

1 At a Regular Meeting of the Ramapo Town Board held on February __, 2020, the following
2 resolution was
3 **moved by Councilperson [_____],**
4 **seconded by Councilperson [_____],** and
5 adopted by a Roll Call **Vote of *-***;
6 **with [absentions]; [absences]: _____**

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8 **RESOLUTION NO. 2020 - *****

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10 **RESOLUTION ADOPTING LOCAL LAW**
11 **AMENDING THE TOWN OF RAMAPO ZONING MAP**
12 **TO CHANGE THE ZONING OF CERTAIN PASCACK RIDGE PROPERTIES**
13 **FROM THE R-15 ZONING DISTRICT TO THE MR-12 ZONING DISTRICT**
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15 **WHEREAS**, the Town Board received a petition from Monsey Lumber and Union Collins
16 Realty Corp., (collectively the “Monsey Lumber” petition) seeking a change in the zoning
17 designation of certain tax parcels (the Monsey Lumber parcels) located in an area bounded by
18 Ewing Avenue on the north, North Pascack Road on the east, the Town of Clarkstown boundary
19 on the south and the Village of Spring Valley boundary on the west, from the existing R-15 zoning
20 district to the MR-12 zoning district, and,
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22 **WHEREAS**, the Town Board received a petition from 171 No. Pascack Road Corp., (the “171
23 N. Pascack Road Corp. petition” or “Collishaw petition”), seeking a change in the zoning
24 designation of an adjacent parcel of land on North Pascack Road (the “171 N. Pascack Road” or
25 “Collishaw parcel”), from the existing R-15 zoning district to the MR-12 zoning district, and,
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27 **WHEREAS**, the Town Board determined that it would consider those petitions and whether
28 the proposed zoning would be in the overall interests of the residents of the Town of Ramapo and
29 consistent with the 2004 Comprehensive Plan of the Town of Ramapo; and,
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31 **WHEREAS**, the Town Board further determined that it would, on its own initiative and in the
32 interest of comprehensive land use planning, study and consider the merit of rezoning the lands
33 within that entire area (the Pascack Ridge properties), and to that end, consider any necessary
34 amendments to the 2004 Comprehensive Plan of the Town of Ramapo, including considering the
35 propriety of identifying the Pascack Ridge properties in the Comprehensive Plan Housing Section
36 as an appropriate location for multifamily housing; and,
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38 **WHEREAS**, accordingly, the Town Board duly considered amending the Zoning Map of the
39 Town of Ramapo to reclassify certain parcels of land, referred to as “Pascack Ridge,” from the R-
40 15 (Residential District – 15,000 square feet per lot) zoning district classification to the MR-12
41 (Multifamily – maximum 12 units per acre) zoning district classification, which parcels are more
42 particularly known and designated on the Tax Map of the Town of Ramapo as S/B/L’s 50.19-1-

43 44; 50.19-1-45; 50.19-1-52; 50.19-1-51; 50.19-1-50; 50.19-1-49; 50.19-1-48; 50.19-1-47; 50.19-
44 1-46; 50.19-1-71; 50.19-1-72; 57.07-1-3; 57.07-1-4; 57.07-1-2; 57.07-1-5; 57.07-1-7; 57.07-1-8;
45 57.07-1-8.1; 57.07-1-9; 57.07-1-10; 57.07-1-19; 50.19-1-61; 50.19-1-60; 50.19-1-59; 50.19-1-58;
46 50.19-1-57; 50.19-1-56; 50.19-1-55; 50.19-1-53; 50.19-1-68; 50.19-1-69; 50.19-1-70; 50.19-1-67;
47 50.19-1-66; 50.19-1-65; 50.19-1-64; 50.19-1-63 and 50.19-1-62, together with the right of way of
48 Christa Lynn Drive, a private road, comprising in the aggregate approximately +/- 27.6 acres in
49 area, and,

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51 **WHEREAS**, the Town Board has, with the assistance of its professional planning consultants,
52 Town attorney's office, and special outside counsel for land use and zoning matters, assumed
53 SEQRA Lead Agency status and engaged in an extensive environmental review of the proposed
54 Comprehensive Plan and rezoning actions, which is fully set forth in its SEQRA Statement of
55 Findings and Town Board resolution 2020-***; and,

