



# Rockland County

Ed Day, Rockland County Executive

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## DEPARTMENT OF PLANNING

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

**Richard M. Schiafo**  
*Deputy Commissioner*

September 22, 2023

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:** 09/13/2023

**Item: TOWN OF ORANGETOWN - DRAFT COMPREHENSIVE PLAN (O-2014B)**

Update to the 2003 Orangetown Comprehensive Plan. The most recent draft of the Comprehensive Plan is dated September, 2023.

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 Rockland County Planning Department reviewed the September 2022 Draft Orangetown Comprehensive Plan and submitted comments on October 24, 2022. This department proposed several changes and ideas to be incorporated into the plan. We also commended the Town Board on your efforts to promote sustainability, climate resiliency and the modernization of the Town's zoning regulations. Additionally, we were pleased that the Draft Plan promoted a diversity of housing options to ensure access to quality housing. We found the goals and proposed actions of the September 2022 Draft were generally compatible with the County's interests.

On September 13, 2023, our department received an updated draft of the Comprehensive Plan dated September, 2023. We were dismayed to see that several crucial components are proposed to be removed in this revised draft, including strategies intended for addressing environmental sustainability, implementing transitional zoning districts, and encouraging diversified housing options. The proposed changes to the Town's Comprehensive Plan are inconsistent with the current need to address critical land use planning issues such as housing and climate change. This department is deeply concerned about these changes and encourages the Town Board to reinsert most, if not all, of the housing and sustainability related goals that have been removed from the September 2023 Draft.

We offer the Town Board the following comments regarding the September 2023 Draft Comprehensive Plan:

## **TOWN OF ORANGETOWN - DRAFT COMPREHENSIVE PLAN (O-2014B)**

- 1 Under the Vision, Goals, and Objectives subsection of Chapter 1 (Introduction and Project Overview), the Town has removed a reference to the "three E's of sustainability," which include environment, economy, and equity. It is unclear why this statement would be removed and how the Town could benefit from not addressing the issue of sustainability. By definition, the goal of sustainability is to meet current needs of a population without compromising the needs of future generations. Sustainable development is a key cornerstone to a comprehensive plan. It is strongly recommended that the aforementioned paragraph and other references to sustainability are restored to the document.
- 2 Orangetown has experienced a slight decline in population between 2010 and 2020. This is consistent with the state-wide trend of population loss from out migration. One of the key factors that has driven this out-of-state migration has been the lack of affordable housing options in the region, particularly for young adults and seniors. Throughout the Appendices of the plan, there are repeated statements that there is not enough housing to accommodate young adults and seniors looking to downsize. Transitional districts, infill development, and "missing middle" housing are viable solutions for addressing the need for affordable housing while avoiding overdevelopment, and must be addressed in Orangetown's Comprehensive Plan. The Plan must address its population trends and the Town must provide for additional housing options to ensure equitable housing for its population. Once again, the plan should include the text from the September 2022 draft or be amended to properly address the housing challenges we are faced with.
- 3 Removing the option for transitional or middle-income housing from the Plan shows a lack of foresight and is in conflict with the demographic trends being observed. A Comprehensive Plan is meant to provide future guidance, which necessitates the anticipation of change. The approach in the September 2023 draft Plan is shortsighted and will only lead to more challenging land use and economic development issues as future needs go unmet. Failing to plan for greater diversity in housing (and mixed-use development), will result in a stagnant and poorly planned community that does not address the needs of Orangetown residents or the larger community.
- 4 A significant amount of information has been removed in Chapter 5 of the Draft Comprehensive Plan regarding the 2018 Pearl River Transit Oriented (TOD) Opportunities Analysis. The entire first paragraph of this subsection, included in the 2022 Draft Comprehensive Plan, has been deleted from the revised draft. This paragraph outlined the purpose of the TOD Analysis, noting that the study established a downtown revitalization strategy for the hamlet of Pearl River. The revised draft removed the strategy of supporting higher density housing closer to the train station. The 2022 draft also included the statement that Pearl River was well-positioned physically and economically for downtown infill development. The area surrounding the hamlet's train station could accommodate greater mixed and higher-intensity land uses. Furthermore, mixed-use and transit-oriented development is encouraged in the "Rockland Tomorrow: Rockland County Comprehensive Plan" as a means of providing additional housing options and creating communities where reliance upon automobile travel is reduced. By focusing higher density in downtown areas, the lower density of suburban areas can also be retained. The County Comprehensive Plan also adds that these centers provide housing that can support the elderly and the young, two sections of the County which were expected to grow. As previously noted, these age cohorts now comprise a larger percentage of Orangetown's population. It is recommended that the Comprehensive Plan be revised to include additional references to the Pearl River TOD and other opportunities for transit-oriented, mixed-use, and transitional development.
- 5 While our department disagrees with the changes concerning density made to the 2023 Comprehensive Plan, the "Future Land Use Map" in Chapter 2 (Current and Future Land Use, Zoning, and Design), has not been revised from the 2022 version. "Missing Middle Housing," which was distinctly removed from the text Chapter 2, still remains on the map. The contents of the Comprehensive Plan must be consistent.

## **TOWN OF ORANGETOWN - DRAFT COMPREHENSIVE PLAN (O-2014B)**

6 Chapter 7 (Sustainability and Climate Resiliency) in the September 2023 draft is less proactive than its predecessor. Several solutions for reducing carbon emissions and climate resiliency have been omitted, including adopting the Community Choice Aggregation (CCA's) 100 percent NY sourced renewable electricity option as the default supply for the Town, and exploring efficient alternatives to the aging existing electrical grid infrastructure. Additionally, the 2022 draft "required" the use of green building technologies for heating and cooling for new construction, whereas the updated 2023 draft merely "encourages" this. These changes also contradict the County's previous recommendations that were issued on October 24, 2022, where we suggested additional measures for reducing waste and promoting sustainable development.

The New York State Climate Leadership and Community Protection Act (The Climate Act), which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. One of the key strategies towards meeting this goal of decarbonation is the electrification of our buildings and transportation systems. This will include the expanded use of electric vehicles (EVs) and the installation of publicly available EV charging stations. With U.S. automakers predicting that approximately one-half of new vehicle sales will be electric by 2030, the availability of charging stations will likely be a positive addition for residents as well as visitors to the Town. This department urges the Town to include this important infrastructure component as part of its overall Comprehensive Plan update. Additionally, as communities grow and develop there will be an increased demand for energy. The Comprehensive Plan update must address the need to design and construct buildings to maximize energy efficiency, decarbonize the heating and cooling of buildings and transition to renewable sources of energy.

7 The comments in the Planning Departments October 24, 2022 review letter remain valid and pertinent as the Town considers the Comprehensive Plan update.

  
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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 Department of Public Transportation  
Rockland County Division of Environmental Resources  
Rockland County Drainage Agency  
Rockland County Highway Department  
Rockland County Office of Fire and Emergency Services  
Rockland County Sewer District No. 1  
  
Villages of Chestnut Ridge, Grand View-on-Hudson,  
Town of Clarkstown Planning Board  
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.*

## **TOWN OF ORANGETOWN - DRAFT COMPREHENSIVE PLAN (O-2014B)**

*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.*