

**PROPOSED LOCAL LAW NO. _____, OF THE
TOWN OF ORANGETOWN, AMENDING THE TOWN ZONING
ORDINANCE TO ALLOW MIXED USE DEVELOPMENTS
AT CERTAIN INTERCHANGE LOCATIONS**

Be it enacted as follows:

Section 1. Chapter 43, § 3.11 The Table of General Use Regulations of the Town Zoning Ordinance, relating to the LI District shall be amended to add a new item in column 3, Uses by Special Permit, Town Board, to read as follows:

1. Mixed Use Developments on sites of 10 acres or larger, with frontage on the Palisades Interstate Parkway, and with frontage on, and/or with direct access to Route 303, as provided in Section 4.32.O.

Section 2. Chapter 43, § 4.32 of the Town Zoning Ordinance, shall be amended to add a new sub-section, subsection O, to read as follows:

4.32. (O) Mixed Use Developments.

- (i) Consistent with the Comprehensive Plan for the Town of Orangetown, mixed use developments may be permitted upon issuance of a Special Permit by the Town Board, on 10 acre or larger sites, with frontage on the Palisades Interstate Parkway and with frontage on, and/or with direct access to New York State Route 303.

(ii) Purpose and Intent.

The mixed-use development regulations recognize the locational advantages of sites abutting major highway interchanges, including potential tax ratables that such developments could bring to the Town, as well as issues relating to traffic and aesthetics that can be addressed with a well-designed mixed use plan. Given proximity to the Palisades Interstate Parkway, a designated scenic by-way, aesthetic considerations must be addressed in terms of site planning, landscaping, signage and building design, including screening of portions of any building along public right-of-ways.

The purpose and intent of the mixed use regulations are to facilitate the development of a plan for a large scale site development that combines several economically viable, non-residential uses, planned as an integrated whole. The site plan shall provide for adequate vehicular

and pedestrian access, traffic-circulation, parking and loading for each individual use. The site and building designs shall recognize the importance of the interchange location and the proximity to Palisades Interstate Parkway, and shall provide sufficient landscaping, buffering and other design treatments in recognition of said location.

(iii) Permitted Uses

- (a) Business, Medical and Professional Offices
- (b) Research, Experimental and Testing Laboratories
- (c) Hotels
- (d) Conference Centers
- (e) Banks
- (f) Retail Stores
- (g) Personal Service Establishments
- (h) Restaurants, excluding fast food restaurants
- (i) Theaters

(iv) Mixture of Uses

The development shall include a compatible mix of uses, designed as an integrated whole, with common access, signage and other design features. Upon completion, not more than 33% of the gross floor area of the mixed use development may consist of retail stores, personal service establishments and restaurants. If built in phases, not more than 45% of the development may consist of such uses during any initial phase of development. Building Permits and/or Certificates of Occupancy shall not be issued for any of the mixed uses, unless compliance with the above percentages are met.

(v) Lot and Bulk Controls

The following lot and bulk controls replace those specified elsewhere in the Ordinance

- (a) Maximum Floor Area Ratio 0.4
- (b) Minimum Lot Area 10 acres
- (c) Minimum Lot Width 300 ft.
- (d) Minimum Street Frontage Along Route 303 150 ft.
- (e) Minimum Front Yard Along Route 303 150 ft.
- (f) Minimum Building Setback from All Other Property Lines 50 ft.
- (g) Maximum Building Height 4 stories or 45 ft.

(h) Maximum Land Coverage for Mixed Use
Developments

70%

In addition to the above, all lot and bulk controls set forth in the Route 303 Overlay Zone shall apply, except where site engineering conditions warrant, the Town Board, as part of the Special Permit application, may permit stormwater basins in front yards, provided that suitable landscaping and screening is provided, including berming.

(vi) Sign Regulations

Signs shall comply with the Table of General Use Regulations for uses permitted in the LI District as set forth under accessory uses, items 7 and 8. In addition no signs shall face the Palisades Interstate Parkway. Freestanding signs along Route 303 may be designed to identify major uses with the mixed use development, however, such signs should not identify each individual establishment (e.g., each retail store).

(vii) Minimum Buffer Area

A vegetative buffer area, with no buildings, parking, access or loading, shall be provided along all property lines. Said buffer shall be at least 20 feet in depth, except along Route 303, where at least 25 feet shall be provided. The buffer area shall include sufficient evergreen plantings, as prescribed by the Planning Board during Site Plan review, to mitigate visual and noise impacts. Buffers shall be maintained in accordance with the approval site plan.

