

TOWN BOARD: TOWN OF ORANGETOWN  
COUNTY OF ROCKLAND  
STATE OF NEW YORK

-----X  
IN THE MATTER OF THE

PETITION OF GALWAY BAY CONTRACTING  
INC.

SEEKING APPROVAL OF MODIFICATIONS  
UNDER THE REVISED ZONING ORDINANCE  
OF THE TOWN OF ORANGETOWN FOR THE  
“PAC” DISTRICT

-----X

**PETITION FOR  
APPROVAL OF  
MODIFICATION UNDER  
AMENDED PAC ZONING**  
TOWN OF ORANGETOWN  
2018 JUN -6 P 4: 17  
TOWN CLERK'S OFFICE

TO THE TOWN BOARD OF  
THE TOWN OF ORANGETOWN

The undersigned petitioner respectfully petitions your Honorable Board as follows:

**FIRST:**

DIONNE’S WAY LLC is the owner of certain real property located in the hamlet of Pearl River, more particularly bounded and described in Exhibit “A”, annexed hereto. GALWAY BAY CONTRACTING INC. (“Petitioner”) is an affiliated company of the owner.

**SECOND:**

The real property described in Exhibit “A” is known and designated on the Tax Map of the Town of Orangetown as Section 68.16; Block 6; Lot 67 (the “Property”).

**THIRD:**

The Petitioner previously submitted a Petition to this Board requesting that the Property be rezoned from the “CS” Zone to the PAC (Planned Adult Community) Zone. A copy of the petition, dated March 13, 2018, is attached hereto as Exhibit “B”, along with all of the exhibits attached to that petition (the “Original Petition”).

FOURTH:

After several public meetings, this Board approved the re-zoning of the Property by Resolution adopting Local Law #7 of 2018 (the "Resolution"). A copy of that resolution is annexed hereto as Exhibit "C".

FIFTH:

At the time that Resolution was adopted, the Town PAC zoning regulations allowed the Town Board to make certain determinations with respect to lot and bulk requirements for a project. However, as noted in the attached Resolution, some of the bulk regulations required a review by the Town Zoning Board of Appeals (the "ZBA"). This is noted in the chart on pages 6-7 of the attached Resolution.

SIXTH:

After this Board approved the re-zoning of this Property to the PAC zone, the Petitioner appeared before the Town Planning Board for site development plan review. By resolution of the Planning Board dated October 24, 2018, the Planning Board unanimously granted preliminary site development plan approval, rendered a negative declaration under SEQRA (State Environmental Quality Review Act) and referred the Petitioner to the ZBA for consideration of the additional required variances.

SEVENTH:

On January 2, 2019, the Petitioner appeared before the ZBA in connection with the requested variances. No one spoke in opposition to the Project during the public hearing. In fact, many members of the public spoke in support of the Project and cited the need for senior apartments in downtown Pearl River. However, the Chairman of the ZBA voiced concern about the proposed variances and suggested it would be more appropriate for the Town PAC zone to be

amended to allow the Town Board to make all determinations with respect to modification of lot and bulk regulations for the Project.

EIGHTH:

Thereafter, the Petitioner engaged in discussions with various Town representatives and with the Town Attorney. As a result of these discussions, the Town Attorney submitted and proposed to this Town Board to amend the PAC zoning code to allow the Town Board to make all determinations with respect to modification of the lot and bulk requirements for properties in the CS zone, which were being converted to the PAC zone for purposes of “redevelopment”.

NINTH:

By public hearing dated October 1, 2019, this Board considered the proposal to amend the Town PAC zone to allow this Board to make all determinations with respect to lot and bulk requirements for properties in the PAC zone. By Resolution dated October 22, 2019, this Board approved the amendment of the PAC zone for the Town of Orangetown. A copy of that approval resolution from this Board is attached hereto as Exhibit “D” (the “Zoning Amendment Resolution”), along with the amendment to the PAC Zone.

TENTH:

Petitioner has been advised that the amended PAC Zoning code has been filed with the New York Department of State for filing as required by law.

ELEVENTH:

The Petitioner now comes before this Board to request approval of the remaining lot and bulk requirements for this Project pursuant to the Amended PAC Zoning Code.

TWELFTH:

The Property is improved by a one story building occupied by Joyce Realty and other commercial tenants and the existing parking lot for the site. The Petitioner proposes to improve the site exactly as originally submitted to this Board in the Original Petition and the other boards of the Town. The applicant proposes to add a new second and third floor over the existing first floor. Each new floor will be approximately 9,150 square feet for a total addition of 18,300 square feet. The additional new space will be used for sixteen (16) one and two bedroom rental units of senior housing under the PAC zoning with the first floor remaining as commercial stores at street level (the "Project").

THIRTEENTH:

The Original Petition (Exhibit "B") submitted to this Board had annexed to it the Site Plan (Exhibit "B"); a Vicinity and Zoning Map (Exhibit "C"), and a copy of the Tax Lot (Exhibit "D") which is the subject of the Petition and of the surrounding parcels. Also attached is a traffic study (Exhibit E) and a market analysis (Exhibit F) confirming the need for additional senior housing rental units in the Town of Orangetown. The Petitioner reaffirms and re-incorporates all of these Exhibits and the information contained therein as in the Original Petition.

FOURTEENTH:

Annexed hereto and marked as Exhibit "E" is a list of names and addresses of all owners owning property within 500 feet of the Property which is the subject of this application as the same appears on the tax roll of the Town of Orangetown.

FIFTEENTH:

As noted in this Board's prior approval Resolution (Exhibit "C" hereto), there were three (3) modification of lot and bulk regulations, required from the ZBA. This Board can now approve these modifications based on the recent revision to the PAC zoning code.

1. The Property which is the subject of this Petition comprises approximately .55 acres, and the minimum lot size is 1 acre.

2. The maximum floor area ratio is .40 and 1.15 is provided.

3. The required number of parking spaces for this project is 1.5 for each dwelling unit and 1.5 space is provided. However, because of the commercial occupants, 44 additional spaces are required, and 14 are provided.

SIXTEENTH:

As noted in the approval Resolution attached hereto as Exhibit "C", the Town Board previously reviewed and considered each of the three (3) additional modifications of the lot and bulk regulations as part of the prior approval. The Town Board established "...as the applicable lot and bulk controls, those that appear on the site development plan submitted by the Petitioner". These included 16 proposed units which resulted in the maximum floor area ration of 1.15. The Board also considered the parking and determined that there were available parking licenses which residents of the Project could purchase if the need arose. The Petitioner also agreed to make a contribution to the Pearl River Parking District, which was requested by this Board. Finally, the minimum lot area was considered by this Board. There will be no change to the footprint of the building presently on the site. As noted above, this Board previously adopted the lot and bulk controls that appeared on the site plan when the Original Petition was submitted over a year ago.

SEVENTEENTH:

Pursuant to the Town law of the State of New York, and the annexed PAC Zoning Ordinance of the Town of Orangetown, Petitioners hereby request that this Board approve the additional modifications which will allow the development of senior housing within said zone.

EIGHTEENTH:

The said proposed change would be compatible with the present and proposed uses of the adjoining and neighboring properties. One of the abutting properties was already approved for PAC zoning by this Board. No parking was required for that site. This would be the most practical, economical, and beneficial way the Property could be utilized.

NINETEENTH:

The proposed use would be in the public interest of the residents of the Town of Orangetown in that:

(1) the development of the Property under the PAC Zone would establish an additional tax ratable for the Town of Orangetown;

(2) the development of the Property under the PAC Zone would fill the documented need for more rental apartments for the senior residents of the Town of Orangetown to allow them to age in place;

(3) the development of the Property under the PAC Zone would be consistent with the general character of the immediate area surrounding the subject premises, that being commercial buildings to the north, east, west and south;

(4) the granting of such relief as requested in this Petition will be the most appropriate use of the subject Property, will promote the general health and welfare of the community, preserve property values and be beneficial to the Petitioners.

TWENTIETH:

The subject Property is located within 500 feet of a County road – Central Avenue.

TWENTY-FIRST:

Other than the item designated in Paragraph Twentieth, the subject Property is not within 500 feet of the following:

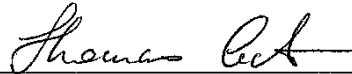
- (1) any city, town, or village boundary line;
- (2) any county or state park or recreation area;
- (3) any right-of-way of any county or state park or recreation area;
- (4) any county or state owned land on which a public building or institution is situated.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**WHEREFORE**, Petitioner respectfully prays that your Honorable Board take such steps and such action as may be necessary to grant the relief sought in this Petition.