56
57 **WHEREAS**, in the course of its review of the proposed Comprehensive Plan and zoning
58 amendments, the Town Board held multiple public hearings, as fully set forth in its SEQRA
59 Statement of Findings and the aforesaid Town Board resolution 2020-***; and,

60
61 **WHEREAS**, the Town Board introduced a proposed local law on July 24, 2019 to amend the
62 Town of Ramapo Zoning Map, set a public hearing on that local law for August 15, 2019, and
63 directed that notice of that hearing be published, posted and transmitted to those municipalities
64 within or adjacent to the Town of Ramapo; and,

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66 **WHEREAS**, the Town Board directed that the proposed Comprehensive Plan and zoning
67 amendments before it be referred to the Rockland County Planning Department for GML 239-m
68 review, which referral was addressed by the County Planning Department in a letter from the
69 Department received on August 30, 2019; and,

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71 **WHEREAS**, the Town Board opened concurrent public hearings on the proposed
72 Comprehensive Plan and zoning amendments on August 15, 2019, then closed the hearings after
73 ensuring that all interested persons had opportunity to be heard and announcing that written
74 comment would be received until September 3, 2019, and thereafter extended the written comment
75 period to September 9, 2019 to allow the public to consider any GML-239 comments; and,

76
77 **WHEREAS**, the Town Board referred the proposed Comprehensive Plan and zoning
78 amendments to the Town Planning Board for review and report of any recommendations they
79 deemed appropriate, which report was made at the September 4, 2019 Planning Board and
80 transmitted to the Town Board; and,

81
82 **WHEREAS**, the Town Board thereafter engaged in further review of the Comprehensive Plan
83 and zoning amendments with the assistance of its planning consultant and special counsel,

84 including requesting and reviewing revisions of the proposed Comprehensive Plan amendments to
85 respond to RCPD comments; and,

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87 **WHEREAS**, the Town’s consulting planner, David H. Stolman, AICP, of Frederick P. Clark
88 Associates, has opined that the proposed Comprehensive Plan and zoning amendments are
89 consistent with goals and objectives of the 2004 Comprehensive Plan, as amended, including the
90 criteria set forth for the selection of multifamily development sites, and comport with sound
91 planning principles, and,

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93 **WHEREAS**, the Town Board referred the revised Comprehensive Plan and zoning
94 amendments to RCPD for GML 239-m review on December 6, 2019, together with the documents
95 required to ensure that RCPD had a full statement of the proposed action before the Town Board,
96 including both all materials required by and submitted to the Town Board as an application for the
97 proposed Comprehensive Plan and Zoning Map amendments, and all materials required by the
98 Town Board in order to issue its SEQRA Findings, and,

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100 **WHEREAS**, on December 24, 2019 the Town mailed a completed referral form to RCPD, as
101 requested by the Department, together with a traffic signal warrant study prepared by the
102 Applicant’s traffic consultant and the analysis of that study prepared by the Town traffic
103 consultant, to ensure that RCPD would continue to have a full statement including all materials
104 required by and submitted to the Town Board, and,

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106 **WHEREAS**, the Town Board received and reviewed the comments set forth in the RCPD’s
107 January 17, 2019 GML comment letter with respect to the proposed zoning amendment; and,

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109 **WHEREAS**, the Town Board, on consideration of the recommendation of its consulting
110 planner and review of the extensive record before it, found that the proposed local law should be
111 amended to exclude certain lots from the MR-12 rezoning for the reasons set forth in the February
112 12, 2020 memorandum from its consulting planner; and,

113
114 **WHEREAS**, the Town Board finds the revised local law to be fully within the embrace of the
115 public hearings previously held by the Town Board, as it concerns only those parcels that were
116 being considered for rezoning, and, as with any rezoning request, the Town Board has complete
117 discretion to deny such request, in whole or part; and,

118
119 **WHEREAS**, in adopting the Comprehensive Plan amendments by Town Board Resolution
120 2020-***, the Town Board determined, for the reasons more fully set forth therein, that the
121 amended list of parcels included in Exhibit B to the proposed local law and as shown on the
122 “Proposed Zoning Map Amendments Associated with Pascaek Ridge Zoning Petition,” which is
123 annexed to the proposed local law as Exhibit A are an appropriate location for multifamily housing
124 development; and,

