3.4 Land Use and Zoning

As shown in Figure 3.4-1, the proposed project is located on the west side of NYS Route 303, east of the CSX Railroad (formerly Conrail) right-of-way, on the south end of Old Orchard Lane, in the Town of Clarkstown. The project includes a total of approximately 29.6 acres on the following parcels for the purpose of constructing a total of 320 Active Adult Residential units. Acres listed are according to the tax assessment rolls of the Town of Clarkstown:

Tax Lot ID number:

•	35.19-2-15	0.2 acres
•	35.19-2-16	0.2 acres
•	35.19-2-17	0.2 acres
•	35.19-2-18	0.2 acres
•	35.19-2-19	1.5 acres
•	35.19-2-20	6.4 acres
•	44.07-2-10	8.6 acres
•	44.07-2-10.1	3.4 acres
•	44.07-2-10.2	8.9 acres

Orchard Ridge, LLC, the applicant, proposes to construct age restricted senior housing that would consist of 320 residential market rate townhouse units. The proposed action is an As-of-Right development as the project site was rezoned to Active Adult Residential AAR zoning pursuant to the Town of Clarkstown Resolution No. 364-2008.

The Applicant initially proposed the Hemlock Drive Access Plan shown in Figure 2-2, where the main access to the Orchard Ridge Development was to be located across from Hemlock Drive onto NYS Route 303. Since the timing and certainty of the anticipated traffic improvements to NYS Route 303 by nearby property owners are beyond the control of the applicant, the applicant has proposed the Meola Road Access Preferred Alternative which appropriately mitigates traffic impacts directly related to the Orchard Ridge project, and which are under the control of the applicant. In the Hemlock Drive Access Plan a new access road would be constructed opposite the existing Hemlock Drive. In the Meola Road Access Alternative, the main access will be provided via the existing Meola Road, and an emergency access will be provided in the vicinity of Building 1.

The Meola Road Access Alternative is the Applicant's preferred alternative since it utilizes the existing Meola Road Access and allows for road improvements to NYS Route 303 that will better serve the existing and the future commercial development in the project vicinity. The Meola Road Access Alternative also results in marginally reduced environmental impacts compared to the Hemlock Drive Access Plan, a decrease of 0.3 acres of impervious surface, and allows for better circulation around the Club House Area.

3.4.1 Existing Conditions - Land Use

The project site of the proposed Orchard Ridge development is located just south of the US Route 9W and NYS Route 303 intersection in the Town of Clarkstown, Rockland County, New York.

The project site totals 29.6 acres and is predominantly vacant. There are two existing quarter acre single family homes, which are to be removed, located on the property between the project site and the proposed future commercial development.

In terms of natural resources, most of the upland portion of the project site is heavily wooded with mature trees. A NYSDEC regulated wetland, of which 5.6 acres is located on site, which ultimately drains off the site to the to the Hackensack River, is located on and adjacent to the site (designated by NYSDC as Wetland HS-8). An additional ACOE regulated wetland of 0.02 acres is contained in the 100 foot adjacent area to the NYSDEC wetland.

Surrounding Area - Land Use

Figure 3.4-2, shows the site on an aerial photograph and illustrates the relationship of the project site to the surrounding properties. As shown in Figure 3.4-2, the project site lies to the west of NYS Route 303. The site is located just south of the Hidden Valley multifamily residential development. The site is bounded to the south by various parcels of industrial development, including the recently completed Kohl's Industrial Development. The site is bounded to the west by the CSX (formerly Conrail) rail line, which transports freight through the area. There are significant natural areas in the site vicinity including the Celery Farm which is Town of Clarkstown Open Space located immediately adjacent to the west on the other side of the CSX Railroad tracks. The Hook Mountain State Park, with the Long Path public hiking trail which follows the prominent ridge line and Rockland Lake State Park with public swimming facilities are located nearby east of the site.