Dated: November \_\_, 2019

DIONNE'S WAY LLC



---

Name: Thomas Acton

Title: Member



**EXHIBIT A**

**EXHIBIT A**

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Pearl River, Town of Orangetown, County of Rockland and State of New York being described as the NORTHERLY 40 feet of Lot 16 and all of Lots 17, 8 and 7 in Block 8 as shown on a map entitled "Commissioner's Map of the Estate of Julius E. Braunsdorf, deceased, at Pearl River, New York, resurveyed by L. Wilson, as assistant to James S. Haring, C.E. dated August 1983" and filed in the Office of the Clerk of the County of Rockland on March 26, 1894.

BEGINNING at a point on the Westerly side of William Street distant 150 feet Southerly from the corner formed by the intersection of the Westerly side of William Street and the Southerly side of Washington Avenue; running thence Southerly along the Westerly side of William Street South 03 degrees 4 minutes 33 seconds West 90 feet to the Northerly side of a 10 feet right of way; running thence Westerly along the Northerly side of said 10 feet right of way, parallel with the Southerly side of Washington Avenue, North 86 degrees 35 minutes 27 seconds West 150 feet; running thence Southerly along the Westerly side of said 10 feet right of way, parallel with the Westerly side of William Street, South 03 degrees 24 minutes 33 seconds West 10 feet to an iron pipe; running thence North 86 degrees 35 minutes 27 seconds West 50 feet to an iron pipe; running thence North 77 degrees 09 minutes 07 seconds West 60 feet to a point on the Easterly side of Main Street; running thence along the Easterly side of Main Street, North 12 degrees 50 minutes 53 seconds East 100 feet to an iron pipe running thence South 77 degrees 09 minutes 07 seconds East 94 feet, running thence North 03 degrees 24 minutes 33 seconds East 6.40 feet; running thence Easterly and parallel with the Southerly side of Washington Avenue, South 86 degrees 35 minutes 27 seconds East 150 feet to the point or place of Beginning.

TOGETHER with an easement for all purposes of ingress and egress in, over and upon the Southerly 10 feet of Lot 16 as shown on the aforementioned map.

**EXHIBIT B**

TOWN BOARD: TOWN OF ORANGETOWN  
COUNTY OF ROCKLAND  
STATE OF NEW YORK

-----X  
IN THE MATTER OF THE

PETITION OF

GALWAY BAY CONTRACTING INC.

**PETITION FOR ZONE CHANGE**

AMENDMENT TO THE ZONING ORDINANCE  
OF THE TOWN OF ORANGETOWN FROM AN  
"CS" DISTRICT TO A "PAC" DISTRICT

-----X

TO THE TOWN BOARD OF  
THE TOWN OF ORANGETOWN

The undersigned petitioner respectfully petitions your Honorable Board as follows:

**FIRST:**

DIONNE'S WAY LLC is the owner of property located in the hamlet of Pearl River, more particularly bounded and described in Exhibit A, annexed hereto. The Petition is an affiliated company of the owner.

**SECOND:**

The property described in Exhibit A is known and designated on the Tax Map of the Town of Orangetown as Section 68.16; Block 6; Lot 67 (the "Property").

**THIRD:**

The Property is currently in the CS zone and is a one story building occupied by Joyce Realty and other commercial tenants. The applicant proposes to add a new second and third floor over the existing floor. Each new floor will be approximately 9,150 square feet for a total addition of 18,300 square feet. The additional new space will be used for sixteen (16) one and two bedroom

rental units of senior housing under the PAC (Planned Adult Community) zoning with the first floor remaining as commercial stores at street level.

FOURTH:

Annexed hereto and marked Exhibit B is a Site Plan, Exhibit C is a Vicinity and Zoning Map, and Exhibit D is a copy of the Tax Lot which is the subject of the Petition and of the surrounding parcels. Also attached is a traffic study (Exhibit E) and a market analysis (Exhibit F) confirming the need for additional senior housing rental units in the Town of Orangetown.

FIFTH:

Annexed hereto and marked Exhibit G is a list of names and addresses of all owners owning property within 500 feet of the Property which is the subject of this application as the same appears on the tax roll of the Town of Orangetown.

SIXTH:

The Property which is the subject of this Petition comprises approximately .55 acres.

SEVENTH:

Said Property is presently zoned "CS" and eligible for PAC (under Chapter 43, Article IV, Section 4.6 of the Orangetown Code).

EIGHTH:

The Property presently has existing retail offices on the first floor.

NINTH:

Pursuant to the Town law of the State of New York, and the Zoning Ordinance of the Town of Orangetown, Petitioners hereby request that the Zoning Ordinance be amended to place the aforesaid Property, as described and shown on the attached Exhibits, in a "PAC Zoning District" which would allow the development of senior housing within said zone.

TENTH:

The said proposed change would be compatible with the present and proposed uses of the adjoining and neighboring properties. This would be the most practical, economical, and beneficial way the Property could be utilized.

ELEVENTH:

That said proposed use would be in the public interest of the residents of the Town of Orangetown in that:

- (1) the development of the Property under the PAC Zone would establish an additional tax ratable for the Town of Orangetown;
- (2) the development of the Property under the PAC Zone would fill a need for more rental apartments for the senior residents of the Town of Orangetown;
- (3) the development of the Property under the PAC Zone would be consistent with the general character of the immediate area surrounding the subject premises, that being commercial buildings to the north, east, west and south;
- (4) the granting of such relief as is sought in this Petition will be the most appropriate use of the subject Property, and will promote the general health and welfare of the community, will preserve property values and will be beneficial to the Petitioners.

TWELFTH:

The subject Property is located within 500 feet of a County road – Central Avenue.

THIRTEENTH:

Other than the item designated in Paragraph Twelfth, the subject Property is not within 500 feet of the following:

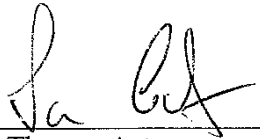
- (1) any city, town, or village boundary line;

- (2) any county or state park or recreation area;
- (3) any right-of-way of any county or state park or recreation area;
- (4) any county or state owned land on which a public building or institution is situated.

**WHEREFORE**, Petitioner respectfully prays that your Honorable Board take such steps and such action as may be necessary to grant the relief sought in this Petition.

Dated: March 13, 2018

DIONNE'S WAY LLC



---

Name: Thomas Acton

Title: Member

PETITION FOR ZONE CHANGE

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**EXHIBIT A**



## EXHIBIT A

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Pearl River, Town of Orangetown, County of Rockland and State of New York being described as the NORTHERLY 40 feet of Lot 16 and all of Lots 17, 8 and 7 in Block 8 as shown on a map entitled "Commissioner's Map of the Estate of Julius E. Braunsdorf, deceased, at Pearl River, New York, resurveyed by L. Wilson, as assistant to James S. Haring, C.E. dated August 1983" and filed in the Office of the Clerk of the County of Rockland on March 26, 1894.

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TOGETHER with an easement for all purposes of ingress and egress in, over and upon the Southerly 10 feet of Lot 16 as shown on the aforementioned map.

