

PLEASE TAKE NOTICE that the Town Board of the Town of Ramapo adopted the following local law at a regular meeting held on the 9th day of November, 2022 at the Ramapo Town Hall, 237 Route 59, Suffern, New York:

TOWN OF RAMAPO

LOCAL LAW NO. 7 OF 2022

**A LOCAL LAW AMENDING CHAPTER 376, ZONING,
OF THE TOWN CODE OF THE TOWN OF RAMAPO TO ADD A NEW MU-3
ZONING DISTRICT AND AMEND THE USE TABLE AND BULK
REGULATIONS, AND TO AMEND THE ZONING MAP OF THE TOWN OF
RAMAPO TO REZONE CERTAIN PARCELS OF LAND
FROM THE RSH ZONING DISTRICT CLASSIFICATION TO
THE MU-3 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. 7 of 2022, Amending Chapter 376, Zoning, of the Town of Ramapo Code to Add a new Mixed-Use (MU-3) Zoning District and Amend the Use Table and Bulk Regulations, and to amend the Zoning Map of the Town of Ramapo to Rezone Certain Parcels of Land from the RSH Zoning District Classification to the MU-3 Zoning District Classification.”

Section 2: Legislative Intent

1. The Town Board has been petitioned by Watchtower Bible and Tract Society of New York, Inc. (“Watchtower”), as owner of certain parcels of land located in the Town of Ramapo, to establish zoning regulations for a new Mixed-Use 3 (MU-3) Zoning District and to reclassify those parcels, currently included in the RSH Zoning District, into the MU-3 Zoning District, and extend the boundary of that District to the adjacent centerline of Sterling Mine Road. To facilitate a cohesive mixed-use development that preserves substantial areas of contiguous open space, the proposed MU-3 Zoning District establishes a large minimum lot size and specific environmental performance standards, such as ridgeline protection, reduced development coverage, and open space preservation.

2. The existing parcels proposed to be reclassified into the MU-3 Zoning District are identified and shown on the Tax Map of the Town of Ramapo as the following tax lots: 38.10-1-10 through 60; 38.13-1-2 through 55; 38.14-1-1 through 76; 38.14-2-1 through 44; 38.14-3-1 through 46; 38.17-1-3 through 11; and 38.18-1-1 through 14. They comprise approximately 242 acres of land in the aggregate and are enumerated in Exhibit A.

3. Having considered and studied the proposed rezoning action, including the petition and related amendments proposed 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 for the lands that are proposed to be rezoned, the proposed lot consolidation, and the environmental review documents prepared in connection with the overall SEQRA action, including an Environmental Impact Statement, Findings Statement, and supporting documentation, the Town Board hereby finds that the proposed establishment of the MU-3 zone, and the rezoning of the Watchtower parcels from RSH to MU-3, is reasonable and appropriate to meet the current needs of the Town, 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.

Section 3: Legislative Authority

This Local Law is enacted pursuant to the authority granted to the Town of Ramapo by the New York Municipal Home Rule Law. Further, this Local Law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents.

Section 4: Amendment to Article I, Section 376-5, Definitions

Chapter 376, titled “Zoning,” of the Code of the Town of Ramapo is amended to add new definitions to Section 376-5, Definitions, as follows:

Integrated Residential and Nonresidential Use.

A mixed-use development, consisting of residential and nonresidential uses, such as offices, media production facilities, or similar uses, allowed in a mixed-use zoning district, that is planned and designed to create a campus-like institutional setting which incorporates all necessary infrastructure, located on one or more adjacent tax lots under common ownership, controlled and managed by a central entity, and operated to provide live/work opportunities for residents of the development.

Open Space

A portion of a development site that is permanently set aside and will not be developed with buildings, structures, roads or driveways, provided, however, that open space may be used for passive recreation, including gardens, landscaped areas, trails and parking for trailheads, which may include paved areas to provide accessibility, and accessory appurtenances to passive recreational uses such as trash receptacles, interpretive and directional signage, picnic tables, and benches.

Ridgeline protection area.

A designated area where restrictions on the location of buildings or structures are required to protect important viewsheds or minimize visual impacts on public viewpoints from roads, parks, or other public areas.

Section 5: Amendment to Article II, Section 376-20, Zoning Districts Established

Chapter 376 further amended to add a new MU-3 zoning district and symbol to the list of existing zoning districts set forth in Article II, Section 376-20, Zoning Districts Established, as follows:

MU-3 Mixed Use (Integrated Residential and Nonresidential Use)

Section 6: Amendment to Article II, Section 376-21, Zoning Map of the Town of Ramapo

Chapter 376 is further amended by revising the Zoning Map of the Town of Ramapo, duly established pursuant to §137-21, titled “Zoning Map,” to change the zoning district designation of the parcels listed on the table attached as Exhibit A, and to the centerline of Sterling Mine Road where said road abuts any of the said parcels listed on the table attached as Exhibit A, from the existing Residential Specialized Housing (RSH) Zoning District to the proposed Mixed Use 3 (MU-3) Zoning District.

The area being rezoned is also shown on that portion of the Zoning Map annexed hereto as Exhibit B entitled, “Proposed Zoning Map Amendment Associated with Watchtower Audio-Video Center” dated June 27, 2022.

