

**TOWN OF ORANGETOWN WORKSHOP MEETING
WEDNESDAY, MARCH 28, 2017**

This Town Board Meeting was opened at _____ p.m.

Councilman Denis Troy _____

Councilman Thomas Diviny _____

Councilman Paul Valentine _____

Councilman Jerry Bottari _____

Supervisor Andrew Stewart _____

Pledge of Allegiance to the Flag

- ANNOUNCEMENTS :**
- Youth Court Graduation (Police) rescheduled to April 4, 2017 at 6:30 P.M.
 - Public Hearing at RTBM April 4, 2017, 2017 at 8:00 P.M. to Adopt a Local Law Amending Town Code to §7A-13 to Repeal Subsection (B)(4)[6] (Proposed Law to remove Cherry Brook Park from list of parks for which a non-resident fee is required.)
 - April 8, 2017 Saturday 8:00 A.M. – 12:00 P.M. – Paper Shredding Event Town of Orangetown – Town Hall (Sponsored By RCSWMA)

- PRESENTATIONS:**
- Al Samuels, Rockland Business Association will present their white paper, “A Crushing Burden: Why is Rockland So Heavily Taxed?”
 - Presentation by Jim Dean, Highway Superintendent, on the Rockland County Stormwater Consortium’s and Rockland County Soil and Water District’s administration of WQIP Round 12 Grant C00386GG for Mapping MS4s, in which Orangetown is proposed to participate.
 - Streetlights/NYPA Agreement (Jeff Bencik, Director of Finance)

HISTORY ON ESTABLISHING A NEW RPC-OP ZONING DISTRICT:

3/15/17 – Resolution No. 153 /OPEN PUBLIC HEARING/RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)

3/15/17 – Resolution No. 154/CONTINUE PUBLIC HEARING 3-21-17/ RPC ZONE CHANGE/R-80 TO RPC OP (73.08-1-1)

3/15/17 – Resolution No. 155/LEAD AGENCY/TOWN BOARD/ RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)

3/21/17 – Resolution No. 162/CLOSE PUBLIC PORTION OF PUBLIC HEARING/ RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)

3/21/17 – Resolution No. 163/CONTINUE PUBLIC HEARING-3/28/17 8:00pm/RPC ZONE CHANGE/R-80 TO RPC-OP (73.08-1-1)

TOWN BOARD

SEQRA DETERMINATION/AMEND TOWN CODE CHAPTER 43/, § 2.1 AND 3.11 AND 3.12, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO ESTABLISH A NEW RPC-OP ZONING DISTRICT AND CHANGING THE ZONING DISTRICT OF PROPERTY, FORMERLY A PART OF THE ROCKLAND PSYCHIATRIC CENTER (A PORTION OF TAX LOT 73.08-1-1) RPC

1.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN ADOPTING LOCAL LAW, ESTABLISHING THE “RPC-OP” ZONING DISTRICT AND SETTING ITS BOUNDARIES TO INCLUDE BOTH TOWN OWNED, AND OTHER, LANDS NOW OR FORMERLY A PART OF THE ROCKLAND PSYCHIATRIC CENTER PRESENTLY ZONED R-80

2. 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, the Town Board has before it for consideration a proposed local law that would amend Chapter 43 (Zoning) Article II, §§ 2.1 and 2.2, of the Town Code to establish a new zoning district in the Town to be known as the Rockland Psychiatric Center Office Park (“RPC-OP”) zoning district, amending the Town Zoning Map incorporated therein by reference to reflect the areas embraced by the new zone, as well as establishing, through the addition of a new Table of General Use Regulations and Schedule of Lot and Bulk Regulations, the various permitted and accessory uses and lot controls; 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 by resolution duly adopted the 21st day of March, assumed the role of Lead Agency for environmental review of the said action, among others; 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 adverse environmental impacts or effects caused or occasioned by the proposed changes to the Town’s Zoning Law; and

WHEREAS, in connection with its deliberation on the proposed local law, the Town Board also has considered the following in connection with its decision:

- The nature of the limited uses authorized, and lot regulations proposed for the new zoning district;
- The conceptual plan for the proposed development of the Property;
- A Full Environmental Assessment Form, Parts 1, 2 and 3, prepared by Robert J. Foley, P.E., Dewberry Engineers, Inc., dated February 10, 2017;
- The review comments by the Rockland County Department of Planning (2 letters), both dated March 15, 2017;
- The review comments by the Rockland County Drainage Agency, dated February 24, 2017;
- The review comments by the Rockland County Sewer District #1, dated March 9, 2017;
- The consent of the N.Y.S. Department of Transportation to lead agency status, without further comment, received February 27, 2017;
- The consent of the N.Y.S. Office of Mental Health to lead agency status, without further comment, received February 22, 2017;
- Meeting comments from the N.Y.S. Office of Mental Health, the adjacent site occupant, and its engineering and other personnel;
- The appraisal of the Property by Valuation Plus, Inc., dated March 26, 2017;
- The fiscal impact to the Town of the cost of remediation of the Property, unless otherwise assumed by a prospective Purchaser, as contemplated here;
- The negative declaration issued by the State at the time of the sale of the Property;
- Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003;
- The Town's Rockland Psychiatric Center Redevelopment Plan, prepared by Saccardi & Schiff, accepted by the Town Board on April 12, 2004;
- Town of Orangetown Draft Rockland Psychiatric Center Redevelopment Plan, dated as of January 2013, and, in particular § VIII thereof, identifying Data Centers and potential land uses that meet the Town's development goals;