PETITION FOR ZONE CHANGE

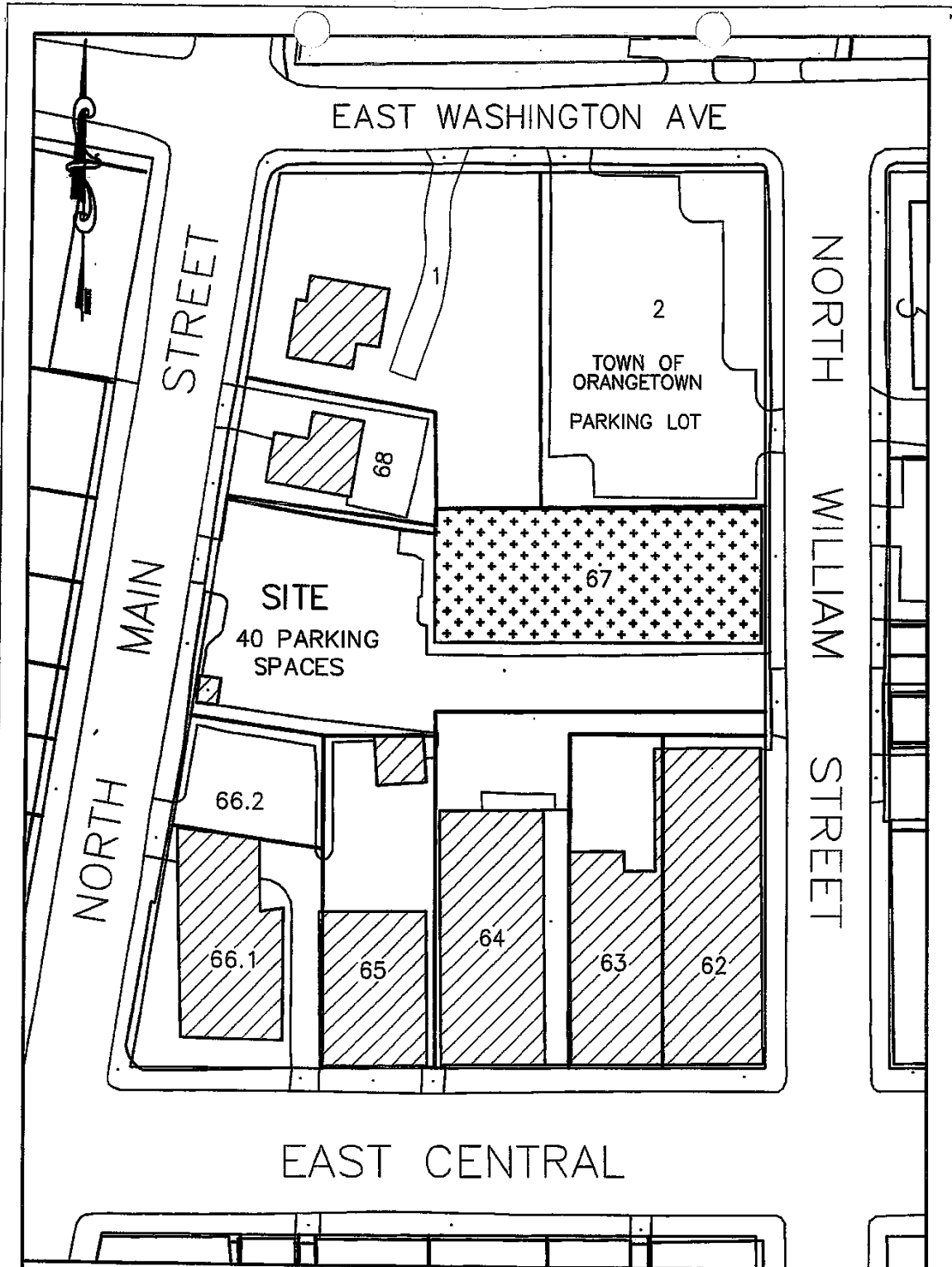
35

**EXHIBIT B**



PETITION FOR ZONE CHANGE

**EXHIBIT C**



JAY A. GREENWELL, PLS  
 NYS LIC. # 49676

VICINITY MAP

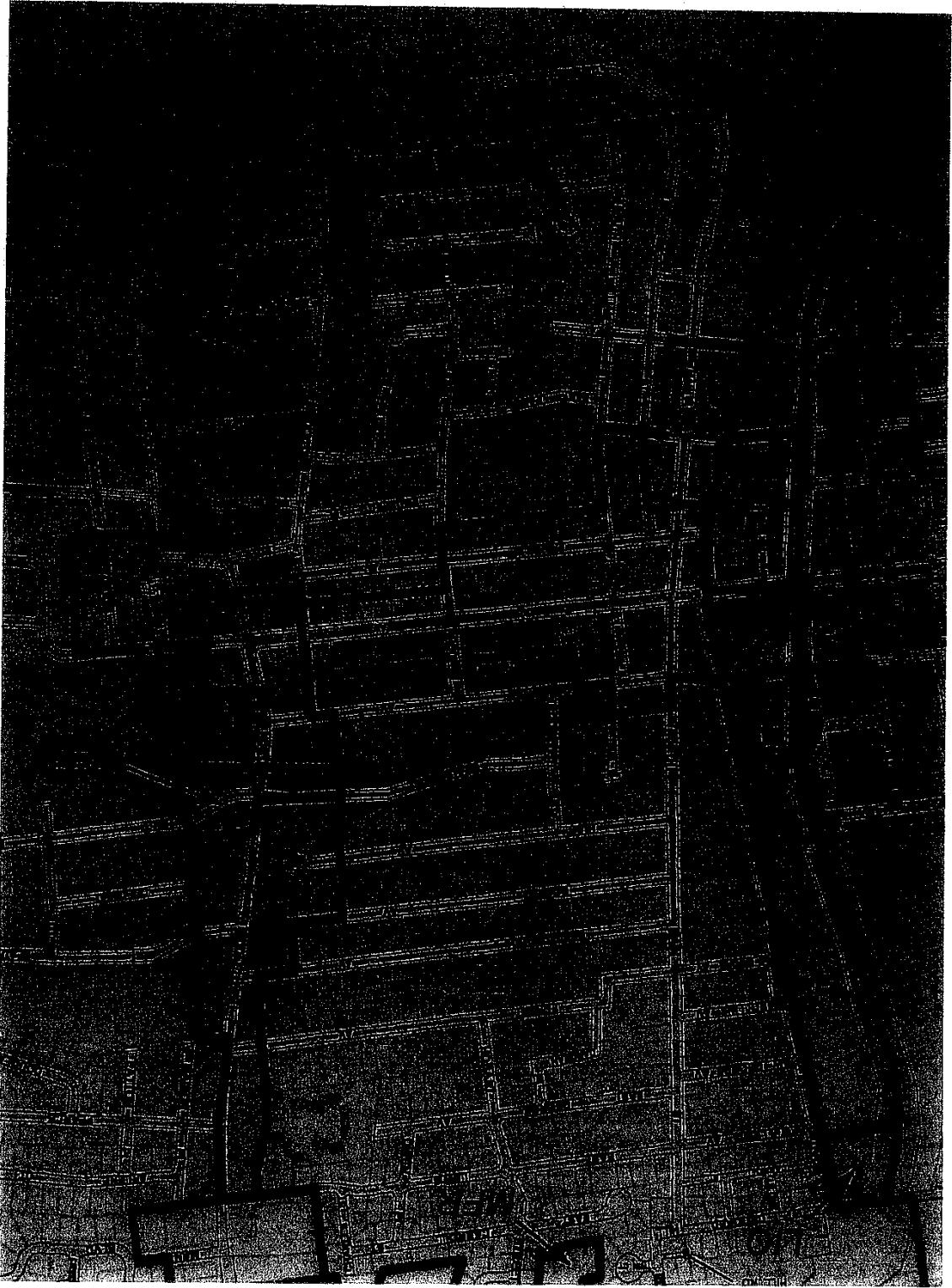
**TAX LOT 68.17-6-67**

PEARL RIVER, TOWN OF ORANGETOWN  
 ROCKLAND COUNTY, NEW YORK

**JAY A. GREENWELL, PLS, LLC**

LAND SURVEYING - LAND PLANNING  
 85 LAFAYETTE AVENUE, SUFFERN, NEW YORK, 10901  
 PHONE 845-357-0830 FAX 845-357-0756

TAX LOT #	68.17-6-67
FILE	21717
SCALE	1" = 40'
DATE	9/26/17
JOB NO.	21717



PETITION FOR ZONE CHANGE

**EXHIBIT D**

EXHIBIT D







PETITION FOR ZONE CHANGE

**EXHIBIT E**



HARRY BAKER & ASSOCIATES, 3 Dolphin Road, New City, New York 10958 (914) 838-2361

November 27, 2017

Mr. Greenwell, PLS, LLC  
85 Lafayette Ave  
Suffern, NY 10901

Re: Traffic Impact Report - Planned Adult Community, Pearl River, NY

## INTRODUCTION

The proposed 16-unit planned adult community will be located above the existing one story building located on Tax Lot 68.16-6-67 located on the west side of North William Street between East Central Avenue and East Washington Avenue. There are two parking lots for this site. One is located on North William Street and other is located on North Main Street. You cannot drive between the two lots. The current building leases space at street level to the following businesses:

- Joyce Realty
- Freckle & Day Spa
- Robert Gray CPA
- James Amann Co.
- Bob Zuppe State Farm Insurance

Adjacent to the project, North William Street is 39'-6" wide with metered parking on both sides of the street. The metered parking is from 9 AM to 6 PM daily except Sundays. An hour of time costs twenty-five cents. There are seven parking spaces along the west side of the street and nine along the east side of the street.

Across the street from the proposed development are retail developments including the Donald Harvey Company, Mary's, and Magnify Low Vision Center. At the corner of East Central Avenue/North William Street is a commercial building with mixed uses. Figure 1 shows the project location.

## EXISTING ROADWAY NETWORK

As previously noted, the proposed 16-unit planned adult community development would be located above the existing building located on Tax Lot 68.16-6-67. Provided below is a description of the local roadway system.