Figure 3.4-2, which was prepared utilizing NYS GIS Data (2007), illustrates land use at the project site and in the surrounding area. As shown in this graphic, land use in the project area is a mix of well designed industrial properties and multifamily residential development, transitioning to single family development to the south and to the west. The Palisades Ridgeline adjacent to the Hudson River predominates the area east of US Route 9W, located east of the project site.

To verify the NYS GIS data, a land use survey of the project site and its vicinity was conducted by TMA in September, 2010. Figure 3.4-2 illustrates the land uses within an approximately one-half mile radius of the project site. The land use survey confirmed that the area contains a mix of industrial and multifamily residential uses transitioning to single family residential.

As noted above, the Rockland Lake State Park and Hook Mountain, encompassing the Palisades Ridge, including more than 800 acres of public park/open space use is located east of the site. Areas north and northeast of the project site consist of a mixture of land uses including: commercial (along US Route 9W), residential uses of various densities, mixed use development (commercial/residential), general business/community business and light industrial and warehouse uses.

The predominant land use west of the project site is residential development. The area immediately south and southeast of the project site consists of industrial development transitioning to residential development of various densities to the south. Overall, land uses surrounding the project site are suburban in character.

3.4.2 Potential Impacts and Proposed Mitigation - Land Use

Compatibility of the Proposed Project

Orchard Ridge, LLC, the applicant, proposes an Active Adult Residential development that would consist of 320 units of multi family residential units on the 29.6 acre site. For the purpose of the State Environmental Review Quality Review (SEQR) this DEIS evaluates the entire proposed development, which consists of five construction sections. See Figures 2-4, and 2-4A, Construction Phasing Plans. The projected build out year of the proposed development is 2014, however, this buildout will depend on market conditions.

The Orchard Ridge development as proposed is for development of Active Adult Residential housing. This is in response to a need determined by the Citizen Advisory Board for Housing in the Town of Clarkstown, whose final report was published in 2002. The Town of Clarkstown recognizes that the senior citizen population is largely comprised of individuals with limited or fixed incomes who, given present market conditions, find it increasingly difficult to acquire and/or maintain a single family home, however they wish to remain in the community.

The recent adoption of the Town of Clarkstown Comprehensive Plan, Partnerships and Connections, September 2009, continues to stress the need for diversity of housing, both in terms of unit type and price point. The Comprehensive Plan states, The large difference between median and average household incomes indicates the presence of large income gaps. This reinforces the need to support not only a wide range of job types within the Town, but also emphasizes the importance of developing a diverse housing stock.¹

The Orchard Ridge community is to be developed as market rate units, however the project will provide diversity in the housing stock and will be relatively affordable compared to the price of a single family house in the area. According to the US Census the 2008 median housing price was \$531,900 with many single family homes in the \$800,000 price range and beyond. In contrast the selling price of the proposed AAR housing units is projected to be \$350,000. The units will offer accommodations in their design which make them particularly suitable for an older population, such as elevator buildings, single level floor plans, accessible parking in close proximity to the front door of the building, community recreation and socialization opportunities.

Existing access to the site is available to New York State Route 303 from Meola Road. The Hemlock Drive Access plan would require a new curb cut to NYS Route 303. The Meola Road Access Alternative would use the existing Meola Road as the main access. All internal roads shall be privately owned and maintained by a condominium or homeowner's association. As part of the project design it is anticipated that a left turn lane into the project site would be constructed at the main entrance location.

Access to the regional transportation network is via NYS Route 9W and NYS Route 303. The intersection of NYS Route 303 and NYS Route 9W is located approximately 1 mile north of the site access road. NYS Route 9W a major north-south roadway which originates in New Jersey and travels through Rockland County and into Orange County, New York. Access to the Interstate 87/287 corridor is available from NYS Route 9W approximately 7 miles south of the site access road.

Overall, the proposed action would be compatible with the character and community trends of the project's surrounding area. The applicant believes that the property development would

¹ Town of Clarkstown Comprehensive Plan, Partnerships and Connections, September 2009.

blend with the mixture of land uses surrounding the site including multifamily housing and industrial and commercial development, small scale retail, and public lands. The site is appropriately located in a residential district adjacent to residential uses to the north and campus type office / industrial development south and east, with open space located to the west.