- Public information sessions with the prospective purchaser and developer of the data center contemplated by the conceptual plan and Offer to Purchase, with focus on the traffic and other impacts to the immediately adjacent areas; and
- Alternative development proposals submitted over 10 years, predominantly residential, and the various studies undertaken in connection therewith, including but not limited to the Draft DGEIS prepared in connection with the Hovnanian company's proposed residential development of the Property with 500+ residential dwelling units;

And

WHEREAS, following due and proper notice, on March 14, 15 and 21, 2017, the Town Board held a public hearing on the proposed local law establishing the new zoning district, and the district's use and lot and bulk controls, which district would encompass and rezone the Property for imminent development as a data center, from rural residence ("R-80"), at which time the Town Board received public comment from all interested parties; and

WHEREAS, a number of persons spoke, all in favor of the proposed local law, albeit with some specific concerns over issues such as site lighting, water use, noise, the use of pesticides in proximity to the Lake Tappan reservoir, traffic and the preservation of the WPA murals located in some of the dilapidated buildings slated for removal if the core property is redeveloped; and

WHEREAS, the attorney for the proposed Purchaser, and its design engineer, addressed the various concerns, raised by the public, noting:

- That the proposed data center use will generate approximately 90 cars daily, far less than any other use previously proposed or considered by the Town Board for the site;
- That any development would adhere to Town standards and requirements regarding pesticide use to protect the lake and any indigenous species;
- That back-up generators on site would meet Town performance standards for noise;
- That all site lighting would be directed and hooded to limit the foot candle reach and/or glare, noting that actual site development will be almost 400 ft. from the nearest residences along Convent Road;
- That the building would be designed to LEED standards for energy efficiency; and
- That utilizing the best and latest technology, the proposed data center, when designed, will use about 10% of the water used for the cooling of similar sized data centers only 10 years ago,

And,

WHEREAS, the prospective purchaser’s representatives further agreed to work with the Town in an attempt to preserve certain of those murals on site capable of being relocated, noting, in the process, that (i) some of the murals were painted on plaster or concrete and cannot be removed or preserved, other than through photographs or video; and (ii) in the course of the preparation of the Draft DGEIS for the earlier failed attempt to redevelop the Property, the Town had reached out to a number of federal, state and local agencies, museums and historical societies, including the N.Y.S. Office of Parks, Recreation and Historic Preservation, the N.Y.S. Archives and Museum, the GSA Fine Arts Program, and the Rockland County Historical Society, as well as a number of auction houses, none of which had expressed an interest in acquiring the murals; and

WHEREAS, the rezoning of the approximately 64± acres in the heart of the Rockland Psychiatric Center for a data center use will address many of the long standing concerns of both the Town Board and the adjacent state property occupant, the N.Y.S. Office of Mental Health, including traffic on and along Convent Road and the interior roads within the RPC campus; and

WHEREAS, the Town Board, and each of its members, are personally familiar with the interchange locations affected by the proposed zoning text amendment;

NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS HEREINAFTER MADE, BE IT RESOLVED, that the Town Board hereby adopts the proposed Local Law, amending Chapter 43 (Zoning) Article II, §§ 2.1 and 2.2 of the Town Code, and the Town Zoning Map incorporated therein by reference, to establish a new zoning district in the Town to be known as the Rockland Psychiatric Center Office Park (“RPC-OP”) zoning district, establishes the said district’s boundaries, and further establishes, through the adoption of a new Table of General Use Regulations and Schedule of Lot and Bulk Regulations, the various permitted and accessory uses and lot and area controls.

In adopting the within local law, the Town Board, pursuant to General Municipal Law § 239, has solicited, received and considered the comments and conditions of the Rockland County Department of Planning, set forth in 2 separate responsive letters, each dated March 15, 2017, and adopts or overrides such comments and conditions as follows:

**The Rockland County Planning Department’s
Comments and Conditions**

- 1) **Letter Comments: March 15, 2017**
Item: Town of Orangetown – Creation of the RPC-OP Zone (O-2317)

County Comments 1 and 2 relate to the absence of a definitive parking standard for the data center use as a part of the district’s general use regulations , allowing the Town Planning Board to fix the number of parking spaces at the time of site development plan approval, as well as, when required, to allow parking within a designated yard. The County notes that, in the context of data centers in the LIO zoning district definitive standards apply. To the extent the County Planning Department requires that an objective standard be provided, ***the Town Board overrides both such conditions.***

The Town Board disagrees that there is a need for a definitive standard, or that the absence of same waters down the regulation of parking within the district. Based not only on the information provided by the proposed purchaser and developer of the site now in question, but from its experience with recently developed data centers elsewhere within the Town, the Board is aware of the nature of the data center use, and the limited parking needs associated with that use. The fact that the Town Board did not change then existing parking regulations in the LIO zoning district when other centers were constructed therein, and data center developers were able to develop within the constraints of those existing requirements, does not mean that in a new, and uniquely located zoning district, with far fewer permitted uses, the Planning Board cannot be trusted to make a fair determination of both the actual parking needs, and appropriate locations therefor – as it does with other site elements -- when it plans the site.

Comments 1 & 2, on the Override:

Roll call:

County Comment 3 relates to the absence of specific standards for business signs, sign areas and setbacks, again delegating to the Planning Board the jurisdiction to make sign related decisions in the course of site plan development.