- **North William Street** is under the control of Town of Orangetown. Near the site, the roadway is straight and level. In the immediate area of the site, North William Street is one lane in each direction with on-street metered parking located on both sides of the street. The intersection with East Washington Street is unsignalized. There is a "STOP" sign on the North William Street northbound

# Untitled Map

Write a description for your map.

## Legend

- Blue Ribbon Grooming
- Dance Central performing arts
- Dominio's Pizza
- Feature 1
- Feature 2
- Feature 3
- Feature 4
- Feature 5
- Heads You Win
- Mr Carmelo's Custom Tailor
- Nyemchek's Dance Center Ltd
- Pascack Valley Line
- Realty
- Reitzfeld Joan F OD
- TF Noonan's

PROJECT LOCATION

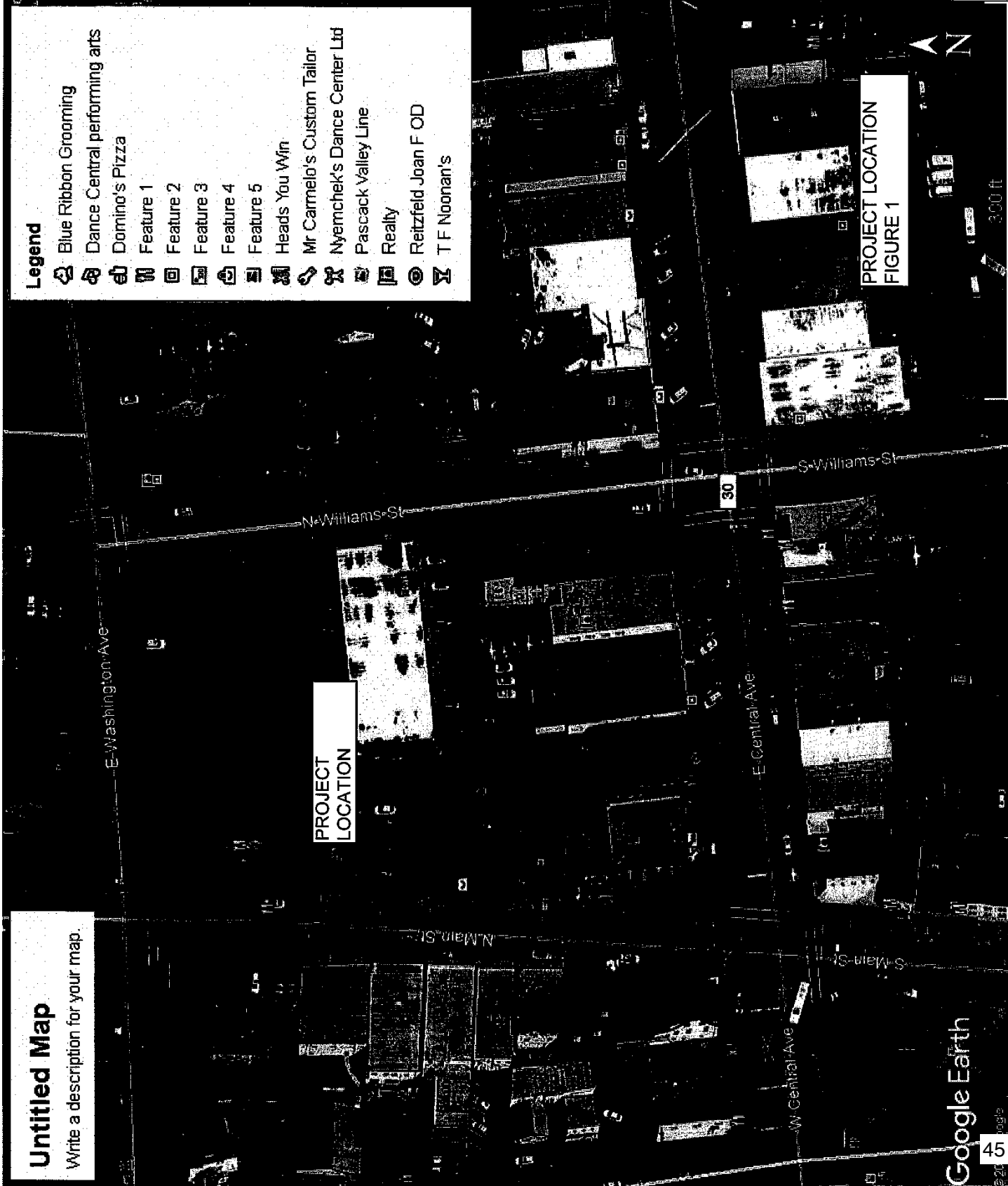
PROJECT LOCATION  
FIGURE 1

Google Earth

45

© 2012

300 ft





approach to control traffic flow. North William Street also intersects with East Central Avenue. This intersection is controlled by a fixed-time traffic signal. "NO TURN ON RED" signs are posted on each approach.

- **East Central Avenue** is under the control of Town of Orangetown. Near the site, the roadway is straight and level. The roadway is one lane in each direction with metered parking on both sides of the street. The train station is located on this street and is within a 750-foot walking distance. This train takes you to Hoboken or New York City by transferring at Secaucus Station. The firehouse is located to the east less than 500 feet away. There is also the park where concerts and other events are held just beyond the firehouse. East Central Avenue is the main commercial area for Pearl River. There are restaurants, clothing stores, and other business within 200 to 300 feet from the proposed project site.
- **North Main Street** is under the control of Town of Orangetown. Near the site, the roadway is straight and level. North Main Street is one lane in each direction with on-street metered parking located on both sides of the street. The intersection of North Main Street/East Washington Avenue is unsignalized. The intersection of North Main Street/East Central Avenue is controlled by a traffic signal. Development along the street is commercial.
- **East Washington Avenue** is under the control of Town of Orangetown. Near the site, the roadway is straight and level. East Washington Avenue is one lane in each direction. There is a combination of commercial and residential homes in the vicinity of the project.

**2020 BUILD CONDITIONS ENTRANCE ON NORTH WILLIAM STREET**

The project consists of 16-unit planned adult units. To determine the number of vehicular trips generated by this proposed development, the Institute of Transportation Engineer's "Trip Generation Manual" 9<sup>th</sup> Edition was used. **Table 1** summarizes the number of vehicle trips that will be generated by each component of the project.

<b>TABLE 1 - Calculation of Peak Hour Trips</b>	
16 Planned Adult Community – Land Use Code 252	
Morning Peak Hour	Afternoon Peak Hour
Total Trips = 16 x 0.20 = 3 trips	Total Trips = 16 x 0.34 = 5 trips
Trips Entering = 0.34 x 3 trips = 1 trips	Trips Entering = 0.54 x 5 trips = 3 trips
Trips Exiting = 0.66 x 3 trips = 2 trips	Trips Exiting = 0.46 x 5 trips = 2 trips

The traffic generated by the proposed development will not affect traffic flow on the surrounding street network. Due to the number of restaurants and shops, it is expected that many of the residents would walk instead of driving. The Pearl River train station is



locate down the block to the west of the site. Residents traveling to New York City or other New Jersey destinations will be able to walk to the train.

#### **INTERNAL CIRCULATION/PARKING**

There are two existing driveways. The existing driveway from North William Street provides parking for 17 vehicles. The existing driveway from North Main Street will be re-striped to provide parking for 21 vehicles. The two parking lots do not connect. One-way angled spaces will be 9-foot by 18-foot.

#### **ACCIDENT ANALYSIS**

We contacted the Orangetown Police Department and obtained the accidents from 2014 to 2016 for the following intersections:

- East Central Avenue/North William Street
- North William Street/East Washington Street
- North Main Street/ East Washington Street
- East Central Avenue/North Main Street

The results of the analysis are shown in **Tables 2 through 4**.

In 2014, there were three accidents. Two were sideswipes of parked cars and one was a right angle accident. There no reported injuries.

In 2015, there were four accidents. There was one rear end, one right angle and two sideswipe accidents. There was one reported injury.

In 2016, there were five accidents. Three right angle, and one each for sideswipe and fixed object. There were two reported injuries.

A review of the accident report show that driver inattentiveness was the major cause of these accidents.

#### **CONCLUSIONS**

1. The proposed project will generate three vehicle trips during the AM peak hour with two vehicles exiting and one vehicle entering. During the PM Peak hour, there will be five vehicle trips generated with three vehicles entering and two vehicles exiting.
2. There should be no impact to the operation of the intersections in the study area since the number of vehicle trips entering and exiting is minimal.

