



# Rockland County

Ed Day, Rockland County Executive

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**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Helen Kenny Burrows**  
*Deputy Commissioner*

October 24, 2022

Orangetown Town Board  
26 Orangeburg Road  
Orangeburg, NY 10962

**Tax Data:****Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M**Map Date:****Date Review Received:** 09/19/2022**Item: TOWN OF ORANGETOWN - DRAFT COMPREHENSIVE PLAN (O-2014A)**

Update to the 2003 Orangetown Comprehensive Plan.  
Throughout the Town

**Reason for Referral:**

County and State roads, parks and facilities, County streams, Long Path Hiking Trail, adjacent municipalities

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***

The previous Town of Orangetown Comprehensive Plan was adopted by the Town Board on May 12, 2003 after a two-year planning process. The plan was primarily established to provide guidance for development and open space preservation for the 15 to 20 years that followed. The goals established within the 2003 Comprehensive Plan focused upon providing additional open space and recreational facilities; decent housing for present and future residents; local employment opportunities, tax rates, and services, as part of commercial, office, and industrial development; transportation infrastructure; and maintaining an adequate level of community services appropriate for Orangetown's demographics.

The proposed 2022 Orangetown Comprehensive Plan builds upon the goals and strategies of the 2003 Comprehensive Plan, as well as other existing land use policies and studies, such as the Route 303 Sustainability Development Study (2002), and the Pearl River TOD Opportunities Analysis (2018). In addition, the Orangetown Comprehensive Plan addresses the shortcomings of the Town's Zoning Ordinance and proposes new strategies that were not as conceivable in the 2003 adoption, such as encouraging the installation of electric vehicle charging stations. Our department commends the Town on the proposed update and finds the goals and proposed actions compatible with the County's interests. We offer the following comments regarding the proposed document:

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- 1 The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations are considered Type I Actions under Section 617.4(b)(1) of the New York State Environmental Quality Review Act (SEQRA). As such, they are more likely to require the preparation of an Environmental Impact Statement (EIS). The GML referral did not include any SEQRA documents. The EIS or Environmental Assessment Form must be submitted for our review.
- 2 The goals and objectives are not clearly and consistently identified within each chapter. For instance, Chapter 3 (Community Character and Historic Resources) vaguely states the intended goal on Page 95, but does not identify objectives; however, it does list implementation strategies starting on Page 96. By contrast, Chapter 2 (Current and Future Land Use, Zoning, and Design) identifies the goal on Page 62, but lists the objectives as bullet points on Page 25, after the introduction. "The Vision, Goals, and Objectives" Section of each chapter must clearly state the general goal or goals of the chapter and list all objectives that relate to the implementation strategies established.
- 3 On Pages 10 and 11, Table 1-1, "2003 Comprehensive Plan Recommendations and Outcomes," lists several recommendations where it indicates that the outcome was unclear or the recommendation was never implemented. The status for each of these recommendations must be determined. For recommendations not implemented, the reason(s) should be specified on the table. The table must also indicate which of these recommendations are being reconsidered and incorporated into the 2022 Comprehensive Plan.
- 4 Objective 2, of Goal 1 on Page 17 proposes an update and modernization of the Zoning Code. In its review and up-date to the zoning code, the Town may want to consider alternative zoning models such as form-based codes.
- 5 On Page 18, Goal 3, Objective 4 is to create pedestrian-friendly, walkable streets in hamlet centers by "limiting traffic during certain times on low-traffic roadways." It is unclear how the plan hopes to achieve limiting traffic. This goal must be clearly addressed in Chapter 4 (Transportation, Mobility, and Parking).
- 6 In Goal 3, Objective 11 on Page 19, Rockland County Public Transportation should be listed as a local transit provider.
- 7 Goal 4 on Page 19 is to "Promote sustainable development and plan for climate resiliency." Page 222 in the Sustainability and Climate Resiliency Chapter includes the action of "continuing to enforce the recently adopted NYStretch Code." It is recommended that the use of the NYStretch Energy Code be incorporated as an objective for Goal 4.
- 8 The Village of South Nyack was dissolved on March 31, 2022, as indicated on Page 26. The last sentence of the last paragraph mentions that land use and zoning regulations related to the Village have become the responsibility of the town. The Comprehensive Plan must clarify if the Town intends on continuing to enforce regulations of the South Nyack Zoning Code or if provisions for South Nyack will be incorporated into the Orangetown Zoning Code.
- 9 The third paragraph on Page 38 indicates that there is a continued concern for the development of manufacturing, warehouse, and distribution centers along the Route 303 Corridor, despite the adoption of the Route 303 Overlay District. Our department continues to receive proposals to permit the construction of the aforementioned uses within the Overlay District. Several of our concerns that align with the study have been overridden by the local land use boards. The level of success with the adoption of the Overlay District and Town's efforts to enforce its regulations should be further discussed in this section of the plan.
- 10 Figure 2-3, Existing Zoning Map, on Page 44, as well as Figure 2-5, Proposed Zoning Map, on Page 65 include labels for the Villages of Nyack, South Nyack, Grand View on Hudson, and Piermont. These municipalities are subject to different zoning regulations from the Orangetown Zoning Code and thus their boundaries must be more clearly distinguished from Orangetown's zoning districts on the map. Since South Nyack is under the purview of Orangetown, it is recommended that its zoning districts be identified in Figures 2-3 and 2-5.