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WHEREAS, the Town Board also determined in that Resolution that it would override certain comments and mandatory directives in the RCPD GML 239 review letters on the Comprehensive Plan amendments that provided the basis for RCPD to disapprove the proposed Comprehensive Plan and zoning amendments, and the Town Board explained its decision to override those comments in Appendix 1 to that resolution; and,

WHEREAS, the Town Board has reviewed the RCPD GML 239 review letters on the proposed zoning law and finds that the RCPD comments that provide the basis for the RCPD to disapprove the proposed zoning amendments largely overlap the comments to disapprove the proposed Comprehensive Plan amendments, and to the extent that those reasons do not overlap, the Town Board respectfully disagrees with comments 1 through 11 set forth in the Department’s January 17, 2020 GML 239-m letter, and determines that it will override the comments and mandatory directives set forth in the RCPD comments on the proposed zoning amendment that are asserted to provide the basis for the RCPD disapproval determination, for the reasons set forth in Appendix 1 to this Resolution; and,

WHEREAS, the Town Board finds that as the proposed zoning law has been amended only to the extent that no action will be taken on the zoning of certain parcels generally on the east side of the Pascack Brook, and that they will retain the existing R-15 zoning designation, which will reduce the overall density of potential development on the area studied in the Pascack Ridge EIS, consistent with the recommendation of RCPD that lower density zoning be considered on that area, and that no further GML 239-m review is required; and,

WHEREAS, as set forth in its SEQRA Finding Statement, the Town Board finds that certain conditions should be imposed on the rezoning of the property, including requiring a restrictive covenant prohibiting residential buildings on Parcel 46 to maintain its open space character and providing for post-construction review of the traffic signal warrant analysis that established a traffic signal at the Pascack Road/Ewing Avenue intersection would not meet Town standards for installing a signal at that location; and,

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ramapo that the petition of 171 No. Pascack Road Corp. is denied, for the reasons more fully set forth herein, in the Town Board’s Resolution adopting the Proposed Comprehensive Plan Amendments, and in the Town Board’s SEQRA Finding Statement; and,

NOW THEREFORE, BE IT FURTHER RESOLVED that on review and consideration of the full record before it, including the recommendation of the Town’s planning consultant and the Town Board’s SEQRA Findings Statement, the Town Board determines that the zoning designation of those parcels on the east side of Pascack Brook, which it considered for rezoning on its own initiative, will remain R-15; and,

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NOW THEREFORE, BE IT FURTHER RESOLVED that the Monsey Lumber petition for an amendment of the Zoning Map of the Town of Ramapo to change the designation of the parcels of land identified in the proposed local law from the R-15 Zoning District to the MR-12 Zoning District is hereby granted, and the amended local law that changes the Zoning Map to rezone from the R-15 Zoning District to the MR-12 Zoning District those parcels listed on Exhibit B to the proposed local law and as shown on the “Proposed Zoning Map Amendments Associated with Pascack Ridge Zoning Petition,” which is annexed to the proposed local law as Exhibit A is adopted, subject to the condition that in the event of any conflict between the Map set forth in said Exhibit A and the list set forth in said Exhibit B, the Map shall be dispositive, and that said local law shall be designated as Local Law No. *- 2020 on filing with the Secretary of State, and,

BE IT FURTHER RESOLVED that the Zoning Map amendment be adopted subject to the following conditions:

- a) Any Planning Board approval of a site plan for multifamily development shall include conditions that require the developer to: (1) conduct a post-occupancy signal warrant analysis a minimum of six months and not more than twelve months after full occupancy (defined for this purpose as issuance of certificates of occupancy for more than 200 dwelling units within the rezoned lands) of the Pascack Ridge project; (2) fully fund the installation of a signal at this intersection in the event that the Town’s traffic consultant advises that the post-construction study justifies a traffic signal based upon the 8-hour warrant analysis and the Town Board requires that it be installed; (3) if the signal is installed, evaluate and adjust the signal timing within 3 months of the signal commencing operation to optimize the flow of traffic on Town highways; and (4) provide a bond for that work, which shall be returned if the post-occupancy study determines the intersection does not meet the necessary warrants for installation of a traffic signal.
- b) The property owner file a restrictive covenant, acceptable in form to the Town Board and its special counsel, that prohibits residential buildings on Parcel 46 in order to maintain its open space character, but which may allow use of portions of that parcel for open space, community facilities and recreation, subject to Town consent, and which may provide that the owner can use the MR-12 density that could have been developed within that restricted area on other portions of the owner’s property in the MR-12 zoning district, if feasible, subject to all applicable land use and environmental restrictions on the proposed use.
- c) All land use actions shall be consistent with the representations of the Monsey Lumber Petitioner that are set forth in the Findings Statement or further SEQRA review may be required by the board, agency or official with jurisdiction to approve such action.

206 d) _____,
207

208 **BE IT FURTHER RESOLVED** that the Town Board does hereby override the review
209 comments set forth in the Rockland County Planning Department General Municipal Law January
210 17, 2020 review letter, for the reasons and to the extent set forth in Appendix 1, and in Resolution
211 2020-***, as if fully set forth herein, and the Clerk is directed to file these Resolutions with the
212 RCPD as the Board’s statement of its action; and,

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214 **BE IT FURTHER RESOLVED** that the Clerk is directed to file this Resolution in her Office,
215 and to cause the adopted Local Law to be filed with the Secretary of State.

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217
218 _____
219 Sara Osherovitz
Town Clerk

220 CC: Town Board
221 Town Attorney
222 Finance
223 Building, Planning & Zoning
224 Assessor

**LOCAL LAW NO. ____ OF 2020
AMENDING CHAPTER 376, ZONING,
TO CHANGE THE ZONING MAP OF THE TOWN OF RAMAPO
TO REZONE CERTAIN PARCELS OF LAND
FROM THE R-15 ZONING DISTRICT CLASSIFICATION TO
THE MR-12 ZONING DISTRICT CLASSIFICATION**

BE IT ENACTED by the Town Board of the Town of Ramapo as follows:

Section 1: Title

This Local Law shall be known and cited as “Local Law No. ____ of 2020, Amending the Zoning Map of the Town of Ramapo to Rezone Certain Parcels of Land from the R-15 Zoning District Classification to the MR-12 Zoning District Classification.”

Section 2: Legislative Intent

1. The Town Board, upon being petitioned by the owners of certain property, and upon its own initiative, considered the rezoning of certain lands commonly known as Pascack Ridge, and to that end directed that proposed amendments to the Town’s 2004 Comprehensive Plan and this proposed local law be prepared to reclassify certain parcels of land, presently included in the R-15 Residential Zoning District (15,000 square feet per lot), into the MR-12 Multifamily Zoning District (maximum 12 units per acre).
2. The Town Board initially held a public hearing on the petitions in 2014, at which time it considered potential amendments to the 2004 Comprehensive Plan and the Town Zoning Map, thereafter required preparation of an Environmental Impact Statement on the proposed action, accepted a Draft Environmental Impact Statement and held public hearings on a proposed local law, Comprehensive Plan amendments and the DEIS on August 15, 2018, accepted a Final Environmental Impact Statement, referred the proposed zoning amendments to the Rockland County Planning Department and the Town Planning Board for their recommendations, and held public hearings on a revised local law, revised Comprehensive Plan amendments, and a Technical Addendum to the FEIS on August 15, 2019, at which hearing and during the following written comment period, it received public comment on the revised local law, revised Comprehensive Plan amendments, the FEIS and the Technical Addendum thereto. On considering the comments of the public and involved and interested agencies, the reports of the County Planning Department and Town Planning Board, as well as the advice of its planning consultants, the Town Board thereafter directed revisions to the proposed Comprehensive Plan and zoning amendments.
3. The Town Board has adopted, in its capacity as SEQRA Lead Agency, its SEQRA Findings Statement setting forth its findings with respect to the environmental review of the proposed SEQRA action, and alternatives thereto, and has considered therein the recommendation of its consulting planner that certain properties being considered for rezoning should retain their existing zoning.
4. Having studied the proposed rezoning action, including the petitions, proposed amendments to the Town’s 2004 Comprehensive Plan to reflect current conditions in the area of the Town that would be rezoned, a conceptual development plan known as Pascack Ridge and the environmental review documents prepared in connection with that action, the Town Board finds that the proposed rezoning, revised to exclude those parcels identified by its consulting planner, is reasonable and appropriate to

respond to the growth of the Town's population, meet the current housing needs of the Town and its residents, and further finds that the proposed rezoning fulfills the purposes of Chapter 376 as stated in §§ 376-3.A through J, and is consistent with the goals and objectives of the Town Comprehensive Plan, as amended.