Sincerely,

  
Harry Baker

**Table 2**  
Accidents 2014

Accident Number	Date of Accident	Time of Accident	Location	Description	Accident Type				Fixed Object	Animal	Property	
					Rear End	Left Turn	Right Turn	Sideswipe			Damage Only	Injury
1	2/15/2014	10:46 AM	20 ft north of N. William St/E. Central Ave	Veh #1 parked and Veh #2 sideswiped car				1			x	
2	2/18/2014	3:45 PM	50 ft north of N. William St/E. Central Ave	Veh #1 parked on N. William St and opened door and was hit by Veh #2				1			x	
3	8/25/2014	2:50 PM	200 ft south of N. William St/E. Washington Ave	Veh #1 traveling SB on N. William St when Veh #2 making a left-turn out of parking lot struck Veh #1								x
Totals					0	0	0	2	0	0	0	0





**TABLE 3**  
Accidents 2015

Accident Number	Date of Accident	Time of Accident	Location	Description	Accident Type				Property		
					Rear	Left	Right	Right	Damage Only	Injury	
1	4/30/2015	9:37 AM	30 ft south of S. William St/Central Ave	Veh #1 driving straight and Veh #2 opened door hitting Veh #1	End	Turn	Angle	Turn		x	
2	7/29/2015	3:54 PM	20 ft north of N. William St/E. Central Ave	Veh #1 parked and came back to see car had been hit.					1	x	
3	12/17/2015	9:41 AM	N. Main St/E. Central Ave	Veh #1 stopped at traffic signal and was hit in rear end by Veh #2	1						x
4	12/24/2015	3:58 PM	Washington Ave/Railroad Ave	Veh #1 traveling SB on Railroad Ave and stopped at stop sign. When proceeding through intersection, saw Veh #2 too late and because of slippery conditions hit Veh #2					1		x
<b>Totals</b>					<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>		



**TABLE 4**  
Accidents 2016

Accident Number	Date of Accident	Time of Accident	Location	Description	Accident Type		Sideswipe	Head On	Fixed Object	Animal	Property	
					Right Angle	Right Turn					Damage Only	Injury
1	1/12/2016	9:55 AM	E. Washington Ave/N. Main St	Veh #1 traveling NB on N. Main St when struck by Veh #2	1						X	
2	4/2/2016	3:00 PM	S. Main St/E. Central Ave	Veh #1 stopped at red light and when light turned green made a right-turn EB onto E. Central Ave when Veh #2 driving NB on S. Main St made a right-turn and hit Veh #1		1						
3	4/15/2016	12:13 PM	E. Washington Ave/N. William St	Veh #1 crossing E. Washington Ave to travel south on William St when Veh #2 came from stop sign and turned into Veh #1	1							X
4	5/10/2016	6:28 AM	William St Commuter Lot	Veh #1 pulled into space and because of sun glare hit lamp post					1			X
5	9/23/2016	9:08 AM	E. Washington Ave/N. William St	Veh #1 waiting to make left-turn from N. William St SB onto E. Washington Ave when Veh #2 made a right-turn onto N. William St hitting Veh #1	1						X	
Totals					3	0	1	0	1			0



PETITION FOR ZONE CHANGE

**EXHIBIT F**

JOYCE REALTY LETTERHEAD

Honorable Town Board  
Town of Orangetown  
26 Orangeburg Road  
Orangeburg, New York 10962

**Re: Occupancy and Need for PAC Rentals in Pearl River**

Dear Board Members:

I have been asked by Dionne's Way LLC, the owner ("Owner") of property located at 21 North William Street, Pearl River, New York, to prepare a market analysis with respect to anticipated demand for senior housing rental units in Pearl River. I understand this market analysis will be submitted by the Owner as part of its application to the Town of Orangetown for a zone change seeking to convert the Premises to the PAC zone.

I am the President of Joyce Realty and have held that position for \_\_\_ years. I am a licensed Real Estate Broker in New York and New Jersey and I have held those licenses since \_\_\_\_\_. A great deal of the work performed by Joyce Realty involves properties in Pearl River and I am very familiar with the real estate market in Pearl River.

Right now, there is a huge need for quality apartments in our town. Rockland County is the smallest county in the State of New York. Almost a third is dedicated to parks and recreation, as well as being a bedroom community. We are part of the New York Metropolitan Market with the bulk of the population commuting to New York City or the surrounding area.

Pearl River is one of the only true walk about towns in our county which is served by MTA/NJ Transit. The Premises is within easy walking distance of the Pearl River train station which enhances the desirability of the Premises to potential tenants.

To investigate demand for PAC apartments in Pearl River, I contacted two existing 55 and older rental properties and here are my findings:

1. The Club Pearl River – 160 Units  
I spoke with Mark Pantere of BNE Group which is the owner of this property. He reported that all 160 units are rented and they are at capacity. Speed to market was better than expected. They are considering an expansion with additional PAC apartments.
2. Lane Property – Former movie theatre – Central Avenue, Pearl River – 14 Units  
I spoke with Margaret Lane-Boyle, managing broker of the property and daughter of the owner. She reported that they are at full capacity as well.

Additionally, my company is also the exclusive Seller/Landlord client to the Pearl River School District. We represent them on their property designated the Pines of Pearl River on Crooked Hill Road. After almost 18 months of trying to sell the units as condos, the school district directed my firm to rent out the units as apartments. While these are not PAC units, it shows the demand for good apartments in Pearl River.

In summary, in my professional opinion, there is now an unmet demand for PAC rental units in Pearl River and a need for the proposed PAC rental units.

Please feel free to call upon me with any questions or concerns.

Respectfully,

Kevin Joyce  
President  
Regional Marketing Center  
Real Estate Broker New York & New Jersey  
Joyce Realty, Joyce Realty Referral Corp.  
Joyce Financial Corp. & Wolkpack Media