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11 Table 2-5 on Pages 48 and 49 lists uses indicated as currently "being permitted as of right," not permitted, "special permit uses," or "conditional uses." A description for special permit uses is included on Page 50, following performance standards. A description should be added for conditional uses since they are also included on the Table.

12 The paragraph on the bottom of Page 56 lists "the top land use areas indicated as important to future development," according to a survey. In parenthesis, the paragraph notes "see Appendix A"; however, the same graph in the appendix is also on Page 57. This similarly occurs in the paragraph on the bottom of Page 57, continuing to the top of Page 58, regarding "the top residential land uses encouraged by respondents." Appendix A is once again referenced, but the same graph in the Appendix is on Page 58. These two paragraphs should reference subsequent graphs instead of Appendix A, as they will be easier for a reader to find.

13 The definition for Garden townhome on Page 68 must clarify if a townhome unit exists on its own lot, as it could otherwise be confused with multi-unit residential classifications.

14 We appreciate that the Town is considering revising their code to better address data centers, which have different needs from standard warehouses. The proposed definition for data centers on Page 69 is informative and mirrors our department's concerns regarding their energy and water usage. Data centers are currently only permitted within the RPC-OC (Rockland Psychiatric Center Office Park) zoning district. In spite of this, our department has recently reviewed applications required for permitting a data center within the LIO (Light Industrial-Office District), where data centers are not listed as a permitted land use, making approval difficult. According to Page 71, Table 2-6 of the Comprehensive Plan, data centers may eventually be allowed within the LIO district as a conditional use (as well as other districts). We find such changes to the zoning code to be necessary, as the demand for data centers has increased in recent years. The special considerations related to data centers must be adequately discussed in the Zoning Code.

15 The last paragraph on Page 73, continuing to the top of Page 74, discusses confusion about warehouses and distribution centers permitted within the Route 303 Overlay District. This paragraph references Section 13.10B. (3) of the zoning code, which prohibits "retail warehouse uses, including mini-storage uses and distribution centers," in excess of 65,000 square feet in the Overlay District. We agree that statement is ambiguous for an otherwise crucial development standard for a significant corridor. We recommend that the uses that the town intends to distinguish under this standard be clarified in this section of the Comprehensive Plan.

16 We recommend that the Town also consider limiting the size of warehouses and similar facilities outside of the Route 303 Overlay District. While the Town has FAR requirements for warehouse facilities, which is effective for reducing building size on smaller parcels, FAR requirements alone are not enough to prevent excessively sized warehouses on larger parcels, which can potentially consume large swaths of open space. Possible provisions could include maximum building coverage, maximum development coverage, and/or maximum square footprint for new warehouses.