The Town Board is of the view, again given the unique location and character of the lands comprising the new RPC-OP zoning district, including the fact that, unlike other districts distributed throughout the Town, the RPC-OP district is limited to a single, largely self-contained, area that the Planning Board is well equipped to make determinations regarding the size and location of business signs.

To the extent the County requires the Town to create specific sign standards, ***the Town Board overrides Condition 3.***

Comment 3, on the Override:

Roll call:

County Comment 4 relates to land coverage, and the fact that the maximum coverage regulation in the new RPC-OP zoning district will be 80%, higher by 5% than that allowed in any other district. The County questions that decision, particularly where the lands comprising the district are presently zoned R-80, the least dense zoning district in the Town, and the property's proximity to Lake Tappan, a public water supply.

Initially, the existing R-80 zoning designation is of no significance. Until purchased by the Town in 2003, the property comprising the district, as well as the hundreds of acres surrounding it, were owned by the state, and improved without regard for the density or other limitations of the R-80 zone. In effect, the R-80 designation was a place holder, and one certainly intended to be changed when the Town purchased the property.

Likewise, although in proximity to Lake Tappan, the property being rezoned is a considerable distance from the Lake. Indeed, among other uses located between it and the Lake is an aged state operated power plant, a former laundry, and maintenance buildings, seemingly far more troubling uses in the context of the public water supply.

The Town Board believes that the proposed 80% maximum coverage requirement is appropriate for the area and the proposed uses. As always occurs, due consideration of the public water supply shall be given by the Planning Board in the site development plan process. ***The Town Board overrides County Comment 4.***

Comment 4, on the Override:

Roll call:

County Comments 5, 6 and 7 relate to reviews by other agencies, specifically the Palisades Interstate Park Commission, the Rockland County Department of Highways and the Rockland County Department of Health.

A full review package was sent to the Rockland County Highway Department in connection with the Town Board's notice of intent to be lead agency, as well as to the R. C. Drainage Agency ("RCDA"), which is a part of the County Department of Highways. The Highway Department did not submit independent substantive comments. The RCDA has reported that the proposed zone change is outside of its jurisdiction, but wishes to see project drawings and calculations when same are available for development. The County Health Department will be included for review purposes, as required during the site plan review process, and its comments addressed at that time.

The requirement that the Town satisfy unspecified comments and concerns, under the umbrella of GML § 239, of agencies which the Town is not required to involve at this stage of the process is unreasonable. Such concerns will be addressed, if required, at the appropriate stage of the process where information and calculations relevant to an identified concern are available. The purpose of GML 239 is to address regional planning concerns, not to sharp shoot an as yet unfiled application for individual site development.

Notwithstanding the above, the Town Board recommends that the Planning Board, if and when an application for site plan development is filed consider the comments and concerns of the specified agencies. To the extent, however, items 5, 6 and 7 constitute conditions of approval, ***the Board expressly overrides such conditions.***

Comments, 5, 6 and &7, on the Override:

Roll call:

2) Letter Comments: March 15, 2017

Item: Town of Orangetown –Zone Change R-80 to RPC-OP (O-2064F)

County Comment 2 relates to the suitability of other areas within the RPC campus for inclusion in the RPC-OP zoning district.

The Town Board has overseen the development of the Town owned lands formerly a part of the former Rockland Psychiatric Center since the date of purchase, now more than 14 years ago. At this time, it does not envision further development of the remaining lands outside of the boundaries of the proposed zoning district with the uses permitted hereunder.

Of particular concern to the Town in expanding the boundaries of the RPC-OP district is the continuing viability of deed restriction in the deed that conveyed the property to the Town, that the Town designate 216 acres of the 349 acre conveyance for recreation or municipal use. The Town has not yet made such designation, and the number of acres that remain available to satisfy that requirement are a limitation on the Town's action at this time.

The Town Board is satisfied with its analysis of the location and magnitude of the lands on the RPC campus to be incorporated within the RPC-OP zoning district at this time. Nor is the Board believe that the within local law may constitute spot zoning. To the extent County Comment 2 requires a further or different analysis, ***the Board expressly overrides such condition.***

Comment 2, on the Override:

Roll call:

County Comment 3 relate to review a review by the Rockland County Department of Highways, and satisfaction of any comments or concerns issued thereby.

For the reasons set forth in regard to Comments 5, 6 and 7 above, ***the Town Board overrides this County Comment 3.***

Comment 3, on the Override:

Roll call:

On the Adoption of the Local Law:

The aforesaid resolution, adopting the proposed local law, set forth below, was moved by _____, seconded by _____, and (adopted / rejected) by a vote of ___ Ayes ___ Nays and ___ Abstentions, as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Councilman Troy	_____	_____	_____
Councilman Diviny	_____	_____	_____
Councilwoman Valentine	_____	_____	_____
Councilman Bottari	_____	_____	_____
Supervisor Stewart	_____	_____	_____

PROPOSED LOCAL LAW, AMENDING CHAPTER 43, § 2.1 AND 3.11 AND 3.12, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO ESTABLISH A NEW RPC-OP ZONING DISTRICT AND CHANGING THE ZONING DISTRICT OF PROPERTY, FORMERLY A PART OF THE ROCKLAND PSYCHIATRIC CENTER (A PORTION OF TAX LOT 73.08-1-1) RPC

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1: Amend the Town Code of the Town of Orangetown, Chapter 43, entitled "Zoning", at Article II §§ 2.1 and 2.2, and the Town Zoning Map, incorporated therein by reference, to create a new "RPC-OP" Rockland Psychiatric Center Office Park) zoning district.

