

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
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November 12, 2025

Orangetown Town Board
20 Greenbush Road
Orangeburg, NY 10962

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date:

Date Review Received: 10/09/2025

Item: *Multi-Family Dwelling Community Floating Zone - LI (GML-25-0521)*

Local law to create an unmapped Multifamily Dwelling Community Floating Zone (MFDC-LI) which will allow for the principal permitted use of “multifamily dwelling communities,” which is a complex with a total of 20 or more dwelling units and comprising apartment or townhouse units. The local law will give the Town Board authority to approve petitions and required conceptual plans to establish the MFDC-LI zone on parcels of at least ten (10) acres in the Light Industrial (LI) base zoning district that abut any low-density or medium-density residential district.

Throughout the LI Zoning District

Reason for Referral:

County Highways, Rockland County Sewer District No. 1 Facility, Sparkill Creek, Muddy Creek, Clausland Mountain Park, State Highways, Town of Clarkstown, Palisades Interstate Parkway

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 generally supports innovative approaches that will create additional, appropriate opportunities to address the County’s housing needs. The County is in the process of updating its Comprehensive Plan and has not yet finalized recommendations with regard to housing. However, we find the proposed local law to be consistent with the recommendations of the Rockland Tomorrow: Rockland County Comprehensive Plan, adopted March 1, 2011, to Encourage Context-Sensitive Townhouse and Multifamily Development Where Appropriate and to increase housing Opportunities for Rockland’s Diverse Population.

In the Orangetown Comprehensive Plan, updated September 2023, the Town Officials Survey indicates that

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there is insufficient multifamily housing stock for young adults and seniors seeking to downsize, but also that there is often public pushback against zone changes to allow higher density housing. However, the Town's Comprehensive Plan also consistently notes that the Town's residents, in general, have discouraged continued development of manufacturing, warehouses, distribution centers, and other related uses, especially near residential districts. By enabling this floating zone within the Light Industrial (LI) zoning district, the Town could allow for a more diverse array of housing options while simultaneously limiting the construction of less preferred commercial and industrial uses.

Furthermore, the recently released Rockland County Housing Needs Assessment (HNA) has documented the extent and impact of the lack of affordable housing in Rockland County, noting that Rockland County has the highest percentage of cost-burdened households in the region. The HNA also notes that the percentage of homes in Rockland County that are single-family is greater than that of New York State and all other communities in the region except for Orange and Nassau Counties. One of several recommendations in the HNA towards alleviating the high cost of housing is the encouragement of different levels of residential density, such as multi-family developments. This department is supportive of efforts to create additional housing opportunities for Rockland County residents.

We offer the Orangetown Town Board the following comments regarding the proposed local law:

- 1 The GML Section 239 Referral submitted states that this petition was submitted for a proposed local law. However, the accompanying circulation package includes a preliminary site plan, proposed zoning map, and Full Environmental Assessment Form (FEAF) for the rezoning and development of 155 South Greenbush Road. According to a phone call that this department's staff had with the Orangetown Attorney on October 16, 2025, this referral is currently only submitted for review of the proposed local law, therefore a review of the zoning map amendment and the site plan are not currently required. As mandated by New York State General Municipal Law (GML), we request the opportunity to review the anticipated petition to rezone 125 Greenbush Road and its corresponding site plan once they are submitted for review by their respective land use boards.
- 2 This Department as well as the County Planning Board are concerned about the construction of denser developments that are inadequately designed to accommodate children. For multifamily dwellings with families, the potential for vehicular accidents involving children playing within driveways or parking areas will increase in absence of a designated play area. It is recommended that additional provisions are established for a minimum required play area, either based on the gross floor area of all onsite buildings or the total number of dwelling units.
- 3 In Section D, the list of permitted accessory uses includes only three items and does not include any qualifying language that would indicate that this is not an exhaustive list. As such, this section would not allow amenities that are typically associated with multifamily developments such as resident facilities and services (such as laundry rooms and onsite daycares), administrative offices, indoor recreation rooms, and maintenance buildings. The Town should consider expanding this list or including qualifying language that would allow other appropriate accessory uses and structures.
- 4 The proposed local law establishes a minimum lot area of 10 acres but does not explicitly state whether the property must be contiguous or may be divided by a public road. The Town should clarify this requirement.
- 5 Under Section E7, the required side yard of 50 feet only applies to the side yard measured to an adjoining residential district. The bulk regulations must also indicate the minimum required side yard from lot lines adjoining non-residential districts.
- 6 Per Section F1, the portion of the MFDC-LI district that adjoins a residential district boundary requires landscaped screening of six feet in width. In contrast to this, the Planned Adult Community (PAC) floating zone requires a minimum buffer of 20 feet for 1.25-acre sites in the CS and CC zoning districts and 50 feet

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for other sites of ten acres. For the MFDC-LI floating zone, it is recommended that an additional buffer area is required beyond the six-foot landscaped area to prohibit accessory structures, parking areas, access roads, or other features from being established where they could create a nuisance for adjoining residential properties.

- 7 The proposed bulk regulations allow for a building height of up to four stories and fifty feet, which could have a greater visual impact on nearby and adjoining residential properties, roadways, and viewsheds. It is recommended that building elevations be included as a required submission item under Section G1. Approving a conceptual plan without reviewing its elevations could result in an oversized building mass that is limited to the minor alterations that can be imposed by other local boards. By providing the Town Board with building elevations, they will have a better understanding of the building's scale and appearance at early stages in the review process.
- 8 While the creation of this unmapped floating zone allows for flexibility in design, we recommend that the proposed local law includes general design criteria that would provide the Town Board with a framework for the evaluation of concept plans. In exercising their discretion to map the MFDC-LI zone to a property, certain key elements should be considered by the Town Board, such as: compatibility with nearby non-residential uses; façade and design elements; the creation of communal spaces; the encouragement of pedestrian activity; accessibility to public transit and alternative modes of transportation; landscaping elements that include native species; the incorporation of green infrastructure such as raingardens and bioswales, LEED certification or the incorporation of greenhouse gas-reducing infrastructure such as electric vehicle charging stations, solar panels, or large scale thermal networks; and the encouragement of a range of residential scales and types. The Town Board should take this opportunity to articulate its desired vision for these types of developments.
- 9 Pursuant to New York State GML Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
NYS Department of Transportation
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Div of Environmental Resources
Rockland County Drainage Agency
Rockland County Highway Department
Rockland County Planning Board
Rockland County Sewer District No. 1
Town of Clarkstown Planning Board
DelBello Donnellan Weingarten Wise & Wiederkehr

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*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning 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 determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as 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.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that 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.