The construction of the proposed development would increase the density and variety of housing opportunities in Town of Clarkstown and its surrounding area. No significant adverse impacts to community character and development trends are expected from the proposed action.

Impacts to Land Use

Due to the residential nature of the project and the location of the project site in an existing residential district adjacent to residential uses to the north and campus type office / industrial development south and east, with open space located to the west, the proposed development is not expected to adversely impact adjacent land uses. The proposed action is designed to conform with the existing mixed use land use pattern of the community while increasing the variety of available housing within the Town of Clarkstown.

The project layout has been designed around the natural site conditions to minimize impacts to sensitive environmental elements (wetlands areas). As shown in Figures 3.8-6, the development design includes a full landscaping plan intended to provide an attractive, modern living environment in a suburban community.

The conceptual landscaping illustrates concepts for the access roads, trees and buffer plantings and typical foundation plantings for residential development. The landscaping plan has been developed to create a livable community while providing visual buffer between the residences proposed on the project site and the adjacent properties. Discussion of potential visual impacts from the proposed development on adjacent properties, and proposed mitigation measures, are provided in Section 3.8 of this DEIS.

The proposed residential buildings would conform to the height and bulk restrictions of the AAR zoning district. Typical elevations of the proposed buildings are provided in Section 3.8 of this DEIS.

The project site was previously designated as part of the NYS Empire Zone in 2002. At the time of the zone change application, the Rockland Economic Development Corporation, recommended relocation of the Empire Zone designation on the project site to the Clarkstown Executive Park to preserve the tax benefits of this program to the Town. This relocation was successfully executed and there was no reduction of Empire Zone acreage to the Town of Clarkstown.

Local daytime ambient noise levels in the immediate vicinity of the site will increase during construction of the proposed development. Construction activities and the operation of construction equipment are an expected impact of any new construction project and cannot be avoided. The proposed project would not introduce a major new stationary source of noise and would not introduce noise sources different from typical residential neighborhoods. Refer to Section 3.10, Noise and Air Impacts for additional discussion regarding the proposed action and potential noise impacts.

Overall, the proposed action would be compatible with surrounding land use patterns in the vicinity of the project site. The construction of the proposed development would increase the

variety of housing opportunities in Town of Clarkstown and its surrounding area. Impacts to Land Use are the same in the Meola Road Access Alternative as compared to the Hemlock Drive Access Plan. No significant adverse impacts are expected from the proposed action on adjacent land uses.

3.4.3 Existing Conditions - Zoning

The Town of Clarkstown has implemented a "Zone Amendment" to provide housing to accommodate a range of independent living accommodations for active adults. The Town of Clarkstown recognized that the senior citizen population is largely comprised of individuals with limited or fixed incomes who, given present market conditions, find it increasingly difficult to acquire and/or maintain a single family home. The Active Adult Residential (AAR) zone provides optional density bonuses in return for the provision of affordable housing as a portion of age-restricted housing development in the community, to implement the affordable housing goals, policies and objectives set forth in the Town's Comprehensive Plan. The full text of the AAR Zone amendment is included as Appendix D.

The applicant for Orchard Ridge did not request any optional density bonus for development of this project. The units have been designed as moderately priced units, and as such will increase the diversity of housing in the Town by being "relatively affordable" compared to the price of a typical single family home in the area.

The AAR zone is a floating zone, unmapped at initial adoption, and created by amendment to the Town's zoning map through exercise by the Town Board of the procedures set forth in the law.

The AAR Zone was designed to address a range of housing needs by encouraging a range of housing types, locations and sizes. This zone is intended for areas of the Town where local services necessary to support active adults are immediately available; where supporting infrastructure is already in place, and where transportation access, including public transportation is provided. A proposed active adult community must be compatible with the existing scale of development nearby and must be consistent with the Town's goals with regard to housing. After carefully reviewing all supporting documentation Local Law No.3-2007 was adopted by the Town of Clarkstown Town Board on April 14, 2007, amending the town's zoning code to include the Active Adult Residential Zone.