Section 2: The permitted uses, special permit uses, conditional uses, accessory uses, parking and additional requirements permitted and/or required in the RPC-OP Zoning District shall be as set forth on the Table of General Use Regulations, 43 Attachment 12A, RPC-OP Zoning District, attached hereto, and established hereby, and made a part of Chapter 43, § 3.11.

Section 3: The lot and bulk regulations for lots within the newly established RPC-OP Zoning District shall be as forth on the Table of General Bulk Regulations, 43 Attachment 17A, RPC-OP Zoning District, attached hereto, and established hereby, and made a part of Chapter 43, § 3.12.

Section 4: The following Town owned lands, formerly a part of the Rockland Psychiatric Center, and consisting of a portion of Tax Lot 73.08-1-1, presently zoned "R-80 (Rural Residence)" shall be re-zoned RPC-OP.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Orangetown, County of Rockland and State of New York, shown and designated as PARCEL 1 on a CERTAIN map entitled "MAP OF THE LANDS OF THE PEOPLE OF THE STATE OF NEW YORK, ACTING BY AND THROUGH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, ROCKLAND PSYCHIATRIC CENTER, Town of Orangetown, County of Rockland, New York State," made by Hawk Engineering, P.C., Binghamton, N.Y. dated Sept 5, 2000 and amended on Sept.13,2000; Jan.11, 2001; May 7,2002; May 21,2002; May 22, 2002; Sept. 25, 2002; and last amended on Jan. 8, 2003 and filed in the Rockland County Clerk's Office under Index No. 0104/03 and being more particularly bounded and described pursuant to said filed map as follows:

BEGINNING at an iron pin on the southerly side of Convent Road, said point being the northeasterly corner of the premises hereinafter to be described, being the northwesterly corner of Parcel-15 on the aforesaid filed map, said point being distant westerly as measured along the southerly side of Convent Road the following two (2) courses and distances from an iron pin in the southwesterly line of lands of the Palisades Interstate Parkway where same intersects the southerly side of Convent Road, namely:

a) South $87^{\circ} 42' 57''$ West along the southerly side of Convent Road 621.05 feet to a point thence;

b) South $88^{\circ} 31' 56''$ West still along the southerly side of Convent Road 408.32 feet to the northeasterly corner of the premises hereinafter to be described (Parcel-01 on the aforesaid filed map), being the northwesterly corner of Parcel-15 on the aforesaid filed map and running thence;

1. South $2^{\circ} 06' 36''$ West along the easterly line of the premises and the westerly line of Parcel-15 on the aforesaid filed map 1,115.47 feet to a 5/8 inch rebar with O.M.H (Office of Mental Health) cap at the northwesterly corner of Parcel-16 on the aforesaid map, thence;

2. South $0^{\circ} 32' 06''$ East still along the easterly line of the premises and along the westerly line of said Parcel-16 on the aforesaid filed map 320.70 feet to a 5/8 inch rebar with O.M.H. cap in the northerly line of Parcel-02 on the aforesaid filed map and being the southwesterly corner of said Parcel-16, thence;

3. Southwesterly and southerly still along the easterly line of the premises and along the northerly and westerly lines of Parcel-02 on the aforesaid filed map the following six (6) courses and distances:

a) South $89^{\circ} 27' 54''$ West 99.13 feet to a 5/8 inch rebar with O.M.H. cap at the northerly terminus of a curve, thence;

b) Southeasterly on a curve to the left having a radius of 40.35 feet, the arc length of 51.83 feet to a 5/8 inch rebar with O.M.H. cap at a point of reverse curvature, said curve being subtended by a chord bearing of South $37^{\circ} 19' 53''$ East and a length of 48.34 feet, thence;

c) Southeasterly on a curve to the right having a radius of 45.00 feet, the arc length of 48.76 feet to 5/8 inch rebar with O.M.H cap at a point of compound curvature, said curve being subtended by a chord bearing South $43^{\circ} 05' 14''$ East and a length of 46.41 feet, thence;

d) Southeasterly, southerly and southwesterly on a curve to the right having a radius of 220.61 feet, the arc length of 107.17 feet to a 5/8 inch rebar with O.M.H. cap at a point of tangency, said curve being subtended by a chord having a bearing of South $1^{\circ} 52' 09''$ West and a length of 106.12 feet, thence;

e) South $15^{\circ} 47' 07''$ West 167.48 feet to a 5/8 inch rebar with O.M.H. cap at the northerly terminus of a curve, thence;

f) Southwesterly on a curve to the left having a radius of 441.01 feet, an arc length of 166.13 feet to a 5/8 inch rebar with O.M.H cap at the northeasterly corner of Parcel-17 on the aforesaid filed map, said curve being subtended by a chord having a bearing of South $4^{\circ} 59' 29''$ West and a length of 165.15 thence;

