

**APPENDIX C**

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**Draft Amendment to Orangetown Zoning Ordinance**

**Re: RPC Housing**

**DRAFT AMENDMENT TO ORANGETOWN ZONING ORDINANCE RE: RPC HOUSING**

- **Article II, General Provisions,  
Section 2.1 Establishment of Districts, add:**

RPC-H Rockland Psychiatric Center – Housing

- **Article II Section 2.4., add the following:**

**2.4. Rockland Psychiatric Center**

***Legislative Intent***

The Comprehensive Plan for the Town of Orangetown calls for the redevelopment of the Town-owned lands that were formerly a part of the Rockland Psychiatric Center (RPC) site with a variety of land uses, including public and commercial recreation, and housing and related uses, including age-restricted housing. The Town has re-zoned portions of the RPC site, creating the RPC-R zoning district, permitting recreational uses. The Board now creates the RPC-H zoning district, authorizing other uses contemplated by the Town's Comprehensive Plan.

The objectives of RPC-H zoning include the redevelopment of substantial portions of the Rockland Psychiatric Center (RPC) site with a new residential development that incorporates traditional neighborhood design principles, with significant open spaces. Development contemplated in the RPC-H shall be designed as a walkable community primarily for persons 55 years of age or older, that provides opportunities for affordable housing.

**2.41. Permitted Uses**

No building, structure or premises shall be erected, used or occupied except for the following uses:

2.411. Planned Residential Developments (PRD) (a specific type of Planned Unit Development in this PRD District), which contains a mixture of housing types, including single family detached, single family attached and multifamily, primarily for persons 55 years of age or older. The PRD shall be designed and reviewed by the Town Board as a Conceptual Plan, following procedures set forth in Section 2.46 of this Chapter.

2.412. Open space available to the public, including golf courses, parks and trails. All open spaces shall be shown on the PRD Comprehensive Plan.

**2.42. Conditional Uses by Planning Board**

The following uses are conditional uses permitted only upon approval by the Planning Board in accordance with the procedures and standards in Article 7.

- 2.421. Professional offices or home occupations within individual dwelling units in the PRD, provided that professional offices and home occupations in compliance with the requirement of Article XI of the Ordinance.
- 2.422. Facilities primarily designed to serve the needs of the age-restricted housing component of the PRD, such as convenience retail shops, personal service uses, professional offices, and health related facilities, provided that:
  - i. The Applicant shall demonstrate the need for uses such as professional office, convenience retail, personal services and health related facilities and shall describe operational and management characteristics of such uses.
  - ii. The aggregate amount of floor area for all such uses shall not exceed 3% of the floor area for all other uses in the PRD development.
  - iii. Such facilities shall be incorporated within the proposed PRD development and shall be shown on the required Conceptual Plan that is submitted to the Town Board for approval.

**2.43. Accessory Uses**

- 2.431. Accessory parking and loading as permitted in Section 6.1.
- 2.432. Indoor and outdoor recreation facilities, amenities, including pavilions and gazebos, meeting rooms and other leisure time facilities designed to serve residents of the PRD.
- 2.433. Maintenance facilities.
- 2.434. Refuse and recycling facilities.
- 2.435. Other incidental uses customarily accessory to permitted single family homes.
- 2.436. Incidental uses customarily accessory to golf courses, including maintenance buildings and facilities.

**2.44. Lot and Bulk Controls for PRD Developments**

- 2.441. The maximum density for a PRD development shall be 8 units per acre. A minimum of 95% of the housing in a PRD shall be designed as age-restricted housing. Not more than 3% of the housing shall be non-age-restricted single-family homes; however, the total number of non-age restricted single-family homes shall not exceed 20 units and shall be designed as a contiguous subdivision along a public road. Any Town-

owned residential units in the PRD shall be shown on the Conceptual Plan, but shall not be included in the density calculations and age restrictions.

- 2.442. The Applicant for a PRD development shall submit a Conceptual Plan that includes a written narrative and an illustrative site plan to the Town Board in accordance with Section 2.46 hereof.
- 2.443. The Conceptual Plan shall be subject to approval by the Town Board. The Conceptual Plan shall provide the basic framework for detailed site plans to be reviewed and approved by the Planning Board subject to the requirements of Section 21A.7 of the Town Code.
- 2.444. General bulk and off-street parking regulations are as follows:

**Town of Orangetown  
Table of General Bulk Regulations  
RPC-H District**

<b>District</b>	<b>For Uses Listed Below</b>	<b>Min. Lot Area (Sq Ft)</b>	<b>Min. Lot Width (feet)</b>	<b>Min. Street Frontage (feet)</b>	<b>Required Front Yard** (feet)</b>	<b>Building Separation (feet)</b>	<b>Required Rear Yard (feet)</b>	<b>Max. Bldg. Height<sup>*(1)</sup> (feet)</b>
RPC-H	Single Family Fee Simple	5,000	55	35	5 w/projections, 20 w/out projections	6 per side, 15 total	20	40
	Single Family Detached	NA	NA	NA	5 w/projections, 15 w/out projections	15	5 to edge of driveway or 20 from street	40
	Townhome/Single-Family Attached	NA	NA	NA	5 w/projections, 15 w/out projections	15	5 to edge of driveway or 20 from street	45
	Multifamily	NA	NA	NA	20	20	5 to edge of driveway or 20 from street	55
	Clubhouse	NA	NA	NA	5 w/projections, 15 w/out projections	20	5 to edge of pavement for driveways or 20 from street	45

\* Excludes spires, cupolas, towers, elevator housing, chimneys and similar features.