PETITION FOR ZONE CHANGE

**EXHIBIT G**



## EXHIBIT G

PAGE #1

SWIS	PRINT KEY	NAME	ADDRESS
392489	68.16-1-13	Howard G Brown Stillman Management	141 Halstead Ave, Mamaroneck, NY 10543
392489	68.16-1-14	8-9 West Central Ave Assoc LLC	852 Hillside Ave, Hilldale, NJ 07642
392489	68.16-1-15	Jerry Kuhn	8 Railroad Ave, Pearl River, NY 10965
392489	68.16-1-16	Peach Properties LLC	17 Route 340, Orangeburg, NY 10960
392489	68.16-1-17	Victory Nine Main Corp	24 Oak Ter Fl 1, Suffern, NY 10801
392489	68.16-1-18	Good Health LLC	46 Cragmere Oval, New City, NY 10956
392489	68.16-1-19	Tannariello Properties LLC	16A Railroad Ave, Pearl River, NY 10965
392489	68.16-1-20	Cesare Tullio	9 Ventnor Ct, Waretown, NJ 08758
392489	68.16-1-21	Hibernian House Of Rockland	28 Railroad Ave, Pearl River, NY 10965
392489	68.16-1-22	Greenan Realty Inc	60 W 38Th St Fl 3, New York, NY 10018
392489	68.16-1-23	RWW Pearl River LLC	27 N Main St, Pearl River, NY 10965
392489	68.16-1-24	American Legion	P.O. Box 206, Pearl River, NY 10965
392489	68.16-1-25	Philip Sheridan	40 Railroad Ave, Pearl River, NY 10965
392489	68.16-1-26	Kenneth J Olori	46 Railroad Ave, Pearl River, NY 10965
392489	68.16-1-27	Raymond Prucher	60 Railroad Ave, Pearl River, NY 10965
392489	68.16-1-28	Andree R Papi	118 Rockland Center Apt 108, Nanuet, NY 10964
392489	68.16-1-60	Wojciech Domlik	57 N Main St, Pearl River, NY 10965
392489	68.16-1-61	Mary Mc Mahon	53 No Main St, Pearl River, NY 10965
392489	68.16-1-62	Niall Kinsella	63 E Madison Ave, Pearl River, NY 10965
392489	68.16-1-63	James J Colgan	41 N Main St, Pearl River, NY 10965
392489	68.16-4-18	Michael Sullivan	46 Roosevelt St, Pearl River, NY 10965
392489	68.16-4-19	Vincent Carle	39 Roosevelt St, Pearl River, NY 10965
392489	68.16-4-20	Jeanette Sarna	55 E Washington Ave, Pearl River, NY 10965
392489	68.16-4-21	Catherine Ruddy	53 E Washington Av, Pearl River, NY 10965
392489	68.16-4-22	Thomas C Bolan	49 E Washington Av, Pearl River, NY 10965
392489	68.16-4-23	Thomas E O'Brien	43 E Washington Av, Pearl River, NY 10965
392489	68.16-4-24	Dale Ann Fisher	187 Strawtown Rd, West Nyack, NY 10994
392489	68.16-4-25	Anne Marie Bauer	50 N William St, Pearl River, NY 10965
392489	68.16-4-31	Peter Brereton	53 N William St, Pearl River, NY 10965
392489	68.16-4-32	John J Messina	2349 South View Dr, Lancaster, PA 17602
392489	68.16-4-33	Andrea Noonan	47 N William St, Pearl River, NY 10965
392489	68.16-4-34	JFH Properties LLC	50 E Washington Ave, Pearl River, NY 10965
392489	68.16-4-35	Mary-Gray Griffith	2133 Upton Dr Ste 126-191, Virginia Beach, VA 23454
392489	68.16-4-36	John Ferris	2 Wildwood Dr, Pearl River, NY 10965
392489	68.16-4-37	John Purcell	188 Waters Edge, Congers, NY 10920
392489	68.16-4-38	Grouse Lodge Real Estate Inc c/o Peter Glonta	75 Margaret Keahon Dr, Pearl River, NY 10965
392489	68.16-4-39	Steven C Elmendorf	54 N Main St, Pearl River, NY 10965
392489	68.16-4-40	Luclle Casavis	58 N Main St, Pearl River, NY 10965
392489	68.16-4-41.1	Lynda Fitzpatrick	64 N Main St, Pearl River, NY 10965
392489	68.16-6-1	Eldho V Varkey	84-17 249th St, Bellerose, NY 11426
392489	68.16-6-2	Town Of Orangeburg	28 Orangeburg Rd, Orangeburg, NY 10962
392489	68.16-6-3	Pearl River Brick Bldg LLC	20-30 N William St, Pearl River, NY 10965
392489	68.16-6-4	Pearl River Brick Bldg LLC	20-30 N William St, Pearl River, NY 10965
392489	68.16-6-6	John Bertusai	88 N Main St, Pearl River, NY 10965
392489	68.16-6-6	JFH Properties LLC	50 E Washington Ave, Pearl River, NY 10965
392489	68.16-6-7	Doreen A Jaskot	52 E Washington Av, Pearl River, NY 10965
392489	68.16-6-8	John Foley	60 E Washington Av, Pearl River, NY 10965
392489	68.16-6-9	Rolando Nolasco	68 E Washington Ave, Pearl River, NY 10965
392489	68.16-6-53	East Central Earthworks LLC	510 S Pascack Rd, Chestnut Ridge, NY 10977
392489	68.16-6-54	Lora Partners LLC	126 Gates Ave, Montclair, NJ 07042
392489	68.16-6-55	John P Nyemchek	970 Tilton Rd, Valley Cottage, NY 10989
392489	68.16-6-56	Mary-Gray Griffith	2133 Upton Dr Ste 126-191, Virginia Beach, VA 23454
392489	68.16-6-57	Pearl River Realty Corp c/o Laura Freier	126 Gates Ave, Montclair, NJ 07042
392489	68.16-6-58	Michael Haley	305 Blauvelt Rd, Pearl River, NY 10965
392489	68.16-6-59	Rycody LLC	37 E Central Ave, Pearl River, NY 10965
392489	68.16-6-60	Bright Summer Realty LLC	4 Mountainview Ave, Pearl River, NY 10965
392489	68.16-6-61.1	Bright Summer Realty LLC	4 Mountainview Ave, Pearl River, NY 10965
392489	68.16-6-61.2	Bright Summer Realty LLC	4 Mountainview Ave, Pearl River, NY 10965
392489	68.16-6-62	Skyview Plaza LLC	75 MICHAEL ROBERTS Dr, PEARL RIVER, NY 10965
392489	68.16-6-63	18 E Central Ave LLC	914 Route 9W, Nyack, NY 10960
392489	68.16-6-64	Ben Finn LLC	207 W Washington Ave, Pearl River, NY 10965
392489	68.16-6-65	John Hennessy	83 Hunt Ave, Pearl River, NY 10965
392489	68.16-6-66.1	JP Morgan Chase Bank Industry Consulting Group Inc	P.O. Box 810490, Dallas, TX 75381
392489	68.16-6-66.2	JP Morgan Chase Bank Industry Consulting Group Inc	P.O. Box 810490, Dallas, TX 75381

**SWIS PRINT KEY**

**NAME**

**ADDRESS**

392489 68.16-6-67  
 392489 68.16-6-68  
 392489 68.20-1-3  
 392489 68.20-1-6  
 392489 68.20-1-7.1  
 392489 68.20-1-7.2  
 392489 68.20-1-8  
 392489 68.20-1-9  
 392489 68.20-1-10  
 392489 68.20-1-11  
 392489 68.20-1-12  
 392489 68.20-1-13  
 392489 68.20-1-14  
 392489 68.20-1-15  
 392489 68.20-1-16  
 392489 68.20-1-17  
 392489 68.20-1-18.1  
 392489 68.20-1-18.2  
 392489 68.20-1-18.3  
 392489 68.20-1-19  
 392489 68.20-1-20  
 392489 68.20-2-1  
 392489 68.20-2-2

Dionne's Way LLC  
 20 North Main Street LLC  
 Town Of Orangetown  
 Lisnaboy LLC  
 32 South Main Street LLC  
 Yuxiang 99 Inc  
 RSME Realty LLC  
 John Carrolo  
 Donald Kennedy  
 Deep Realty Holdings LLC  
 10-12 East Central Avenue LLP  
 Donald Brenner  
 LLV Enterprises I LLC  
 Evin Realty Corp  
 LLV Enterprises III LLC  
 15 South William Street LLC  
 Joan Agnes Noonan  
 Joan Agnes Noonan  
 Joan Agnes Noonan  
 William O'Sullivan  
 Michael & Nancy Gilbridge  
 Mila Realty Corp  
 c/o Laura Frier  
 Hamil Paul Corp  
 Lora Freiser

84 Sparrow Ln, Pearl River, NY 10965  
 20 N Main St, Pearl River, NY 10965  
 26 Orangeburg Rd, Orangeburg, NY 10962  
 38 So Main St, Pearl River, NY 10965  
 32 S Main St, Pearl River, NY 10965  
 100 Palmer St, Passaic, NJ 07055  
 11 Homeland Ave, Cornwall on Hudson, NY 12620  
 27 S Mary Francis St, Tappan, NY 10983  
 36 Pine Glen Dr, Blauvelt, NY 10913  
 314 Old Nyack Tpke, Spring Valley, NY 10977  
 31 Cobble Pl, Blauvelt, NY 10913  
 4 Independence Av, Tappan, NY 10983  
 86 Franklin Ave, Pearl River, NY 10965  
 P.O. Box 141188, Coral Gables, FL 33114  
 88 Franklin Ave, Pearl River, NY 10965  
 15-25 S William St, Pearl River, NY 10965  
 15 Franklin Ave, Pearl River, NY 10965  
 15 Franklin Ave, Pearl River, NY 10965  
 15 Franklin Ave, Pearl River, NY 10965  
 134 Turner Rd, Pearl River, NY 10965  
 47 Rowan Rd, Pearl River, NY 10965  
 126 Gates Ave, Montclair, NJ 07042  
 126 Gates Ave, Montclair, NJ 07042

**EXHIBIT C**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN ADOPTING LOCAL LAW NO. 7 OF 2018, RELATING TO A ZONING TEXT AMENDMENT, CHANGING THE ZONING DISTRICT CLASSIFICATION FROM “CS” TO “PAC” FOR PROPERTY LOCATED IN THE HAMLET OF PEARL RIVER AT 21 NORTH WILLIAM STREET AND 14-16 NORTH MAIN STREET LOCATED ON THE WEST SIDE OF WILLIAM STREET AND EAST SIDE OF NORTH MAIN STREET, AND SHOWN ON THE TAX MAP OF THE TOWN OF ORANGETOWN AS SBL 68.16-6-67.**

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town’s Zoning Law; and

WHEREAS, by Petition dated as of March 13, 2018, and accompanying application, DIONNE’S WAY LLC, as owner of property located in the Hamlet of Pearl River, identified as 21 North William Street and 14-16 North Main Street located on the West side of North William Street and East side of North Main Street, and shown on the Tax Map of the Town of Orangetown as SBL 68.16-6-67, formally petitioned the Town Board to change the zoning classification of the said property from Community Shopping (“CS”) to Planned Adult Community (“PAC”) in accordance with the provisions of Local Law No. 1 of 2004, as subsequently amended, by which the PAC zoning district was created as a “floating” district; and