4. Southerly along the westerly and southerly lines of Parcel-17 on the aforesaid filed map the following six (6) courses:

a) Southeasterly on a curve to the left having a radius of 441.01 feet, an arc length of 149.81 feet to a 5/8 inch rebar with O.M.H cap, said curve being subtended by a chord having a bearing at South 15° 31' 42" East and a length of 149.09 feet, thence;

b) Southeasterly on a curve to the right having a radius of 170.41 feet, an arc length of 110.10 feet to a 5/8 inch rebar with O.M.H cap, said curve being subtended by a chord having a bearing of South 6° 45' 11" East and a length of 108.19 feet, thence;

c) South 11° 45' 20" West 113.17 feet to a 5/8 inch rebar with O.M.H cap at the northerly terminus of a curve, thence;

d) Southwesterly on a curve to the right having a radius of 32.40 feet, an arc length of 44.01 feet to a 5/8 inch rebar with O.M.H cap said curve being subtended by a chord having a bearing South 50° 40' 00" West and a length of 40.70 feet, thence;

e) South 89° 34' 40" West to a 5/8 inch rebar with O.M.H cap, thence;

f) South 89° 34' 40" West 15.91 feet to a point at the southwesterly corner of Parcel-17 on the aforesaid filed map, thence;

5. Southwesterly and northwesterly along the southerly line of the premises and along the northerly line of Parcel-02 following four (4) courses and distances:

a) South 89° 34' 40" West 733.72 feet to a 5/8 inch rebar with O.M.H cap, thence;

b) North 01° 22' 03" West 30.82 feet to a point, thence;

c) North 77° 11' 18" West 81.21 feet to a point, thence;

d) North 89° 59' 01" West 173.11 feet to the southwesterly corner of the premises, thence;

6. Northwesterly, southwesterly, northwesterly, northeasterly, and northwesterly along the westerly line of the premises and the easterly line of Parcel-02, Parcel-03, Parcel-04 and the westerly and northerly lines of Parcel-11 the following nine (9) courses and distances:

a) North 18° 51' 48" West 162.68 feet to a point, thence;

b) South 76° 32' 47" West 24.31 feet to a point, thence;

c) North 0° 32' 56" West 425.04 feet to a 5/8 inch rebar with O.M.H. cap at the southerly terminus of a curve, thence;

d) Northwesterly, northerly and northeasterly on a curve to the right having a radius of 1055.63 feet, an arc length of 117.91 feet to a 5/8 inch rebar with O.M.H. cap at a point of

compound curvature, said curve being subtended by a chord having a bearing of North 2° 39' 04" East and a length of 117.85 feet, thence;

e) Northeasterly on a curve to the right having a radius of 168.00 feet, the arc length of 78.76 feet to a 5/8 inch rebar with O.M.H. cap at a point of reverse curvature, said curve being subtended by a chord having a bearing of North 19° 16' 53" East and a length of 78.04 feet, thence;

f) Northeasterly on a curve to the left having a radius of 101.52 feet, an arc length of 58.51 feet to a PK nail at a point of tangency, said curve being subtended by a chord having a bearing of North 16° 06' 52" East and a length of 58.00 feet, thence;

g) North 0° 28' 51" West 1259.56 feet to a 5/8 inch rebar with O.M.H. cap at the southwesterly corner of Parcel-11 on the aforesaid filed map, thence;

h) North 0° 28' 51" West 196.10 feet to a 5/8 inch rebar with O.M.H. cap at the northwesterly corner of Parcel -11 on the aforesaid filed map, thence;

i) North 88 °49' 41" East 248.37 feet to a 5/8 inch rebar with O.M.H. cap at the northeasterly corner of Parcel-11 on the aforesaid filed map, thence;

7. Easterly along the southerly side of Convent Road the following two (2) courses and distances:

a) North 88° 49' 41" East 330.80 feet to a point, thence;

b) South 89° 45' 04 East 598.89 feet to an iron pin at the northwesterly corner of Parcel-15 on the aforesaid filed map being the northeasterly corner of the premises hereinabove described and the point or place of BEGINNING, containing 60.9611 acres of land, more or less.

Section 4: This local law shall take effect immediately on filing with the Secretary of State.

**DRAFT AMENDMENT TO ORANGETOWN ZONING LAW
RPC- OFFICE PARK**

Summary:

Amend

Article I, General Provisions:

Section 2.1 Establishment of Districts

Add the following new zoning district, following the RPC-R zoning district:

- RPC-OP -- Rockland Psychiatric Center Office Park

A m e n d

Article III, §§ 3.11 and 3.12 Tables of General Regulations

Add the following tables:

- *43 Attachment 12 A* – Table of General Use Regulations (§ 3.11) RPC-OP District
- *43 Attachment 17A* - - Table of General Buk Regulations (§3.12) RPC-OP District

**Town of Orangetown
Table of General Bulk Regulations
Sections 3.12
RPC-OP District**

District	For Uses Listed Below	Max. Floor Area Ratio	Min. Lot Area	Min. Lot Width (feet)	Min. Street Frontage (feet)	Required Front Yard (feet)**	Required Side Yard (feet)	Total Side Yards (feet)	Required Rear Yard (feet)	Max. Bldg. Height
RPC -OP	Data Centers	.4	10 acres*	150 ft.	150 ft.	100 ft.**	100 ft.**	250 ft.**	100 ft.**	55 ft.***
	Business Office	.4	10 acres*	150 ft.	150 ft.	100 ft.**	100 ft.**	250 ft.**	100 ft.**	55 ft.***
	Executive Conference / Lecture Center	.4	10 acres*	150 ft.	150 ft.	100 ft.**	100 ft.**	250 ft.**	100 ft.**	55 t.***

*In the RPC-OP District, Maximum Land Coverage shall not exceed Eighty percent (80%), including buildings parking, roads and road widening. (This land coverage provision shall supersede that provided at 43 Attachment 18, Note 14.)