\*\* Permits projections for porches (up to 7 feet), stoops, stairs, overhangs, garden, planter boxes, fences (ornamental < 4 feet).

<sup>(1)</sup> Maximum of three floors of habitable space.

**Town of Orangetown  
Table of Off-Street Parking Regulations  
RPC-H District**

<b>Minimum Required Off-Street Parking</b>	
1. Non-age-restricted single family units.	2 spaces per unit
2. Non-age-restricted multi-family units.	1.5 spaces for each bedroom
3. Age-restricted single-family attached or detached units, two-family or multifamily housing	1.75 spaces for each dwelling unit, plus 10% of the total required parking for visitors which may be provided along private roads
4. Golf Courses	6 spaces for each hole
5. Indoor recreation facilities	1 space for each 400 s.f. of gross floor area, at least 75% of which must be located off-street
6. Other Accessory and Conditional uses	As determined by the Planning Board as part of site plan approval

**2.45. Additional Use Regulations**

- i. The Planning Board shall have the authority to make lot and bulk controls less restrictive, in order to increase flexibility, as set forth in Section 3.12 for uses in the RPC-H District, as it deems necessary, provided such modifications are in keeping with the intent of the Town Board approval of the conceptual plan. No modifications to the specified maximum density or other requirements set forth in 2.441 shall be permitted. Any proposed modifications to these standards shall be subject to Town Board approval.
  
- ii. Notwithstanding item i above, the Town Board expressly reserves the right and authority to review any proposed site plan before preliminary approval by the Planning Board of any development within a RPC-H District to determine whether, in the judgment of the Town Board, the proposed plan does not substantially deviate from the final conceptual plan presented to and reviewed by the Town Board as part of the zone change process.

No site development plan shall receive preliminary approval by the Planning Board, unless the plan proposed for such approval shall first have been referred back to the Town Board for its review, and the Town Board shall have adopted a resolution evidencing the fact that the proposed plan does not substantially deviate from the final conceptual plan or layout presented to, and reviewed by, the Town Board as part of the zone change process. The adoption of such resolution shall appear as a map note on any approved site plan.

The term “substantially deviate,” as used herein, shall mean that the site development plan presented to the Planning Board for preliminary approval differs in a material manner from the final conceptual plan reviewed by the Town Board, and upon which the Town Board granted the PRD-H zone change, and that the material change or deviation that may have been made to the conceptual plan, in the Town Board’s sole judgment and discretion, is not consistent with the goals sought to be achieved by the grant of the conceptual plan approval. The decision of the Town Board that the site development plan proposed for preliminary approval by the Planning Board substantially deviates shall require a majority vote of the Town Board plus one.

- iii. For age-restricted housing, occupancy shall be restricted to persons fifty-five (55) years of age or older, or couples, one of whose members is 55 years of age or older. Persons less than 18 years of age shall not be permitted other than for short stay visits of three months or less. The foregoing restrictions shall not apply to: 1) one on-site caretaker/administrator, if so proposed as part of the RPC-H application, whose full time job shall be the maintenance and/or management of the RPC-H development, and 2) a live-in caregiver for a resident senior citizen. Additionally, households containing one or more handicapped persons (as defined in §8.12 of the Zoning Ordinance) shall also be eligible.
- iv. Restrictions to age and occupancy shall be set forth in a covenant, acceptable as to form by the Town Attorney of the Town of Orangetown. Said covenant shall be recorded in the Rockland County Clerk’s office and shall run with the land and shall bind all owners of the property.
- v. For affordable housing, the sales prices shall not exceed 3.3 times 80% of the median family income for a family of four based on income data for Rockland County as established annually by the U.S. Department of Housing and Urban Development (HUD).

A covenant, acceptable as to form by the Town Attorney of the Town of Orangetown, shall be recorded in the Rockland County Clerk’s office, providing that resale of any affordable housing unit may not sell for a price exceeding 3.3 times 80% of median (as defined above), or as adjusted by the terms of the covenant.