WHEREAS, after notice duly given, and no other involved agency having expressed a desire or intention to act as Lead Agency, or otherwise having contested the Town Board’s authority to act in that capacity with respect to the referenced action, the Town Board assumed the role of Lead Agency for environmental review in connection with the action; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant environmental impacts or effects caused or occasioned by the change in the zoning classification of the subject parcel and its eventual improvement with a combination of retail/community shopping uses and active adult or senior residential housing; and

WHEREAS, in addition to the Petition, the Town Board also has considered, among other things, the following documents and/or comments in furtherance of its obligation to evaluate whether the proposed site is both eligible and appropriate for PAC zone designation:

- (1) a project description, Concept Plan and proposed Site Plan (with proposed bulk and lot controls);

- (2) a traffic impact report from Harry Baker & Associates, dated November 27, 2017;
- (4) a vicinity map;
- (5) A market analysis provided by Kevin Joyce, Joyce Realty.
- (6) Short Form Environmental Assessment Form;
- (7) The comments of the Rockland County Planning Department pursuant to GML § 239 l & m, dated May 31, 2018;
- (8) The comments of the Town of Orangetown Office of Building, Zoning and Planning, dated June 5, 2018;
- (9) The comments of the Town of Orangetown Planning Board dated May 24, 2018.

and,

WHEREAS, the members of the Town Board, in general terms, are also each personally familiar with the location of the proposed development, including its proximity to the nearby roadways, parking and other development in the area; and

WHEREAS, following notice duly and properly given, a public hearing was conducted on the Petition, at which the Petitioner provided testimony and other evidence regarding various aspects of the mixed use proposed for the site under consideration, including consultants on design, market absorption, taxes and other such matters; and

WHEREAS, on the public hearing, members of the public were afforded the opportunity to speak concerning the proposed zone change and contemplated development, some of whom spoke in favor and some against the action; and

WHEREAS the Town Board has considered both the need for active adult housing within the Town as contemplated by the adoption of the PAC zoning classification, and the likely impact of such a development on the downtown Pearl River area;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 7 of 2018, amending the Town's zoning map and zoning law to change the zoning classification from CS to PAC certain property located in the Hamlet of Pearl River, identified as 21 North William Street and 14-16 North Main Street located on the West side of North William Street and East side of North Main Street, and shown on the Tax Map of the Town of Orangetown as SBL 68.16-6-67, subject to conditions.

### **Specific Findings Relating to the Instant Petition**

Pursuant to Chapter 43, Subsection 4.6.12, the Town Board makes the following specific Findings of Fact, pertaining to the instant Petition:

#### **Marketability of the Proposed Units**

Based on the market information provided by the Petitioner, it appears that there presently a need for rental housing in the downtown Pearl River area, meeting the specific needs and concerns of those in the 55 and older active adult age group. As of the date of this resolution, in the Town of Orangetown, there have been other sites that have been re-zoned for a Planned Adult Community use worthy of note for consideration here, in particular sites predominated by condominium ownership consisting of a site located on South Middletown Road, in the hamlet of Pearl River, on which eleven (11) adult units have been approved, two sites located on Veterans Memorial Drive, one that is immediately adjacent to the site of the Hilton Hotel, known as the "Hollows", on which 124 units have been developed. In addition, a site on Blue Hill Road West, east of the Blue Hill Plaza complex know as "The Pointe" has been developed with approximately 160 rental units, and a site known as "Skyline Plaza" located essentially next to the proposed site at a former movie theater with approximately 14 rental units. Only the former movie theater site is located in down town Pearl River, which provides walking access to restaurants, shopping, and both rail and bus transportation.

#### **Potential Saturation Within and About the Geographic Area of the Proposed Zoning Amendment.**

Based on the findings set forth above, and other analyses relating to the number of eligible prospective occupants for the 16 units from within and without the Town, and the need for active adult rental housing in the relevant market area, the Town Board concludes that the approval of the instant zoning amendment, permitting the construction of up to 16 active adult housing units, will not saturate the neighborhood in which the site is located.

#### **Suitability of the Site for Senior Housing; Vehicular Access, Transportation, Walking and Traffic Concerns in General.**

The proposed residential component of the development will be age restricted and consist of 16 rental apartments above one or more ground floor community shopping / retail units.

The site is located in the center of the downtown Pearl River, convenient to mass transportation, downtown shopping and dining and other activities.

The apartments are moderately sized -- one-bedroom and two bedroom units, in the 750 to 1000 sq. ft. range -- and, thus, are not likely to attract more than 2 to 3 occupants each.

They will be serviced by an elevator, and, as such, particularly suited to the active adult population.

Based on the letter report of Harry Baker & Associates, the proposed mixed use will generate three vehicle trips during the AM peak hour and five vehicle trips during the PM peak hour. There will be minimal impact on surrounding intersections based upon the analysis.

### **Parking**

The project provides for 38 parking spaces on site. For the residential aspect of the project, 24 spaces are required by statute. However, 44 additional spaces are required for parking for the commercial occupants on the first floor, for a total of 68. The proposed on-site parking is less than what is required. While Chapter 43, §4.69(B)(1) of the Town Code related to PAC zoning provides that the Town Board may modify the lot and bulk controls, the Board will not alter the parking requirements as set forth in the bulk tables and hereby establishes that the minimum off-street parking requirements for this project to be 1.5 parking space per dwelling unit, making the requirement of parking for this project 24 spaces. The commercial aspect of the property requires 1 space per 200 sf, requiring 44 spaces, 24 of which cannot be counted towards this requirement as they are necessary for the residential component of the project. The applicant, as part of its site plan review, must apply for a variance, indicating that 14 spaces are provided for the commercial occupant, and 44 are required.

### **Compatibility of a Planned Adult Community Project With the Surrounding Environment.**

The proposed senior housing component of the project is compatible with the surrounding uses which include a mix of commercial, retail, dining and residential uses.

The Petitioner has presented to the Town Board a proposed site development plan prepared by Jay A. Greenwell, PLS, building and parking, with the existing, and proposed lot and bulk controls.

### **Maximum Unit Count**

By reason of the proposed site development plan, the Town Board further establishes 16 units as the maximum number of residential units permitted on the site.

## **Other Findings and Conditions**

- ***Site Development Plan and Other Required Municipal Approvals***

The adoption of this resolution granting the requested zoning amendment from CS to PAC based upon the site development plan dated 11/20/2017, last revised 5/21/2018 and related materials is not intended, nor shall it be interpreted, to circumvent or usurp the authority of the Planning Board or of any other land use board having authority over site specific details. The petitioner must apply for and receive all appropriate site development plan approvals and abide by any and all conditions thereof, including but not limited to land reserved for recreation or money in lieu thereof pursuant to Chapter 21A-9.1(E) of the Town Code.

- ***Age Limitations Under the PAC Designation***

As required by § 4.6.5 of Local Law No.1 of 2004, occupancy of the units to be developed on the site as a result of this zoning amendment shall be restricted to persons 55 years of age or older, or couples, one of whom is 55 years of age or older. Persons less than 21 years of age shall not be permanent residents under any circumstances. Households containing one or more adult handicapped persons (over the age of 21) shall also be eligible.

The Petitioner, prior to the conveyance of the first unit, shall file with the Rockland County Clerk, in a form both recordable and acceptable to the Town Attorney, a covenant, which shall run with land and bind all Petitioners and subsequent Petitioners, restricting the occupancy of the units within the PAC development as set forth in this resolution.

- ***Parking***

As addressed *infra*, in connection with the Board's review of the County Planning Department's comments, the housing units, and the occupant's thereof, are subject to whatever parking regulations shall apply, now or in the future, within the downtown area, including those that limit overnight parking. Nothing in this Local Law is intended to, nor shall it, absolve any person of the obligation to comply with such regulations. The Board finds that Chapter 24 of the Town Code provides for 24/7 parking permits which may alleviate parking issues for residents of the proposed project.

- ***Contribution Toward Parking Improvements***

In recognition of the immediate impact upon municipal parking imposed by the proposed zone change and development, this zone change is expressly conditioned on payment by the Petitioner for the benefit of the Pearl River Parking District the sum of \$60,000.00, the full sum to be paid prior to the signing of an approved Site Plan as approved by the Planning Board.



- **Maximum number of bedrooms per unit**

The building shall consist of one and two bedroom units only, no three or more bedroom units are permitted. The building shall have no more than ten 2 bedroom units. The Planning Board shall determine the location, size and distribution of the units as part of its site plan review, with these conditions applicable.