17 Page 77 includes three implementation strategies, including "Review Special Permit and Conditional Use Permit Standards and update as necessary to address current uses and concerns. In particular, clarify and update the standards for warehouse and distribution centers," "Develop a steep slopes and ridgeline protection ordinance," and "develop design guidelines for facades, signage, and streetscapes to preserve, protect, and enhance the unique characteristics of each hamlet." Unlike the other implementation strategies, these three strategies do not include bullet points or descriptions. Additional details must be provided for these strategies, such as why they are necessary, current deficiencies, examples of actions, regulations, policies, etc.

18 Page 116 includes a subsection titled "Parking," referring to downtown and other busy areas where parking is limited, and how to address parking demands. While the parking shortage is apparent in many of Orangetown's commercial centers, this section of the Plan should also include information about areas where the supply of parking spaces is highly abundant compared to the actual demand. Though the excess of parking and pavement is primarily addressed in Chapter 7 (Sustainability and Climate Resiliency) of the Comprehensive Plan, it is also a transportation related issue and should be discussed further in this section of Chapter 4. Parking standards should be evaluated in light of recent trends such as remote working, online shopping, etc. Reduced parking standards will lead to reduced impervious surface area, as referenced on Page 205.



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19 Page 118 lists the implementation strategy of "expanding active transportation infrastructure network by connecting existing trails and converting abandoned rail lines into multiuse paths," but does not include further details. This section should list existing trails and abandoned rail lines that would be ideal for implementation, aside from those trails listed under the strategy of "connecting existing multiuse path network from Orangetown south to New Jersey. Alternatively, the two implementation strategies can be combined and expanded upon as appropriate.

20 On Page 122, Rockland County Department of Public Transportation should be added to the list of collaborators in the effort to study, improve, and expand existing public transportation service, including bus stops, routing, frequency, and reliability.

21 Census tracts in Orangetown that are Disadvantaged Communities, as part of the State's Climate Act Initiative, should be identified in either the demographics subsection on Page 128 and/or in Chapter 7. These Disadvantaged Communities can be found on the New York State's website:  
<https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria/Disadvantaged-Communities-Map>

22 On Page 176, it is stated that "the Office of Parks and Recreation, in collaboration with the Orangetown Environmental Committee should consider instituting a local park and environmental stewardship program for youths and students." We suggest adding the Rockland County Division of Environmental Resources and Youth Bureau to the partners for this potential initiative and any other efforts to improve access to open space and parks.

23 Throughout Chapter 6 (Open Space and Recreation) there are several different references to plantings as "climate-resilient species," "suitable species," and "sustainable species." With several different descriptors, it is unclear what the Plan is trying to achieve. This department recommends using trees and plants that are native to New York. Native plants are better adapted to the local climate and soils and are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local waterbodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website:  
<https://www.dec.ny.gov/public/44290.html>.

24 In addition to watershed protection discussed in Chapter 6, Open Space and Recreation, we urge the Town to consider a watershed protection approach not only within the Town but through intermunicipal cooperation with adjoining municipalities and local watershed groups to protect water resources and water quality throughout the region.

25 Chapter 7 is titled "Sustainability and Climate Resiliency. We suggest that this chapter either be given a different title or separated into two different chapters, one on natural resources and one on sustainability and climate. Addressing climate and emissions reduction through land use planning is in and of itself deserving of being addressed in a separate chapter. Separating natural resource protection and climate action goals will make the Plan overall more reader friendly. While many of the sustainability elements are addressed at one level or another throughout the Plan, we suggest the Town consolidate and tighten up its goals and objectives regarding sustainability and climate resilience.

A climate action/resiliency related chapter can incorporate sustainability elements already in the draft such as the Town's CCA program, encouragement of electric vehicle charging stations, and renewable energy goals. The Plan discusses the use of 'green building technologies' for both new development and retrofits. It is suggested that the Plan define what is meant by green building technology and elaborate on the use of such technologies in development and redevelopment. This chapter should also address the promotion of carbon neutral development in the town and how local laws may be used to further development that does not result in additional greenhouse gas emissions. Energy efficiency in development and redevelopment can be addressed. Other elements to consider include promoting the development of local food systems and minimizing solid waste.