** Except for sites abutting roads that are internal within the RPC-OP District, for which 75 ft. may be required. For purposes of this section, an internal road shall be any roadway that is not on the perimeter of the RPC site, i.e., Convent Rd., Old Orangeburg Rd., Veterans Memorial Drive and the Palisades Interstate Parkway are not internal roads. There shall be a buffer of 100 ft. in addition to the yard requirement along Convent Rd., in which no parking or other development shall be permitted. (This buffer requirement is intended to supersede any buffer requirement as may be specified elsewhere in this Zoning Law.)

***For purposes of this Section, building height shall be measured from the average finished grade to the maximum point of any roofline.

TOWN BOARD/TOWN ATTORNEY

AUTHORIZE THE SALE OF APPROXIMATELY 61± ACRES TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUBJECT TO AN APPROVED CONTRACT OF SALE AND PERMISSIVE REFERENCE

3. **WHEREAS**, the Town of Orangetown (hereinafter the “Town”) is the owner of a certain parcel of real property, formerly a part of the Rockland Psychiatric Center, located in the Town of Orangetown, County of Rockland, State of New York, consisting of approximately 61 ± acres bounded on the north by Convent Road, on the south, east and west by other Town owned lands and/or lands of New York State (the “Property”); and

WHEREAS, at the time that the Town purchased the Property, as part of Town as a part of a larger purchase of 349 ± acres, it was the Town’s intent, as reflected in the later adopted Rockland Psychiatric Center Redevelopment Plan, as thereafter periodically reviewed and modified, to see the Property developed in a manner that would revitalize and enhance both the surrounding area, in particular, and the Town, more generally, all for the benefit of the residents of the Town of Orangetown, New York; and

WHEREAS, over the years, the Town has actively sought out and pursued potential opportunities for the sale and development of the more challenging portions of the larger parcel, including the 61± acres comprising the Property, without success, while, at the same time, developing other portions of the larger parcel to satisfy Town recreation needs; and

WHEREAS, in recent weeks, the Town has been presented with a purchase and development proposal from JP Morgan Chase, National Association that, if approved and implemented, will result in low traffic impacts and low density development and otherwise be consistent with the development goals set forth in the Town’s Redevelopment Plan, as periodically reviewed; and

WHEREAS, the material terms of the purchase proposal appear in a non-binding Terms Sheet (the “Terms Sheet”), previously approved by resolution 71 of the Town Board; and

WHEREAS, the Town has commissioned and received an independent appraisal of the Property, which fixes its fair market value at \$9,200,000.00, subject to “extraordinary assumptions which include (i) the removal of the hospital structures, (ii) the site is environmentally clean, and (iii) the site is rezoned to a data center use; and

WHEREAS, taking into consideration the extraordinary assumptions, the proposed sales price far exceeds the fair market value of the Property, as determined aforesaid; and

WHEREAS, recognizing that the Town's efforts to secure a suitable developer for the Property over the past 13+ years, have always been hindered by the cost and magnitude of the demolition and remediation challenges that burden the Property, have limited sales and development proposals largely to high density residential development; and

WHEREAS, the Town Board concludes that the present offer by JP Morgan Chase National Association is in the best overall interests of the Town, fiscally and otherwise; 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, has concluded that there will be no significant adverse environmental impacts or effects caused or occasioned by the proposed changes to the Town's Zoning Law, the conceptual development of the Property with a data center and the Property's sale to JP Morgan Chase Bank, National Association,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the sale of the Property to JP Morgan Chase, National Association on the terms set forth in the Terms Sheet, previously approved by resolution of this Board, and subject to the execution of a binding Contract of Sale and Purchase.

This resolution is subject to Permissive Referendum.

TOWN BOARD/TOWN ATTORNEY

**AMEND RESOLUTION NO. 146/SET PH FOR
MAY 2, 2017 AT 8:00 P.M./ ENTITY
DISCLOSURE LAW**

4. **RESOLVED**, that the Town Board hereby amends Resolution No. 146 to set public hearing for the Entity Disclosure Law to be rescheduled to May 2, 2017 at 8:00 P.M.

TOWN BOARD/TOWN ATTORNEY

AUTHORIZE SUPERVISOR TO SIGN LICENSE AGREEMENT/VERIZON/POLE ATTACHMENT AGREEMENT MUNICIPAL STREET LIGHTING

5. **WHEREAS** the Town of Orangetown has entered an agreement with ORU to purchase street lights; and

WHEREAS approximately 985 of those fixtures sit on poles owned or co-owned by Verizon Communications; and

WHEREAS in order to complete the purchase of street lights the Town must enter into a Pole Attachment Agreement for Municipal Street Lighting with Verizon Communications, which calls for the Town to pay annually a fee of \$5.19 per pole, subject to future increases, if and as may occur, therefore

BE IT RESOLVED THAT upon the recommendation of the Town Attorney and the Supervisor, the Town Board authorizes the Supervisor to enter into and execute a Pole Attachment Agreement for Municipal Street Lighting and to execute any and all documents related to said agreement as may be required to effectuate this resolution and the prior resolutions approving the street light purchase

VARIOUS AGREEMENTS/NY POWER AUTHORITY/ORANGETOWN STREET LIGHT CONVERSION TO LED FIXTURES

6. **WHEREAS** upon completion of the purchase of street lights throughout unincorporated Orangetown from ORU the Town intends to convert the street lights to LED fixtures; and