Surrounding Area - Zoning

North of the project site the property is adjacent to MF-2 zoning, thus making it an eligible parcel for AAR zone designation. The project site is otherwise surrounded by LIO zoning. This LIO designated area is built out with the exception of 4 large parcels on the east side of NYS Route 303 and 5 smaller parcels to the north of the project site on the west side of NYS Route 303. The Celery Farm to the west of the train tracks is also designated as LIO property, however, it has been purchased by the Town of Clarkstown as dedicated open space. Refer to Figure 3.4-3, Existing Zoning Map for the zoning of the project site and surrounding area.

Subject Property - Zoning

As shown in Figure 3.4-3, the entire project site is zoned AAR, Active Adult Residential District. Under the Town of Clarkstown Zoning Code, permitted uses allowed within the AAR zoning district are limited to senior housing choices and include the following:

Land Use and Zoning May 23, 2012

- Multi-unit complexes
- Patio Homes Detached
- Patio homes Semi Attached

There are no additional provisions for Accessory uses permitted in the AAR zoned parcels.

The bulk requirements for the AAR zoning district are summarized in Table 3.4-1.

### Town of Clarkstown Both Multifamily units and Detached or Semi-attached Patios	Table 3.4-1			
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 $^{^{\}rm 2}$ Complete text of AAR Zoning regulations is included as Appendix D.

Town of Clarkstown Comprehensive Plan

In 2009, the Town of Clarkstown adopted the Town of Comprehensive Plan, entitled Partnerships and Connections. The generalized Land Use Plan is shown in Figure 3.4-4. The 2009 Comprehensive Plan recognizes the interdependence between individuals and society, between built systems and the natural environment. It is a plan that aims to reconnect people to nature, from the Palisades Ridge, a part of the Hudson Highlands spanning four states, to the Hudson River connecting Clarkstown to the Hudson River Valley and New York City. The Plan seeks to safely connect homes to jobs, to schools, to businesses, to hamlet centers, and to Clarkstown's Parks via diverse modes of transportation. The Plan states, "These connections will be accomplished through partnerships, through the formation of relationships between the residents of the Town and town government, between the Town and the County, the Hudson River Valley, the State of New York and ultimately the rest of the nation. The Comprehensive Plan aims to reconnect Clarkstown to the past while projecting Clarkstown into a better future, a future that builds upon their strengths while recognizing the limitation of their natural resources. It is a plan that reconnects people to one another and to their communities."

The Goals and objectives of the Comprehensive Plan are organized around seven interconnected central topics as listed below:

- Economic Development
- Environmental Resources
- Health Safety & Welfare
- Historic & Cultural Resources
- Housing
- Recreation Parks & Open Space
- Transportation

According to the Comprehensive Plan, there is a necessity to provide housing which will meet the needs of senior citizens and smaller households. The Active Adult Residential Zoning was enacted specifically to assist in meeting this need.

3.4.4 Potential Impacts - Land Use & Zoning

The proposed project was evaluated relative to the requirements of the Active Adult Residential zoning. The Orchard Ridge project site was found to be in full conformance with the necessary criteria identified for implementation of the AAR zone as described below; On June 17, 2008, the Clarkstown Town Board, after a public hearing, amended the Zoning Map of the Town to include the project site in the AAR zoning district, (Resolution No. 364-2008). The district boundary was subsequently amended by the Town Board at its meeting of July 22, 2008³

- 1- The proposed project is located adjacent to a permitted residential host zone, is more than three acres in net lot area and does not exceed the limit of 800 units, nor exceed the limit of 15% of three bedroom units as set forth in the zoning amendment.
- 2- The parcel was zoned LIO and abuts an MF-2 residential zoning district, thus the density calculation is based upon the maximum residential density of the MF-2 district after deduction of the environmentally constrained lands.