(viii) Minimum Required Off-street Parking and Loading

(a) Off-street parking and loading requirements for individual uses proposed as part of the mixed use development, as set forth elsewhere in the Zoning Ordinance, shall apply to each proposed use in the mixed use development. Open loading may be considered by the Planning Board, as part of site plan approval, for uses for which enclosed loading is not warranted, provided that suitable landscaping and screening is provided.

(b) Notwithstanding item (a) above, the Town Board may, as part of its deliberations on the Special Permit, reduce the total number of parking spaces, recognizing shared parking

characteristics of the specific mixed use proposal, as per Section 6.38 of this Ordinance.

(c) The Planning Board may defer or land bank the paving of certain parking spaces that are deemed to be in excess of actual need, provided such spaces are clearly identified as part of the site plan with suitable landscaping provided in lieu of the paved parking. If, in the future, the Planning Board determines that some or all of the deferred or landbanked spaces are needed, the Planning Board may require that the applicant, owner or successor/owner amend the site plan and pave the necessary parking spaces.

(ix) Information Required by the Town Board for Consideration of Special Permit

(a) Conceptual site plan showing proposed buildings, parking, loading, stormwater basins and a landscaping plan. The landscaping plan shall provide adequate buffering and landscape treatment within all yard areas, particularly the frontages along Route 303 and the Palisades Parkway. All existing vegetative buffers shall be clearly depicted on the conceptual plan, including on-site and abutting off-site areas.. On-site circulation shall include suitable access for bus service where applicable.

(b) Environmental Assessment Form and technical studies requested by the Town Board, including a traffic report, fiscal impact analysis and information on proposed landscaping and signage. Technical studies shall also include viewshed analyses with photo simulations and other graphic materials that indicate for visual impacts of the proposed development from Route 303 and from Palisades Interstate Parkway.

(c) Written analysis of compliance of the proposed development with the Town Comprehensive Plan, the Route 303 Overlay Zone and the Palisades Interstate Parkway Corridor Management Plan Report.

(d) An alternative site plan, drawn at the same scale as the proposed development, showing an LI use permitted as of right (i.e., with no Special Permit) shall be submitted for comparison purposes.

(x) Subdivision and Site Plan Approval

- (a) Following issuance of a Special Permit, the plan for mixed-use development shall be subject to Site Plan review by the Planning Board, consistent with applicable provisions of this Ordinance.
- (b) The site plan submission shall show specific trees and other vegetation with buffer areas, both existing and proposed.
- (c) A mixed-use development may be subdivided into separate parcels, subject to applicable approvals of the Town Board, Planning Board and/or Zoning Board of Appeals. If subdivided, the overall site plan for the entire parcel shall remain in effect.

(xi) Conditions and Approval

Prior to issuance of a Special Permit, the Town Board shall make findings as specified in Section 4.31 of this Ordinance. The Town Board may attach reasonable conditions to the Special Permit, including general comments on the conceptual site plan and the mixture of uses, in order to ensure compliance with its findings and with the Purpose and Intent of this chapter. The Planning Board may, however, pursuant to its site plan approval procedures, review and approve the site plan with modifications it deems necessary, consistent with the Town Board Special Permit conditions.

NOTICE OF POSTING: NOTICE OF CONTINUANCE OF PUBLIC HEARING TO CONSIDER THE PROPOSED AMENDMENT CHAPTER 43 (ZONING) TO PERMIT MIXED-USE DEVELOPMENTS AT CERTAIN INTERCHANGES IN THE LI ZONE UPON ISSUANCE OF A SPECIAL PERMIT.

EXHIBIT

3-A-06 3/1/06


STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN } SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *TOWN of ORANGETOWN*, in the County of Rockland, State of New York.

That, on the 21st day of February 2006, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the *TOWN of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.