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26 Chapter 7 in large part addresses the natural resources of the town. While there is clear connection between protection of natural resources and climate resiliency, we would suggest that the Plan would be better laid out and be more readable if natural resource protection and climate related actions be addressed separately in the Plan. A natural resources protection chapter can address the issues of protection of steep slopes, critical environmental areas, waterbodies and wetlands, floodplains and water quality protection and stormwater management.

27 We recommend that the Town consider developing a Townwide Natural Resources Inventory (NRI). The NYSDEC Hudson River Estuary Program offers tools and resources to assist municipalities in developing an NRI.

28 In developing sustainability goals in the Comprehensive Plan, we suggest the Town review the Pledge Elements (PE) of New York's States Climate Smart Communities Program, particularly PE6 Action: Comprehensive Plan with Sustainability Elements. Making sure all these elements, such as smart growth principles, are addressed will help the Town is pursuing higher certification in both the Climate Smart Community Program and the Clean Energy Community Program.

29 As is referenced in the plan, transportation is a significant contributor to greenhouse gas emissions. Reduction of transportation related GHGs should be addressed in a chapter on Sustainability and Climate including goals to reduce vehicle miles travelled.

30 There are several references to the 2018 County Multijurisdictional Hazard Mitigation Plan, including Pages 202 and 203, particularly in reference to flooding in the community. Please note that Rockland County Fire and Emergency Services is preparing to update the 2018 Plan. The County will want to add current hazard mitigation related concerns and projects in the Town of Orangetown to this update. We encourage the Town's participation in this effort.

31 On Page 215-216, it is recommended that "the Town in collaboration with Rockland County, consider mapping stormwater conveyance, drainage areas, outfalls, and discharge points for all its municipalities. Developing a GIS-based stormwater network geodatabase would allow for improved stormwater analysis and data-driven management strategies. This geodatabase could be updated when new infrastructure is built and when inaccuracies in existing data require correction." We suggest the Plan clarify what collaboration is being sought with the County on such a mapping effort and if it is the intent of the Plan that the County conduct such mapping for all municipalities. It is our understanding that such a mapping effort is currently being coordinated by the Stormwater Consortium of Rockland County. We encourage Orangetown to continue to work with the Consortium and Cornell Cooperative Extension, Rockland County on this effort.

32 On Page 219, we concur with the last strategy listed, which considers setting limits to impervious surfaces on any lot. The town should consider doing an impervious surface analysis to further verify the need for reduced impervious surface area. In addition, we highly recommend that Orangetown adopt maximum development coverage regulations within its zoning code. Many other municipalities within Rockland County, such as Ramapo and Clarkstown, have included this requirement in their bulk regulations. Orangetown could particularly benefit from this requirement, given the magnitude of development coverage of some of the recent development proposals submitted to the town and the flooding issues noted in Chapter 7.

33 In exploring local educational programs on MS4s through partnerships with the Stormwater Consortium of Rockland County, Orangetown Department of Environmental Management and Engineering, Orangetown Environmental Committee, Office of Parks and Recreation, local schools and school districts, and community organizations as outlined on Page 220, we would also suggest collaboration with the Rockland County Division of Environmental Resources.

34 Green building strategies outlined on Page 222 reference performance code certifications such as Energy Star and/or LEED for new construction. It is suggested that The Town also consider encouraging the use of the Living Building Challenge <https://living-future.org/lbc/>

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35 Chapter 8 includes a table of strategies that were identified throughout the other chapters of the Comprehensive Plan. The Town should designate different levels of prioritization for the Action Items listed on the table and consider developing a measurable timeframe (number of years or a deadline) for completing high priority actions.

36 The consideration of consolidating the R-22 and R-15 zoning districts into a single medium density residential district should be added as an action item to the table on Page 230 for the strategy of "updating the zoning code and streamlining provisions." This was listed as a potential action item in the Land Use and Zoning chapter of the Plan, on Page 66, but not added to the table.