³ The Amendment was to recognize the acquisition of additional parcels by the applicant/owner to be incorporated into the AAR project and to allow the development of an commercial parcel along NYS Route 303, all at the suggestion of the Town Board and the AAR Committee.

- 3- The overall density of the proposed project will be 320 units on 29.6 acres or 10.8 units per acre. The methodology for calculation of available land area as specified is correct. Wetlands have been delineated by Robert Torgeson. The appropriate deductions for environmentally constrained land have been taken and have been certified by the Army Corp. of Engineers (ACOE).
- 4- Analysis of the traffic trip generation was conducted to determine how the proposed AAR project would compares to the previous LIO zoning. Implementation of the AAR zone would result in a decrease of 121 trips during the a.m. peak hour and a reduction of 99 trips during the p.m. peak hour compared to the previous LIO zoning.
- 5- The project site was previously designated as part of the NYS Empire Zone in 2002. The Rockland Economic Development Corporation, recommended relocation of the Empire Zone designation on the project site to the Clarkstown Executive Park to preserve the tax benefits of this program to the Town. This relocation was successfully executed and there was no reduction of Empire Zone acreage to the Town of Clarkstown.
- 7- Each unit has a one car garage parking space and an exterior parking space. In addition there are 160 guest parking spaces available, thus the parking allocation on site meets or exceeds the AAR requirements for parking provisions.
- 8- Pedestrian facilities are important considerations in the AAR zone. The site plan includes sidewalks along the building frontages to provide access to the Bus Stop Location on NYS Route 303 and to the open space area and Club House facilities. Shuttle bus service internal to the site and to the Lake Road area, where local retail goods and service establishments are available, will be provided.
- 9- Active and passive recreation facilities are also important considerations in the AAR zone. The project includes an open space area with passive recreation walking trails and workout areas. The Clubhouse area includes a swimming pool, bocce courts and a putting green.
- 10- The site is directly adjacent to a community shopping center and is serviced by the Rockland County TOR system and the Town of Clarkstown Minitran system making it accessible to travelers dependent upon mass transportation.
- 11- The initial offering price of approximately \$350,000, based upon current market conditions, will meet a need in the Town of Clarkstown for housing which is relatively affordable to active adults when compared to the typical single family home in the area.

One of the goals of creation of the AAR floating zone was to allow long time residents of the Town of Clarkstown to remain in their community, in close proximity to family members, in a development which was affordable to persons living on fixed incomes. In this manner families can stay connected to one another and to their community.

As stated, the Goals and Objectives of the Comprehensive Plan are organized around seven interconnected central topics, five of these topics contain specific goals and objectives which are met by the Orchard Ridge project as listed below:

Economic Development

The Comprehensive Plan states "Like most communities located on the outskirts of the New York Metropolitan Area, Clarkstown is experiencing pressure to build residential units that will cater to a growing number of residents moving out of New York City. This outward movement to the suburbs has resulted in higher housing costs and has exacerbated the need for both affordable and workforce housing in Clarkstown. In addition to increasing more residential sites. A diverse economy requires a workforce that includes a variety of job types and associated salaries. Housing prices must reflect this variety, as affordable workforce housing is essential to sustaining a viable economy for the community. The Economic Development Strategy recommends the development of varied housing...."

The Orchard Ridge project is a market rate development which offers a diversity of price point to senior citizens wishing to live in Clarkstown.

Environmental Resources

In the Environmental Resource Section the Comprehensive Plan calls for an emphasis on environmentally sound building design construction and operation of green buildings that will result in the reduced usage of natural resources.

Multifamily housing is inherently more efficient that typical suburban sprawl. In addition the Orchard Ridge project will include state of the art sustainable energy measures and will strive to meet Energy Star and/or LEED certification.

All of the on-site wetlands will remain undisturbed and will serve as a biodiversity corridor with connections to the Celery Farm, which contains the majority of NYS DEC wetland HS-8.

Health Safety & Welfare

One of the goals listed in the Health Safety & Welfare section of the Comprehensive Plan calls for encouraging income adjusted housing for emergency service volunteers.

