (80%), including buildings parking, roads and road widening. (This land coverage provision shall supersede that provided at 43 Attachment 18, Note 14.)

** Except for sites abutting roads that are internal within the RPC-OP District, for which 75 ft. may be required. For purposes of this section, an internal road shall be any roadway that is not on the perimeter of the RPC site, i.e., Convent Rd., Old Orangeburg Rd., Veterans Memorial Drive and the Palisades Interstate Parkway are not internal roads. There shall be a buffer of 100 ft. in addition to the yard requirement along Convent Rd., in which no parking or other development shall be permitted. (This buffer requirement is intended to supersede any buffer requirement as may be specified elsewhere in this Zoning Law.)

***For purposes of this Section, building height shall be measured from the average finished grade to the maximum point of any roofline.

RESOLUTION NO. 182

**SALE / JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION 61±
ACRES (RPC – 73.081-1) / SUBJECT TO
AN APPROVED CONTRACT OF SALE
AND PERMISSIVE REFEENDUM**

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

WHEREAS, the Town of Orangetown (hereinafter the “Town”) is the owner of a certain parcel of real property, formerly a part of the Rockland Psychiatric Center, located in the Town of Orangetown, County of Rockland, State of New York, consisting of approximately 61 ± acres bounded on the north by Convent Road, on the south, east and west by other Town owned lands and/or lands of New York State (the “Property”); and

RESOLUTION NO. 182 - Continued

WHEREAS, at the time that the Town purchased the Property, as part of Town as a part of a larger purchase of 349 ± acres, it was the Town's intent, as reflected in the later adopted Rockland Psychiatric Center Redevelopment Plan, as thereafter periodically reviewed and modified, to see the Property developed in a manner that would revitalize and enhance both the surrounding area, in particular, and the Town, more generally, all for the benefit of the residents of the Town of Orangetown, New York; and

WHEREAS, over the years, the Town has actively sought out and pursued potential opportunities for the sale and development of the more challenging portions of the larger parcel, including the 61± acres comprising the Property, without success, while, at the same time, developing other portions of the larger parcel to satisfy Town recreation needs; and

WHEREAS, in recent weeks, the Town has been presented with a purchase and development proposal from JP Morgan Chase, National Association that, if approved and implemented, will result in low traffic impacts and low density development and otherwise be consistent with the development goals set forth in the Town's Redevelopment Plan, as periodically reviewed; and

WHEREAS, the material terms of the purchase proposal appear in a non-binding Terms Sheet (the "Terms Sheet"), previously approved by resolution 71 of the Town Board; and

WHEREAS, the Town has commissioned and received an independent appraisal of the Property (including additional state owned adjacent parcels), which fixes the fair market value for 61± acres at \$8,540,000.00, or approximately \$140,000.00 per acre, subject to "extraordinary assumptions which include (i) the removal of the hospital structures, (ii) the site is environmentally clean, and (iii) the site is rezoned to a data center use; and

WHEREAS, taking into consideration the extraordinary assumptions, the proposed sales price far exceeds the fair market value of the Property, as determined aforesaid; and

WHEREAS, recognizing that the Town's efforts to secure a suitable developer for the Property over the past 13+ years have always been hindered by the cost and magnitude of the demolition and remediation challenges that burden the Property, limiting sales and development proposals largely to high density residential development; and

WHEREAS, the Town Board concludes that the present offer by JP Morgan Chase, National Association is in the best overall interests of the Town, fiscally and otherwise; and,

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, has concluded that there will be no significant adverse environmental impacts or effects caused or occasioned by the proposed changes to the Town's Zoning Law, the conceptual development of the Property with a data center and the Property's sale to JP Morgan Chase Bank, National Association,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the sale of the Property to JP Morgan Chase, National Association for \$7,500,000.00, and on other terms set forth in the Terms Sheet, previously approved by resolution of this Board, and subject to the execution of a binding Contract of Sale and Purchase.

This resolution is subject to Permissive Referendum.

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

Noes: None

RESOLUTION NO. 183

RE-ENTERED WORKSHOP

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

RESOLUTION NO. 183 - Continued

RESOLVED, at 9:15 p.m., the Town Board re-entered the Workshop to discuss and review Agenda items, 4 thru 16.

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

RESOLUTION NO. 184

**ENTER EXECUTIVE SESSION
CSEA CONTRACT**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine and Bottari, John Edwards, Teresa Kenny and Jeff Bencik.

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

RESOLVED, at 9:37 p.m. the Town Board entered Executive Session to discuss the CSEA Contract. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 185

**RE-ENTERED WORKSHOP-PUBLIC
HEARING/ADJOURNED**

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

RESOLVED, at 10:03 pm, the Town Board re-entered the Workshop/Public Hearing and adjourned in memory of Margaret Tenny Leavey, Orangeburg; and Philip McLaughlin, New City.

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

Charlotte Madigan, Town Clerk