Charlotte Madigan
Town Clerk

Subscribed and sworn to before me

This 21st day of February, 2006



DONNA A. MORRISON
Notary Public, State of New York
No. 01MC05081099
Qualified in Rockland County
Commission Expires June 30, 2007

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a continuation of a public hearing will be held by the Town Board of the Town of Orangetown at the Orangetown Town Hall, No. 26 Orangeburg Road, Orangeburg, New York 10962 on the 1st day of March, 2006 at 8:00 PM to consider the proposed amendment of Local Law No. 4-1969, Chapter 43 (Zoning) of the Code of the Town of Orangetown, as amended, to permit mixed-use developments at certain interchange locations in the LI Zone upon issuance of a Special Permit by the Town Board.

A copy of the proposed Local Law may be examined by any interested party at the Office of the Town Clerk.

All interested persons will be given an opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: February 14, 2006
Orangeburg, New York

CHARLOTTE MADIGAN
Town Clerk

TERESA M. KENNY
Town Attorney
Town of Orangetown

AFFIDAVIT OF PUBLICATION

from

The Journal News

Florence Bonilla being duly sworn says that she is the principal clerk of The Journal News, a newspaper published in the County of Westchester of New York, and the notice of which the annexed is a printed copy, was published in the area(s) on the date(s) below:

Note: The two-character code to the left of the run dates indicates the zone(s) that the notice was published in. (See Legend below)

AN 02/21/06

Signed 

Sworn to before me

This 23rd day of February 2006

LOLA M. HALL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01HA6112693
QUALIFIED IN WESTCHESTER COUNTY
TERM EXPIRES JULY 6, 2008

Notary Public, Westchester County

Legend:

Northern Area (AN):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

Central Area (AC):

Ardley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains, Greenburgh

Southern Area (AS):

Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

Rockland Area (JN or RK):

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Staatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, West Haverstraw, West Nyack, Pearl River, Piermont, Valley Cottage, Pomona

Patent Trader (PT):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff, Chappaqua, Cortlandt Manor, Cross River, Croton Falls, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdys, Shrub Oak, Somers, South Salem, Thornwood, Verplanck, Waccabuc, Yorktown Heights

Review Press (BVW):

Bronxville, Eastchester, Scarsdale, Tuckahoe

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a continuation of a public hearing will be held by the Town Board of the Town of Orangeburg at the Orangeburg Town Hall, No. 26 New York 10952 on the 1st day of March, 2006 at 8:00 PM to consider the proposed amendments to the Local Law No. 4-1989, Chapter 43 (Zoning) of the Code of the Town of Orangeburg, as amended, to permit mixed-use developments at certain interchange locations in the U.S. Zone upon issuance of a Special Permit by the Town Board.

A copy of the proposed Local Law may be examined by any interested party at the Office of the Town Clerk. All interested persons will be given an opportunity to be heard. By order of the Town Board of the Town of Orangeburg.

Dated: February 14, 2006
Orangeburg, New York

CHARLOTTE MADIGAN
Town Clerk

TERESA M. KENNY
Town Attorney
Town of Orangeburg

NOTICE OF POSTING: NOTICE TO BIDDERS FOR FURNISHING ONE NEW LEAF VACUUM MACHINE.

EXHIBIT

3-B-06, 3/1/06

STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN }

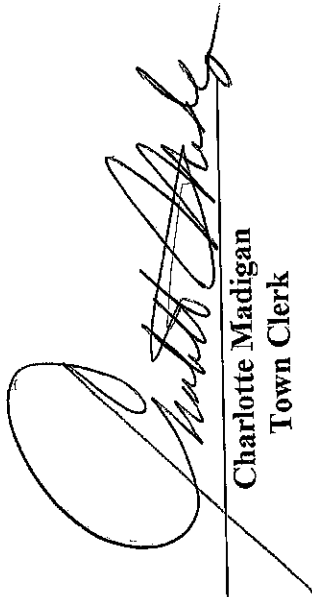
SS.

Charlotte Madigan being duly sworn upon her oath, deposes and says;

That, she is, at all times hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN of ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 18th day of January 2006, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN of ORANGETOWN**, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Charlotte Madigan
Town Clerk

Subscribed and sworn to before me

This 18th day of January, 2006

ROBERT R. SIMON
Notary Public, State of New York
No. 018808567
Residing in Rockland County
Commission Expires December 21, 2006



AFFIDAVIT OF PUBLICATION

from

The Journal News

Flerence Saults being duly sworn, principal clerk of The Journal News, a newspaper published in the County of Westchester of New York, and the notice of which the annexed is a printed copy, was published in the _____ area(s) on the date(s) below:

Note: The two-character code to the left of the run dates indicates the zone(s) published. (See Legend below)

JN 01/18/06

Signed FB

Sworn to before me

This 20th day of January 20 06

James L. Haverstraw
Notary Public, Westchester County

Legend:

Northern Area (AN):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnville, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

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Southern Area (AS):

Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

Rockland Area (JN or RK):

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, West Haverstraw, West Nyack, Pearl River, Piermont, Valley Cottage, Pomona

Patent Trader (PT):

Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff, Chappaqua, Cortlandt Manor, Cross River, Croton Falls, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnville, Millwood, Mohegan Lake, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdys, Shrub Oak, Somers, South Salem, Thornwood, Verplanck, Waccabuc, Yorktown Heights

Review Press (BVW):

Bronxville, Eastchester, Scarsdale, Tuckahoe

NOTICE TO BIDDERS
SEALED BIDS WILL BE RECEIVED By the Town Board of the Town of Orangetown at the Town Clerk's Office, No. 26 Orangeburg Road, Orangeburg, New York until 10:30 A.M. on February 1, 2006 and will be publicly opened and read aloud at 11:05 A.M. for furnishing One (1) New Leaf Vacuum Machines, in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The Superintendent of Highways will submit a report to the Board of the Town of Orangetown and his recommendation concerning the awarding of a Contract at a meeting of the Town Board of the Town of Orangetown.

The Town Board reserves the right to waive any informalities in the bidding and to reject any and all bids.

No bid will be accepted without a Non-Collusion Statement as required pursuant to Section 103d of the general Municipal Law.

No contract is deemed to have been created until approved by a Town Board Resolution, and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown. At the direction of the Town Board, all contracts are subject to appropriate approvals by the Town Board, after having been provided for in the Town Budget.

By order of the Town Board of the Town of Orangetown.

NOTARY PUBLIC
DATED: January 18, 2006
JAMES J. DEAN
SUPERINTENDENT OF HIGHWAYS
QUALIFIED TERM EXPIRES
18, 2006
CHARLOTTE MADIGAN
TOWN CLERK

NEW YORK

COUNTY

18, 2006

is the
State
paper

BID OPENING TIME:

11:05 AM

DATE

02/01/06

CONTRACTOR NAME & ADDRESS	TRIOS Schenectady NY 11716 Ralph C. Herman Martelora, NY 13373-0734
--	--

DATE RECEIVED	1/30/06	1/31/06			
TIME RECEIVED	9:19 AM	3:29 PM			
NON-COLLUSION STATEMENT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
BID BOND OR CERTIFIED CHECK	<input checked="" type="checkbox"/>				
One (1) New Leaf Vacuum Machines					
UNIT PRICE	\$37,483.00	\$18,250.00	\$	\$	
TOTAL PRICE	\$37,483.00	\$18,250.00	\$	\$	
Fluid Driller Coupler		1,335.00			

DSTR: TB, SK, JD

JAMES J. DEAN
Superintendent of Highways
Roadmaster II

Orangetown Representative.
R. C. Soil & Water Conservation Dist.-Chairman
R. C. Water Quality Commission
Member.
American Public Works Association NY Metro Chapter
NYS Assoc. of Town Superintendents of Highways
Hwy. Superintendents' Assoc. of Rockland County



**HIGHWAY DEPARTMENT
TOWN OF ORANGETOWN**
119 Route 303 • Orangeburg, NY 10962
(845) 359-6500 • Fax (845) 359-6062
E-Mail - www.highway@townhighwy.org

TOWN OF ORANGETOWN
6 FEB 23 AM 11:19
TOWN CLERKS OFFICE

Interoffice Memo

Date: 02/22/06
To: Town Board, Town Clerk
From: James J. Dean, Superintendent of Highways
RE: Bid Recommendation - Leaf Vacuum Machine

Please be advised that it is my recommendation that the bid for One (1) New Leaf Vacuum Machine be awarded to Trius Inc., Bohemia, New York in the amount of \$37,683.00 (Acct #H5130-0200 - 2005 Equipment Bond), the only qualified bidder to meet the advertised standards and specifications.

The apparent low bid of \$18,250.00 does not meet the standards and specifications required by this department. The model proposed is substantially smaller and a less adequate machine that will not perform at the production rate or length of service required by our needs.

Kj
Cc: Charles Richardson