Although the demographic of Active Adult housing may limit the number of new residents who choose to become emergency service workers, the additional 576 adults may provide a limited resource of emergency workers.

The moderate selling price of these units will be affordable to households living on the Rockland County median income without any further income restrictions. Based upon the unique demographic of active adult populations, the potential buyer may have a substantial down payment available, which would reduce the income requirements even further.

<u>Housing</u>

The 2009 Comprehensive Plan states, "As older residents consider new housing for retirement, and Clarkstown's youth begins seeking housing of it's own, the Town's housing stock offers limited affordable housing options." The Plan further states, "As the Town's population expands

and ages, new housing types are needed. Older individuals may seek smaller residences, often within housing communities, and may find their options restricted as they rely on fixed incomes"

The proposed Orchard Ridge project directly meets the stated need for more variety of housing choices for older residents, moderately priced such that it is affordable to seniors who may be living on retirement or fixed incomes.

Transportation

One of the stated goals of the Comprehensive Plan lower the number of vehicle crashes which occurs in the area and to minimize conflict between travel modes. During the process of seeking AAR zone designation for this parcel, a comparison of the trips generated as a result of AAR development was compared to the trips generated which could be expected as a result of development under the previous LIO zoning.

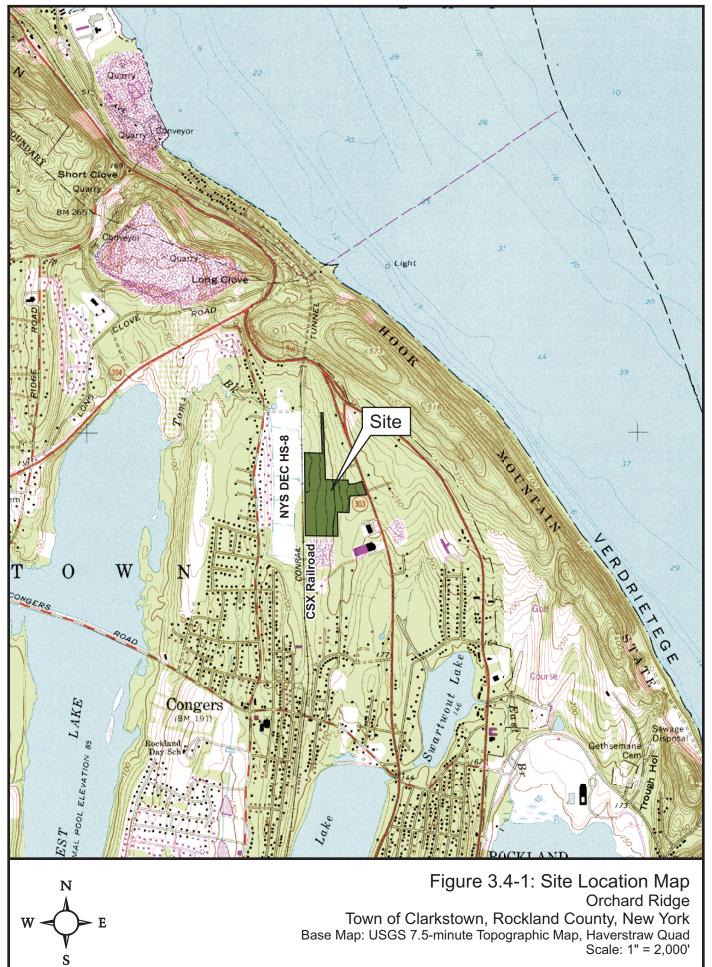
Development of an AAR project would result in a decrease of 121 trips during the a.m. peak hour and a reduction of 99 trips during the p.m. peak hour compared to the previous LIO zoning. The reduction in projected traffic would directly relate to a reduction in vehicle crashes.

Development of this project in an area which is already well served by public transit and is proximate to community services and local commercial services will meet the goal of creating sustainable travel and development patterns of land use in the Town.

It is the purpose and objective of the project sponsor to construct a senior housing residential development that would increase the range of housing opportunities in the Town of Clarkstown and the greater Rockland County area.