5. The adoption of this Local Law is determined to be an exercise of the Town's powers pursuant to the Municipal Home Rule Law, and is further considered an proper exercise of the police powers of the Town to protect the public health, safety and welfare of its residents by acting to increase the supply of safe housing resources needed to meet the Town's housing needs.

6. The Town Board finds that the revised local law, which excludes certain parcels that were considered for rezoning from being rezoned due to size, location and constraints that indicate they are not suitable for development of multifamily housing and would therefore be rendered nonconforming parcels if they were subject to the MR-12 zoning regulations, to be entirely within the embrace of the duly noticed zoning amendment considered at the August 15, 2019 public hearing, and is consistent with public comment urging the Board to retain the R-15 zoning district on the east side of Pascack Brook.

Section 3: Amendment to Article II, Section 376-21, Zoning Map of the Town of Ramapo

Chapter 376, titled "Zoning," of the Code of the Town of Ramapo is amended by revising the Zoning Map of the Town of Ramapo, which was duly established pursuant to §137-21, titled "Zoning Map," to change the zoning district designation of the list of parcels annexed as Exhibit B from the existing R-15 Residential Zoning District (15,000 square feet per lot) zoning to the proposed MR-12 Multifamily Zoning District (maximum 12 units per acre) zoning, as shown on that portion of the Zoning Map annexed hereto as Exhibit A entitled, "Proposed Zoning Map Amendments Associated with Pascack Ridge Rezoning Petition," dated February 7, 2020.

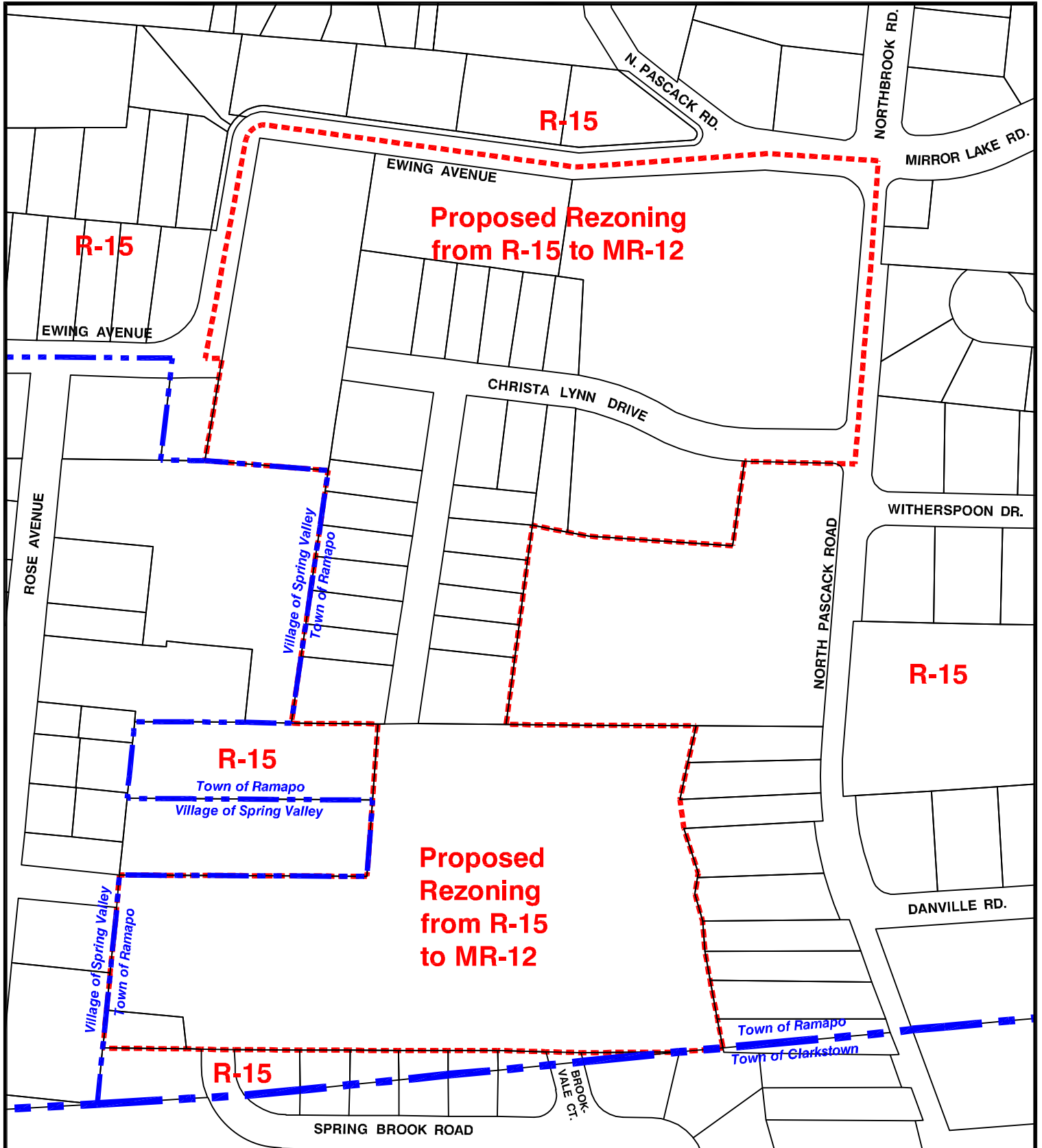
In the event of a conflict between the Zoning Map amendment attached as Exhibit A and the list of tax map parcels annexed as Exhibit B, the inclusion of a tax map parcel, or any portion thereof, in the area shown on the Zoning Map shall be dispositive.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and shall not affect, impair or invalidate the remaining portions hereof, which shall remain in full effect.

