



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
 50 Sanatorium Road
 Pomona, New York 10970
 (845) 364-3434
 Fax: (845) 364-3435

C. SCOTT VANDERHOEF
 County Executive

February 9, 2009

Orangetown Town Board
 Orangetown Town Hall
 26 Orangetown Road
 Orangetown, NY 10962

SALVATORE CORALLO
 Commissioner

ARLENE R. MILLER
 Deputy Commissioner

Re: **GENERAL MUNICIPAL LAW REVIEW: 239(l&m)_x_239(n)**
 Date Review Received: 01/15/2009

Item: LOCAL LAW REGARDING PLANNED ADULT COMMUNITY ZONES (O-2151B)

Local law to revise the requirements of the Planned Adult Community (PAC) zone to (a) require that all "affordable" housing units be owner occupied (no "affordable" rentals to be allowed), (b) revise the definition of "adult physically handicapped person," and (c) specify that the sale price for affordable units will not exceed 3.3 times 80% of the median family income for Rockland County applicable to a family of 4 persons, as established annually by the U.S. Department of Housing and Urban Development (HUD).
 Town of Orangetown.

Reasons for Referral: County streams; County and State roads, parks and facilities; adjacent municipalities

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

***recommend the following modifications:**

1. The proposed change to Section 4.65A of the existing law would leave the definition of "adult handicapped persons" to be wholly defined by Section 8.12 of the Town's zoning ordinance. However, Section 8.12 of the Town's zoning ordinance refers to the present, future or amended definitions of the governmental agency providing subsidy or support to the project to define "adult handicapped persons." Since "affordable" units in the Town's PAC zone are to be privately subsidized, does not this leave the Town code without a definition of "adult handicapped person" for the purposes of the PAC law? Rather than referring to definitions of uninvolved government agencies, we recommend that the Town develop a definition of "adult handicapped persons" and provide it within the text of the PAC zone regulations.
2. The proposed change to Section 4.66(B) seems confusing as written. It is our understanding that it is the Town's intent to use figures for a family of 4 published by HUD to establish a sale price for

EXHIBIT

02-A-09, 2/9/09

LOCAL LAW REGARDING PLANNED ADULT COMMUNITY ZONES (O-2151B)
Page 2 of 2

"affordable" units and that this price will not vary based upon the family size of the purchaser.

However, the way this section is written may give the impression that the number of persons in a family is part of the calculation of the sales price. This section needs to be re-written so that it is clear that the reference to a family of 4 persons is only for the calculation of the sales price and is not reflective of the number of person in the family of a potential purchaser.

3. In the proposed text change to Section 4.67, it appears that the word "for" should be added following the struck through words "to guide in."


 Salvatore Corallo
 Commissioner of Planning

*The GML 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 substantive 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.

c: Supervisor Thom Kleiner, Town of Orangetown
 Town of Clarkstown
 Village of Chasinit Ridge
 Village of Nyack
 Village of South Nyack
 Village of Grand View-on-Hudson
 Village of Piermont
 Borough of Montvale, New Jersey
 Borough of Old Tappan, New Jersey
 Borough of Northvale, New Jersey
 Borough of Rockleigh, New Jersey
 Borough of Alpine, New Jersey
 Township of River Vale, New Jersey

SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

18-B-09, 2/9/09

Part 1 - PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR: Town of Orangetown	2. PROJECT NAME: Amendments to Chapter 43, Section 4.6 of the Code of the Town of Orangetown, Planned Adult Community (PAC) floating zone.
3. PROJECT LOCATION: Town Of Orangetown Municipality Orangetown	County Rockland
PRECISE LOCATION: (Street address and road intersections, prominent landmarks, etc., or provide map) Through out the Town of Orangetown	
5. PROPOSED ACTION IS: ☐ New ☐ Expansion ☒ Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Amendments to Chapter 43, Section 4.6 - See attached sheets.	
7. AMOUNT OF LAND AFFECTED: Initially <u>NA</u> acres Ultimately <u>NA</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? ☒ Yes ☐ No If No, describe briefly Amendment of Zoning Code.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? NA ☐ Residential ☐ Industrial ☐ Commercial ☐ Agricultural ☐ Park/Forest/Open space ☐ Other	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? ☐ Yes ☒ No If yes, list agency(s) name and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? ☒ Yes ☐ No If yes, list agency(s) name and permit/approval Existing Code, Chapter 43	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? ☐ Yes ☒ No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor name: <u>Town of Orangetown</u>	
Date: <u>1/26/2009</u>	
Signature: <u>[Signature]</u> , P.E., DIRECTOR, ORZPAE	

If the action is in a Coastal Area, and you are a state agency, complete a
Coastal Assessment Form before proceeding with this assessment

PART II-ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. ☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☒ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible.)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? ☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly:

Part III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town of Orangetown/ Town Board
Name of Lead Agency

1/26/2009
Date

Thom Kleiner

Print or Type Name of Responsible Officer in Lead Agency

Supervisor

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)