- vi. Procedures adopted by the Town Board related to the resale of affordable housing shall be provided to the Applicant, who shall provide said procedures to each affordable unit homeowner.
- vii. In addition to Planning Board approval, the PRD shall be subject to review and approval by the Architectural Review and Appearance Board.
- viii. The following additional requirements shall apply:

- a) All open areas not used for buildings, parking spaces and driveways shall be suitably landscaped or left in its natural state, as determined by the Planning Board.
- b) Specifically designated areas shall be available for recreational use of the development's residents.
- c) Facilities for refuse disposal and recycling shall be provided for all dwelling units. Collection areas shall be maintained for all groups of dwelling units. All storage containers for the collection of solid waste and recyclables and not within principal buildings shall be properly screened. All refuse containers shall have permanently attached covers. The location of containers shall be subject to approval of a site plan by the Planning Board.
- d) Other than designated handicapped spaces, all open parking areas (not including access areas, streets and driveways) shall not be closer than 20 feet to any building or lot line, unless otherwise as part of the conceptual plan.
- e) No active exterior recreation facility such as, but not limited to, a swimming pool, tennis court or other recreational facilities, shall be closer than 50 feet to any residence or lot line, or be between a building line and a public street.
- f) Traffic directional signs and traffic calming mechanisms and controls shall be provided as required by the Planning Board on recommendation of the Traffic Advisory Board.
- g) All walks, outside steps, vehicular access ways and intersections of roads shall be adequately lighted; said lighting shall not be directed on adjacent streets or properties, unless otherwise as part of the conceptual plan.
- h) Buildings shall be individually identified and clearly marked with signs sufficiently illuminated to be visible from roadways or access drives at all times.
- i) Group garages, if provided, shall be architecturally compatible with principal buildings.
- j) Internal private roads shall be paved as follows: 2-way internal private roads that provide for on-street parking shall be paved at least 28 feet in width; 2-way internal private roads that do not provide for on-street parking shall be paved at least 22 feet in width; 1-way internal private roads may be 14 feet in width if not used as parking aisles. These minimums shall be met unless otherwise approved by the Town Board as part of the conceptual plan.
- k) Sidewalks and curbs shall be provided, as approved as part of the conceptual plan.
- l) On-site trees, including street trees along existing roads, shall be preserved to the maximum extent practicable.



- ix. Private swimming pools shall comply with Orangetown Swimming Pool Ordinance.
- x. The design and location of all buildings, recreational facilities and other site improvements and signage, as shown on the conceptual plan, shall be consistent with the ultimate purpose of achieving pleasant living arrangements for persons 55 years of age or older, and shall contemplate the desires and needs of such persons for privacy, participation in social and community activities and accessibility to all community facilities. Consideration shall be given in planning walks, ramps and driveways so that all outdoor areas available to the residents shall be designed to permit residents to move about freely. All dwelling units shall incorporate design features which insure the safety and convenience of the senior residents. Handicapped accessibility and adaptability shall also be part of the design for dwelling units and common facilities, in accordance with the New York State Building Code.
- xi. All permanent food-serving facilities shall be within completely enclosed common buildings, unless by special permit of the Zoning Board of Appeals.
- xii. The ownership, maintenance and preservation of common property shall be permanently assured to the satisfaction of the Town Attorney by the filing of appropriate easements, covenants and restrictions, as necessary. The formation and incorporation of a homeowner or condominium association shall be required to maintain common property. Such association shall be empowered to levy assessments against property owners to defray the cost of maintenance and the acquire liens, where necessary, against property owners for unpaid charges or assessments in accordance with the laws of the State of New York. In the event that the homeowner or condominium association fails to perform the necessary maintenance operations, the Town of Orangetown shall be authorized, but not obligated, to enter on such premises for the purpose of performing such operations and to assess to cost of so doing among all affected property owners.
- xiii. All utility lines, including electricity and telephone, shall be underground, except where abutting properties have overhead utilities connections to said overhead utilities may be provided above ground.
- xiv. As part of the density calculation, not more than fifty percent (50%) of any land under water, within a freshwater wetland, subject to flooding or within the one-hundred-year frequency flood-plain shall be counted.

**2.46. Procedure**

Processing development in the RPC-H District shall commence at the Town Board level with the filing of an application consisting of a Conceptual Plan. The Conceptual Plan shall include a narrative description of the overall plan of development, along with the appropriate graphics that show proposed street layouts, density and general use classifications, recreation and open space, principal and accessory buildings, off-street parking and major utility systems, and other components typical of a preliminary site development plan. The application shall further include a Long Form Environmental Assessment Form, with related submissions as may be required.

Upon receipt of the Conceptual Plan, the Town Board shall: (1) initiate the SEQRA review process, including lead agency designation, determination of significance and scoping, as may be required; and (2) submit said Conceptual Plan to the Planning Board for its initial review. The Planning Board shall be invited to provide comments and suggested items for environmental analysis based on its preliminary review of the plan within 45 days. During the course of its preliminary review, the Planning Board shall meet with the Applicant to discuss the Conceptual Plan.

Upon completion of the SEQRA review process, the Town Board, as may be required, shall issue findings and conclusions as part of its Environmental Finding Statement, or take such other action under SEQRA appropriate to the proposed development. In its discretion, the Town Board may attach any reasonable conditions to the approval of the Conceptual Plan, as necessary, to assure conformance with the Town Comprehensive Plan and the RPC-H regulations, as well as the benefits sought to be achieved for the Town by the approval of such development. Conceptual approval by the Town Board shall be deemed a discretionary act.

The approved Conceptual Plan shall provide the framework for subsequent site plan review and approval by the Planning Board, which shall be undertaken in accordance with Chapter 21A of the Town Zoning Code.

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