WHEREAS the Town of Orangetown intends to enter into a Master Cost Recovery Agreement, a Capital Program Agreement, and an Advisory Services Agreement with the NY Power Authority (NYPA) for the purpose of managing and executing design, bidding of materials, labor, and installation of new LED street light fixtures at a cost to not exceed \$16,000; and

WHEREAS any bids gathered by NYPA for the procurement of materials and labor related to the conversion (light fixtures, etc.) are subject to approval by the Town of Orangetown, and,

WHEREAS should the Town decide to move forward, it will enter into a Customer Implementation Agreement with NYPA thereafter at an additional cost of 12.5% of the total project cost, yet to be determined (estimated at ~\$140,000); therefore

BE IT RESOLVED that the Town Board authorizes the Supervisor to enter into and execute any and all documents related to Master Cost Recovery Agreement, a Capital Program Agreement, and an Advisory Services Agreement with the NY Power Authority and to execute any and all documents related to said agreement as may be required to effectuate this resolution and the prior resolutions approving the street light purchase.

TOWN BOARD

**ACCEPT RESIGNATION/BRUCE JENSEN, JR./
MEMBER OF ACABOR/EFFECTIVE APRIL 7,
2017**

7. **RESOLVED**, that the Town of Orangetown accepts with regret, the resignation of Bruce Jensen. Jr., as Member of the Architecture and Community Appearance Board of Review (ACABOR), effective April 7, 2017.

TOWN ATTORNEY

**ACCEPT/RECEIVE/FILE/ACCEPTANCE OF TWO
DECLARATIONS OF COVENANT/ANNUAL
INSPECTION AND MAINTENANCE OF STORM
WATER CONTROL FACILITIES/ROUTE 304
LLC/HILLSIDE COMMERCIAL PARK PROJECT/
PLANNING BOARD DECISION NO. 2014-27**

8. **RESOLVED**, that upon the recommendation of DEME and the Town Attorney's Office, accept, receive and file two Declarations of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities from Route 304, LLC, for the Hillside Commercial Park project, Planning Board Decision No. 2014-27, and the Supervisor or his designee is hereby authorized to execute all documents necessary to effectuate the acceptance of the covenant on behalf of the Town.

TOWN ATTORNEY

**ACCEPT/RECEIVE/FILE/ACCEPTANCE OF
DECLARATIONS OF COVENANT/ANNUAL
INSPECTION OF STORM WATER CONTROL
FACILITIES/BRIGHTVIEW LAKE TAPPAN,
LLC AND THE RECREATIONAL ASSOCIATION
OF THE JAMES H. ANDERSON POST #1199
AMERICAN LEGION, INC./SANITARY SEWER
EASEMENTS**

9. **RESOLVED**, that upon recommendation of the Department of Environmental Management and Engineering and the Town Attorney's Office, accept, receive and file Declarations of Covenant for the Annual Inspection of Storm Water Control Facilities from Brightview Lake Tappan, LLC, and The Recreational Association of the James H. Anderson Post #1199 American Legion, Inc.; as well as Sanitary Sewer Easements from the following persons/entities, all of which are related to the Brightview Lake Tappan project, 31 Hunt Road, Orangeburg, NY, Planning Board Decision Nos. 2015-40 and 2016-14:

1. The Recreational Ass'n of the James H. Anderson Post #1199 American Legion, Inc.
2. 67 Hunt Road, LLC
3. Keira B. Burtch
4. Claude P. Baumann

And hereby authorize the Supervisor or his designee to execute all documents necessary to effectuate the acceptance of these covenants and easements on behalf of the Town.

TOWN BOARD/TOWN ATTORNEY

**STREET NAMING/PRIVATE ROAD/RIVERVIEW
LANE, NYACK (UPPER GRANDVIEW)**

- 10. WHEREAS**, there is a natural break in the length of Riverview Avenue resulting in there being two (2) sections of Riverview Avenue disconnected from each other; and

WHEREAS, the property owners located at the southernmost part of Riverview Avenue desire to officially designate their section of Riverview Avenue as a private road to assist first responders during response to an emergency; and

WHEREAS, the property owners have for years come to know the southernmost part of Riverview Avenue as Riverview Lane; and

WHEREAS, Rockland County 9-1-1 Emergency Services and the Rockland County Planning Department-GIS Division requires that such roads with addressable structures be formally named, and the United States Postal Service requires numbered and named street addresses for mail delivery; and

WHEREAS, the property owners have requested that said private road, as identified on the attached site map, be officially designated as Riverview Lane; and

WHEREAS, formally naming Riverview Lane as a unique private road would assist first responders when they are dispatched by the Orangetown Police Department to an emergency at the property owners address; and will aid the United States Post Office in delivery of mail to property owners thereupon; and

WHEREAS, the property owners expressly acknowledge that the private road shall not be owned nor maintained by the Town of Orangetown; and

WHEREAS, the property owners acknowledge that the Town of Orangetown has standardized requirements for street signs, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby authorizes and directs that the private road consisting of Orangetown Tax Lot Section/Block/Lot: 66.17-1-10, 66.17-1-20, 66.17-1-22, shall be forever named and known as

"Riverview Lane", and all future maps depicting said area shall indicate the naming of this private roads as "Riverview Lane"; and authorizes and directs that any such street sign posted shall follow the Town of Orangetown Highway Department "Requirements for Street Sign Specifications" for posted speed limits not to exceed 30 mph sign."