The design, layout and operational characteristics (a residential development) are not expected to impact the environment or result in a waste of land or other natural resources. The site is well suited for Active Adult Residential development due to it's proximity to major transportation corridors, the availability of public water, sewer, and other infrastructure and the proximity to retail goods and services. The Orchard Ridge development as designed would preserve the site's existing natural resources, specifically the on-site wetlands.

The bulk requirements for the AAR zone designation of the subject property are summarized in Table 3.4-1. The proposed project is in conformance with these bulk requirements. Therefore, no impact to zoning is expected from the Orchard Ridge project.



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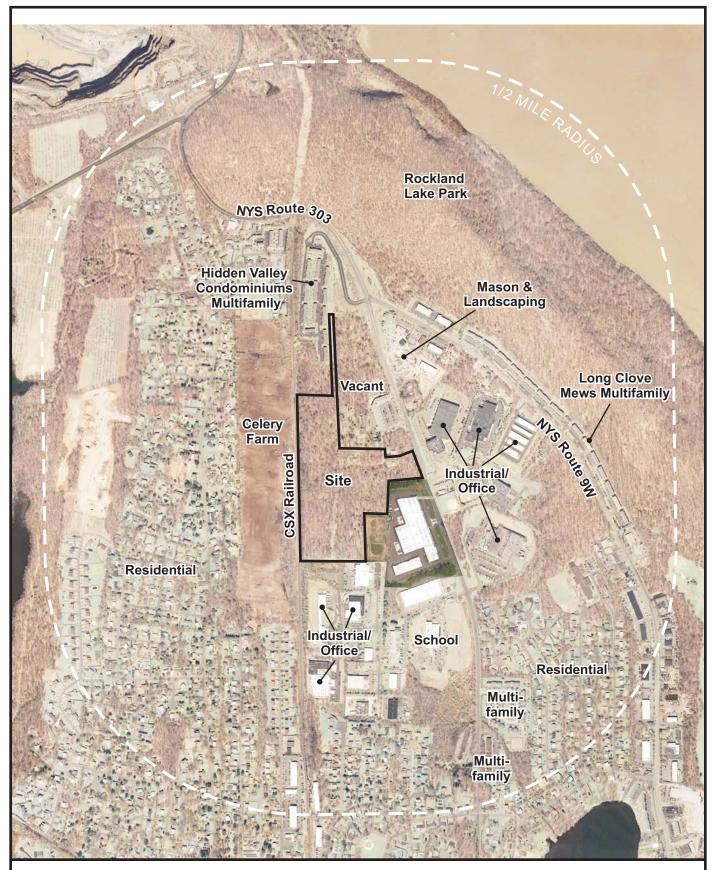
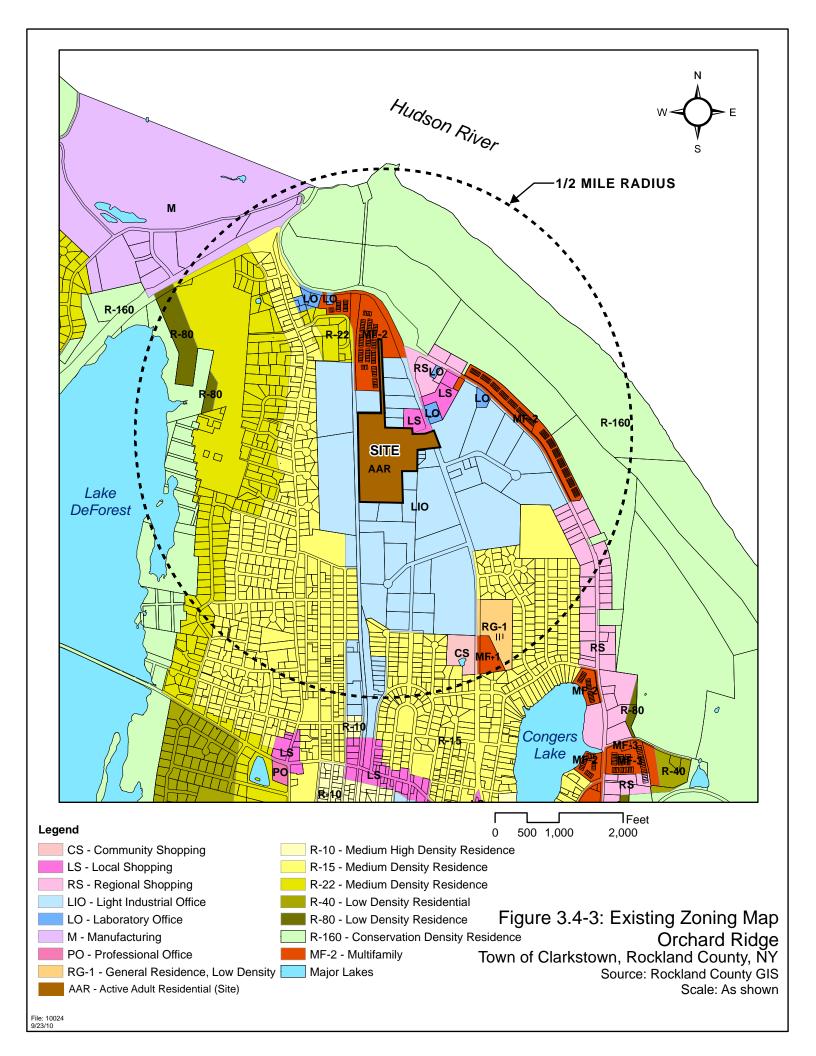