- **Lot and Bulk Controls**

Pursuant to Town Zoning Law § 4.69(B), the Town Board hereby modifies the lot and bulk controls for this site, which is a “redevelopment site within a CS District”, and establishes as the applicable lot and bulk controls those that appear on the site development plan submitted by the Petitioner.

The Lot and Bulk controls for this zone change are therefore as set forth below. Items marked with an ^ will require a variance from the lot and bulk requirements established. Items marked with a \* are hereby modified in accordance with §4.69(B)(1). All others are as determined pursuant to this Local Law:

	REQUIRED Per §4.69(A)	PROVIDED AND ESTABLISHED PURSUANT TO THIS LOCAL LAW Per §4.69(B)
<b>Minimum lot area</b>	<b>1 Arce</b>	<b><u>.54 acre</u><sup>^</sup></b>
<b>Base Density</b>	<b>6 Dwelling Units Per Acre</b>	<b><u>16 units (29.6)</u><sup>^</sup> <u>dwelling units</u> <u>per acre</u></b>
Potential Bonus Density*	1 dwelling unit per acre	N / A
<b>Maximum Floor area Ratio</b>	<b>.40</b>	<b><u>1.15</u><sup>^</sup></b>
Maximum Building Coverage	TBD	_____
Minimum Open Space	TBD	_____
Maximum building height	is 2 stories or 35 feet, Unless otherwise specified By Town Board as part of PAC approval, in which 3 Stories may be allowed	3 stories and* 34’8”

Minimum Perimeter Buffer	TBD	None
Minimum Yards **	Unless otherwise specified by the Town Board as part of PAC approval, the following yards shall be provided;	
Minimum Front Yard	TBD	0 feet
Minimum Side Yard	TBD	0 feet
Minimum Rear Yard	TBD	0 feet
Minimum Street Frontage	100 feet	100 feet and 90 feet*
Minimum off-street parking	1.5 spaces per dwelling unit	1.5 spaces per dwelling unit
Minimum indoor/outdoor Recreation	TBD	NONE

**Rockland County Planning Department Conditions**

The Town Board has received, and has considered, the General Municipal Law § 239 1 & m review letter, dated May 8, 2018 submitted by the Rockland County Department of Planning, and responds to its comments and conditions as follows:

**County Comment 1** indicates site appears to be deficient in meeting many of the criteria of the PAC zone, including density, lot size and parking. No proposed modifications are set forth.

**Response:** To the extent that this constitutes a modification, the Town Board hereby votes to override County Planning Comment No. 1. The basis for this override is that the unique characteristics of the site, including its location in down town Pearl River and its proximity to public transportation set forth herein, make the required modifications to the lot and bulk controls set forth above appropriate. The PAC overlay statute provides for many lot and bulk controls “to be determined” based upon the specific site, as such, flexibility in design and requirements was anticipated when the statute was passed. With that said, the petitioner must still obtain appropriate variances as set forth herein.

Motion to Override was made by Councilman Troy, Seconded by Councilman Valentine and on a roll call vote, the Board voted to override comment number one as follows:

Councilman Botari:	Yes
Councilman Diviny:	No

Councilman Troy: Yes  
Councilman Valentine: Yes  
Supervisor Day: Yes

The motion to override carried by supermajority vote.

**County Comment 2**, indicates that the Town Board must be satisfied that all of the criteria for rezoning to PAC pursuant to Section 4.6, Chapter 43 are met. Specifically, the County indicates the Town must determine if frontage along a major or secondary road way is met.

**Response:** The Town Board is satisfied and hereby determines that the property “fronts” and has access to both North Main Street and North William Street, and that these are roads the meet the criteria as provided for in the code regarding secondary roadways. In addition, the property is located only one or two parcels away from Washington Avenue and Central Avenue on both sides, both of which are easily accessible from the site.

**County Comment 3** relates to bulk and parking requirements of Section 4.69 and indicates these must be met otherwise they shall require variances or modifications.

**Response:** The Board has made a determination as to those lot and bulk requirements that the code permits it to set as part of this local law. In addition, the Board has modified the lot and bulk control requirements as set forth more fully above. The requirement for variances is noted and will be addressed as part of site plan review by the Planning Board and Zoning Board of Appeals.

**County Comment 4**, indicates that the Town must specify the stories permitted.

**Response:** The Board has set the stories at three as set forth above.

**County Comment 5**, indicates the site does not meet the minimum lot area, maximum floor area ration and density requirements of the code.

**Response:** This comment is similar comment number 1. To the extent this comment is a modification which requires an override, the Town Board hereby overrides comment number 5 for the reasons set forth above, namely that the Board is aware of the limitations of the site but has determined that the use as proposed would provide a benefit to the community by providing for additional rental senior living in the down town Pearl River area. Any variances in the areas specified by County Planning will be address as part of site plan review by the Planning Board and Zoning Board of Appeals.

**County Comment 6**, indicates that a review must be completed by the Rockland County Department of Highways.

**Response:** The Rockland County DOH was provided a copy of the proposed local law

more than thirty days prior to its adoption. As of the date of adoption, County DOH has not provided any comments.

The aforesaid resolution was moved by Councilman Troy, seconded by Councilman Valentine, and adopted by a vote of Four Ayes One Nay and zero Abstentions, as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Botari	X		
Councilman Diviny		X	
Councilman Troy	X		
Councilman Valentine	X		
Supervisor Day	X		

Dated: Orangeburg, New York  
July 17, 2018

#### **Schedule "A" Description of Premises**

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of Pearl River, Town of Orangetown, County of Rockland and State of New York being described as the NORTHERLY 40 feet of Lot 16 and all of Lots 17, 8 and 7 in Block 8 as shown on a map entitled "Commissioner's Map of the Estate of Julius E. Braunsdorf, deceased, at Pearl River, New York, resurveyed by L. Wilson, as assistant to James S. Haring, C.E. dated August 1983" and filed in the Office of the Clerk of the County of Rockland on March 26, 1894.

BEGINNING at a point on the Westerly side of William Street distant 150 feet Southerly from the corner formed by the intersection of the Westerly side of William Street and the Southerly side of Washington Avenue; running thence Southerly along the Westerly side of William Street South 03 degrees 4 minutes 33 seconds West 90 feet to the Northerly side of a 10 feet right of way; running thence Westerly along the Northerly side of said 10 feet right of way, parallel with the Southerly side of Washington Avenue, North 86 degrees 35 minutes 27 seconds West 150 feet; running thence Southerly along the Westerly side of said 10 feet right of way, parallel with the Westerly side of William Street, South 03 degrees 24 minutes 33 seconds West 10 feet to an iron pipe; running thence North 86 degrees 35 minutes 27 seconds West 50 feet to an iron pipe; running thence North 77 degrees 09 minutes 07 seconds West 60 feet to a point on the Easterly side of Main Street; running thence along the Easterly side of Main Street, North 12 degrees 50

minutes 53 seconds East 100 feet to an iron pipe running thence South 77 degrees 09 minutes 07 seconds East 94 feet, running thence North 03 degrees 24 minutes 33 seconds East 6.40 feet; running thence Easterly and parallel with the Southerly side of Washington Avenue, South 86 degrees 35 minutes 27 seconds East 150 feet to the point or place of Beginning.

TOGETHER with an easement for all purposes of ingress and egress in, over and upon the Southerly 10 feet of Lot 16 as shown on the aforementioned map.

Identified further as 21 North William Street and 14-16 North Main Street located on the west side of William street and east side of North Main Street, and shown on the tax map of the Town of Orangetown as SBL 68.16-6-67

**EXHIBIT D**







WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

# Town of Orangetown

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed zoning text amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

Ayes: Councilpersons Troy, Valentine, Diviny, Bottari

Supervisor Day

Noes: None

**TOWN OF ORANGETOWN**

**ROCKLAND COUNTY ZONING TEXT AMENDMENT**

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) NEGATIVE DECLARATION**

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: September 2019

LEAD AGENCY: The Town Board of the Town of Orangetown

Orangetown Town Hall

26 Orangeburg Road

Orangeburg NY 10962

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# Town of Orangetown

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

**TITLE OF ACTION:**

Adoption of amending Article IV of Chapter 43 of the Town Code entitled "Zoning", §4.69 (B) providing for Lot and Bulk controls for PAC developments.

SEQRA STATUS: Unlisted Action

**DESCRIPTION OF ACTION:**

The proposed action consists of amending the Town Code with respect to Planned Adult Community (PAC) developments, and circumstances upon which the Town Board may modify lot and bulk controls as part of its consideration of a rezoning to PAC.

**DETERMINATION:**