HIGHWAY/POLICE

AUTHORIZE HIGHWAY AND POLICE/LEND ASSISTANCE/PERSONNEL AND EQUIPMENT/MEMORIAL DAY PARADE, PEARL RIVER/ MONDAY, MAY 29, 2017

11. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance, including personnel & equipment, as may be required, for the Memorial Day Parade in Pearl River on Monday, May 29, 2017, from 9:45 am to 11:45 am.

HIGHWAY

AUTHORIZE HIGHWAY AND POLICE/LEND ASSISTANCE/PERSONNEL AND EQUIPMENT/MEMORIAL DAY PARADE, PALISADES- SPARKILL/MONDAY, MAY 29, 2017

12. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance, including personnel & equipment, as may be required, for the Memorial Day Parade in Palisades/Sparkill on Monday, May 29, 2017, from 8:00 am to 10:30 am.

HIGHWAY/PARKS

AUTHORIZE HIGHWAY AND PARKS/LEND ASSISTANCE/TRASH BARRELS FROM HIGHWAY, 3 PORT-O-JOHNS (1 ADA AND 2 REGULAR) FROM PARKS/PEARL RIVER HOOK & LADDER LADIES AUXILIARY CRAFT FAIR/FLEA MARKET/SUNDAY, MAY 7, 2017

13. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway and Parks Departments to lend assistance which includes the use of trash barrels from the Highway Department & (3) port-o-johns (1 ADA & 2 Regular) from the Parks Department for the PR Hook & Ladder Ladies Auxiliary Craft Fair/Flea Market to be held on Sunday, May 7, 2017, from 10 am to 4 pm.

HIGHWAY/POLICE/PARKS

AUTHORIZE HIGHWAY, PARKS AND POLICE/LEND ASSISTANCE/TRASH RECEPTACLES, FIELD CLEANUP, LARGE DUMPSTER , SNOW FENCE AND MESSAGE BOARD FROM HIGHWAY; SIX PORT-O-SANS (4 REG AND 2 ADA COMPLIANT) FROM PARKS DEPT; POLICE DETAIL FROM POLICE DEPT/PEARL RIVER PARKS AND ACTIVITY COMMITTEE FOR 4TH OF JULY FIREWORKS DISPLAY AND CELEBRATION/TUESDAY, JULY 4, 2017

14. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks Department and Police Department to lend assistance which includes the use of trash receptacles and field cleanup and large dumpster, snow fence and barricades and message board from Highway; Six port-o-sans (4 Regular and 2 ADA Complaint) from Parks Department; and police detail provided by the Police Department for the Pearl River Parks and Activity Committee, Inc., to celebrate the 4th of July Fireworks Display and Celebration on Tuesday, July 4, 2017 (rain date of Friday, July 7, 2017).

HIGHWAY DEPARTMENT

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT BETWEEN CORNELL COOPERATIVE EXTENSION, ROCKLAND COUNTY AND THE TOWN OF ORANGETOWN/NYSDEC C00386GG ROCKLAND COUNTY MS4 MAPPING GRANT

15. **WHEREAS**, a NYSDEC Water Quality Improvement (WQIP) Round 12 grant has been issued through the Stormwater Consortium of Rockland County (SCRC) and Cornell Cooperative Extension, Rockland County (CCE);

WHEREAS, the grant has been referenced as NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’;

WHEREAS, NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’ promotes enhanced mapping of the Municipal Separate Storm Sewer System (MS4).

WHEREAS, CCE has entered into a sub-contract with the Rockland County Soil & Water Conservation District to manage all components, absent of fiscal duties, of NYSDEC CONTRACT C00386GG ‘ROCKLAND COUNTY MS4 GRANT’;

WHEREAS, CCE will strive to enhance MS4 mapping components for jurisdictions within the Stormwater Consortium, who remain in good standing, who choose to participate in NYSDEC

C00386GG 'ROCKLAND COUNTY MS4 GRANT' through incorporating business enterprises and other resources as required, available, and needed per grant requirements to assist with the collection of data.

WHEREAS, jurisdictions may choose to participate with CCE to promote enhanced mapping of the MS4 system through grant monies provided with NYSDEC CONTRACT C00386GG 'ROCKLAND COUNTY MS4 GRANT' with the commitment to fund 25% of the grant amount with Village funds or in kind services as obligated by the grant requirements;

WHEREAS, jurisdictions may opt out of participation and grant monies provided with NYSDEC CONTRACT C00386GG 'ROCKLAND COUNTY MS4 GRANT';

WHEREAS, be it hereby resolved that jurisdictional participation shall be indicated, and signature of by Chief Operating Officer or designated signee shall be provided to determine participation with CCE to promote enhanced mapping of the MS4 system through grant monies provided by NYSDEC C00386GG 'ROCKLAND COUNTY MS4 GRANT'.

DEME

**APPROVE PURCHASE AGREEMENT WITH
OPTIMUM CONTROLS CORPORATION/Pump
Station Telemetry System Field Investigation
and SCADA Upgrades/DEME**

16. **RESOLVED**, that the Town of Orangetown, as recommended by the DEME Commissioner, enter into a Purchase Agreement with Optimum Controls Corporation to provide services as noted in schedule A and funded in the Town's 2017 budget. This service will begin the work in determining the communication status and the updating the Cimplicity hardware and telemetry system at selected pump stations sites. This service will also assist in determining funding needed beyond the 2017 budgeted amount.

Adjournments at ____ in memory of: ● Margaret Leavey