Figure 3.4-2: Project Site and Surrounding Land Use
Orchard Ridge
Town of Clarkstown, Rockland County, New York
Base: NYS GIS Clearinghouse, 2007 Orthoimagery
Scale: 1" = 1,000'

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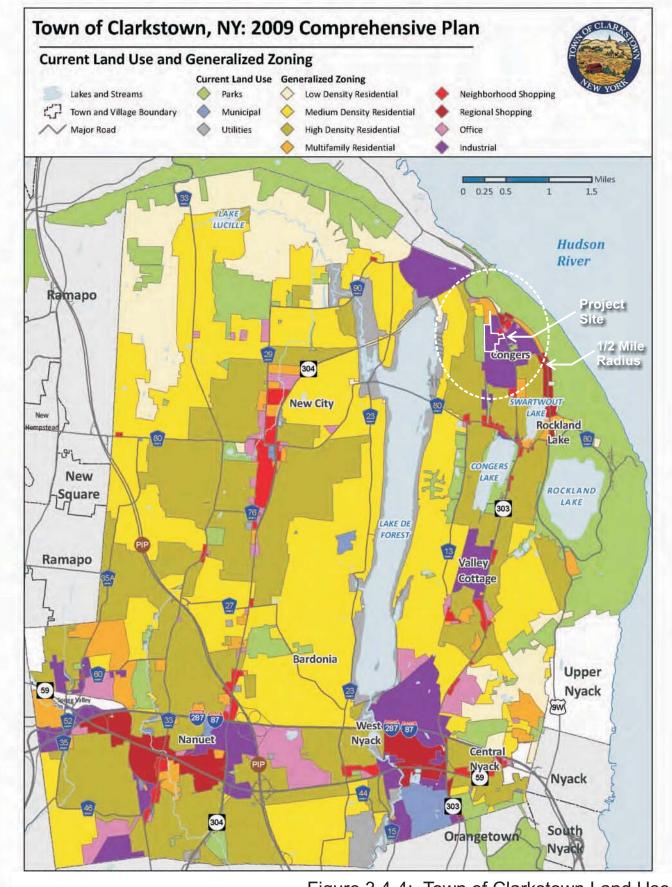


Figure 3.4-4: Town of Clarkstown Land Use
Orchard Ridge
Town of Clarkstown, Rockland County, New York
Source: Town of Clarktown 2009 Comprehensive Plan
Scale: As shown

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