37 While the Town opted out of allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites it is suggested that the potential future land uses allowed under the Marihuana Regulation and Taxation Act be addressed.

38 It is suggested that Plan identify contaminated sites in the community, such as those in the states Brownfield Cleanup Program, and identify priority sites for redevelopment in place of development of "green" fields.



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39 Listed below are typographical, punctuation, format, and update errors that we observed while reviewing the document.

Pages 10 and 11, Tables 1-1 and 1-2 were inserted in the middle of the description for Goal 5 (Community Facilities) of the section titled "Town of Orangetown 2003 Comprehensive Plan." The sentence abruptly continues on Page 12. The tables must be moved to after the sentence stating "Those recommendations, and their respective outcomes, are summarized in Table 1-1 and 1-2."

Page 12, paragraph titled "An update to the Town of Orangetown's 2003 Comprehensive Plan," refers to an RFP for the first time. "Request for proposal" must be spelled out here since this is the first time that it is used in the text.

Page 17, Goal 1, Objective 7 lists "flooding" as a natural resource. This must be corrected.

Page 31, the third sentence in the paragraph on Blauvelt includes a superscript annotation of "2," but the footnote is labeled as "4." This must be corrected.

Page 35, the subsection titled "Public Parks, Open Space, and Vacant Land" is immediately after the paragraph about Upper Grandview. This subsection must be located immediately after the subsection titled "Commercial and Industrial Development Patterns," which ends on Page 31, so that it is continuous with the information about other existing land uses rather than Hamlets.

Page 41, first paragraph, first sentence should say "three-part" instead of "three-party."

Page 44, Figure 2-3 legend indicates that the purple area shows the "Route 303 Zone Overlay Sparkill." "Sparkill" should be moved down to the following line so that the orange area denotes the "Sparkill Hamlet Center Overlay."

On Page 46, in the description for Non-Residential Zoning Districts, the term "square feet" is frequently interchanged with the abbreviation of "sf." "Square feet" must be used instead of "sf" for consistency with the rest of the body text.

Footnote 17, on the bottom of Page 66, should include a space in between "15,000" and "sf."

The orange font used throughout Chapter 3 is faint and does not contrast well with the white pages, which may cause some difficulty for some people to read. Similarly, there is little contrast between the white text and orange background on Page 95. It is recommended that a darker color be used.

Page 85, the header that reads "Upper Grand View" should have "Grandview" as one word.

The Section beginning on Page 114 of Chapter 4 is titled "Goals and Objectives." However, all other chapters of the Comprehensive Plan include a section that is instead titled "Vision, Goals, and Objectives." The title on Page 114 must be revised for consistency with the rest of the document.

Page 126, Figure 5-2, the percentages on the 2010 graph add up to 118.1%. This must be corrected.

Chapter 5, Pages 126, 127, 128, 133, 134, and 147, it is difficult to discern between the colors on the figures. It is recommended that more contrasting colors are used.

Table 6-1 on Pages 159 through 165, under the Use column it is unclear that "Nature" is one use and "Nature observation" is a separate use. The Use column should either include commas between separate uses or words denoting one use on the same line. Page 160 lists "Nature" as a use twice for Tallman Mountain State Park.

On Page 201, Figure 7-4 (FEMA Flood Zones), similar shades of blue are used on the map to depict Flood Zones A and VE, as well as D and X500. The map must utilize more contrasting colors to better distinguish the different flood zone designations.

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 Douglas J. Schuetz  
 Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown  
 New York State Department of Environmental Conservation  
 New York State Department of Transportation  
 New York State Thruway Authority  
 Palisades Interstate Park Commission  
 Rockland County Department of Health  
 Rockland County Highway Department  
 Rockland County Department of Public Transportation  
 Rockland County Division of Environmental Resources  
 Rockland County Drainage Agency  
 Rockland County Office of Fire and Emergency Services  
 Rockland County Sewer District No. 1  
 Town of Clarkstown Planning Board  
 Villages of Chestnut Ridge, Grand View-on-Hudson,  
 and Piermont Planning Boards

**Rockland County Planning Board Members**

*\*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.*