Section 5: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.



LEGEND:

■ ■ ■ ■ Proposed Zoning District Boundary

**PROPOSED ZONING MAP
AMENDMENTS ASSOCIATED
WITH PASCACK RIDGE
REZONING PETITION
Ramapo, New York**



**FREDERICK P. CLARK ASSOCIATES
A HARDESTY & HANOVER COMPANY**

Exhibit

Scale in Feet

A

200 150 100 50 0 200

2/7/20

2-12-20
DRAFT
EXHIBIT B

PARCELS TO BE REZONED TO MR-12 – PASCACK RIDGE REZONING CHANGE

Tax Parcel Number	Address	Owner's Name	Existing Zoning District	New Zoning District
50.19-1-44	100 Ewing Avenue	Union Collins Realty Inc.	R-15	MR-12
50.19-1-45	110 Ewing Avenue	Brown, Paul & Simpson, Paulette	R-15	MR-12
50.19-1-52	21 Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-51	19 Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-50	17 Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-49	15 Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-48	13 Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-47	11 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-46	7 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-71	2 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
part of 57.07-1-2 ¹	167 N. Pascack Road	Union Collins Realty Corp	R-15	MR-12
57.07-1-19	3 Spring Brook Road	Union Collins Realty Inc	R-15	MR-12
50.19-1-61	39 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-60	37 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-59	35 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-58	33 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-57	31 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-56	29 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-55	27 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-53	23A-23B Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12

¹ Excludes the small, narrow strip of land to the east of the Pascack Brook.

2-12-20
DRAFT
EXHIBIT B

PARCELS TO BE REZONED TO MR-12 – PASCACK RIDGE REZONING CHANGE

50.19-1-68	10A-10B Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-69	8 Christa Lynn Drive	Christa Lynn Properties LLC	R-15	MR-12
50.19-1-70	6 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-67	12 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-66	14 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-65	16 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-64	18 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-63	20 Christa Lynn Drive	Union Collins Realty Corp	R-15	MR-12
50.19-1-62	22 Christa Lynn Drive	Monsey Lumber & Supply Inc	R-15	MR-12
NA	Right-of-way of Christa Lynn Drive and its Extension		R-15	MR-12