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

Section 7: Amendment to Article II, Section 376-31, Use Table

Chapter 376 is further amended by revising Attachment 4, Table of General Use Requirements, authorized by §376-31, “Use Table,” to add the MU-3 Zoning District and the uses permitted in the MU-3 Zoning District, as shown in Exhibit C hereto.

Section 8: Amendment to Article II, Section 376-41, Bulk Table

Chapter 376 is further amended by revising Attachment 5, Table of Bulk Requirements, Part I, authorized by §376-41, to add a new “Use Group p” and corresponding bulk requirements, as shown in Exhibit D hereto.

Section 9: Amendments to Article V, “Yard and Setback Regulations”

Chapter 376 is further amended by revising Section 376-51 A., “Front yard/setback exceptions”, as follows:

A. The Planning Board may permit the following accessory structures in the MU-3, LO and PI Districts within a required front yard:

- (1) Gatehouse.
- (2) Reception office.
- (3) Watchman's post.

Section 10: Amendment to Article II, Section 376-66, Mixed Uses

Chapter 376 is further amended to add a new Subsection C. to Section 376-66, Mixed Uses, as follows:

- C. MU-3 development: An Integrated Residential and Nonresidential Use development wherein the residential, office, institutional, and accessory uses are integrated in a campus setting comprising one or several adjacent tax lots under common ownership. Developments within the MU-3 district shall comply with the special permit requirements established for that district.

Section 11: Amendment to Article XII

Chapter 376 is further amended to add a new section 376-1219, as follows:

376-1219 Mixed Use Integrated Residential and Nonresidential Use.

- A. All buildings and related uses of land within the MU-3 Zoning District are subject to Conceptual Development Special Permit (CDSP) approval from the Town Board and to site development plan approval and review by the Town Planning Board pursuant to this chapter.

- B. Approval of a CDSP shall require compliance with the following conditions:

- (1) All uses and facilities shown on the approved Conceptual Development Plan (CDP) shall be used and operated by the owner of the project site or by an entity or entities having common underlying ownership with, or that is or are controlled by, such owner. No facilities shall be leased to unaffiliated third parties.
- (2) The gross floor area dedicated to residential use shall have a minimum floor area ratio (FAR) of 0.05 and a maximum FAR of 0.125 based on net lot area of the project site shown on the CDP approved by the Town Board Special Permit.
- (3) The overall development density, inclusive of residence use, shall not exceed a FAR of 0.25 based on net lot area of the project site.

(4) Residential uses may include multifamily dwellings in one or more configurations.

(5) The development shall comply with the following development standards:

(a) The minimum distance between detached buildings shall be 30 feet or the minimum separation required by the New York Uniform Fire Prevention and Building Code (Uniform Code), whichever is greater.

(b) Onsite recreation and open space shall be provided for residents of the development.

(c) There shall be provided a safe and convenient system of drives, service access roads, and walks with due consideration given in planning such facilities to such items as handrails and ramps. Such facilities shall be adequately lighted, and said lighting shall not be directed on adjacent streets or properties.

(d) All parking areas, driveways, recreation areas, and refuse collection areas shall be no closer than 10 feet to any lot line. The requirement that prohibits parking in required yards (§ 376-71A) may be waived by the Planning Board as part of a site plan approval, upon submission of a waiver request with justification that is deemed acceptable by the Planning Board.

(e) Any swimming pool, tennis court, basketball court, or other fixed recreational amenity shall not be located within any required yard or required setback.

(f) Site access shall be from a State or County Road.

(g) For purposes of this section, the term “project site” shall mean that portion of the project site within the Town of Ramapo. The project site may be comprised of one or several contiguous tax lots under common ownership and shall have a total minimum gross lot area of 200 acres. Except as otherwise noted herein, lot area, lot width, street frontage, setbacks, and yards shall apply to the entire project site. Development coverage and FAR shall be based on the net lot area of the entire project site as computed in accordance with Section 376-42.A.

(h) Refuse and recycling collection areas for residential uses shall be separate from collection areas designated for nonresidential uses. Central refuse collection areas shall be located for the convenience of all

residential units. All collection areas shall be properly designed to accommodate the refuse and recycling materials produced by the anticipated uses, provide convenient access, avoid conflict with other uses on the site, and be appropriately screened within an enclosed gated structure.

(i) All buildings and structures shall utilize earth toned colors and natural materials to minimize visibility from offsite locations.

(6) In the MU-3 Zoning District, the maximum height of any building shall be 45 feet, provided, however, that as part of CDSP approval, the Town Board may permit additional building height where it finds that such additional height, in the context of the development of a project site pursuant to site-specific building envelope controls, furthers the Town's interests in reducing impacts on the environment, including, but not limited to environmentally sensitive areas, and (1) reduces development coverage, and (2) mitigates visual impacts of the proposed development on surrounding properties and viewsheds to a greater extent than a plan restricted to the conforming building height.

(a) A conceptual development plan consistent with the bulk regulations of the MU-3 zoning district, including the 45-foot maximum building height, referred to herein as the "Base Height Plan" shall be provided which reasonably attempts to accomplish the Project Sponsor's objectives and which shall serve as the baseline for the Town Board's consideration of any alternate conceptual development plan that allows increased building height. The Base Height Plan must conform to all dimensional requirements for the MU-3 zoning district, and to the applicable dimensional requirements of the site development plan regulations and the subdivision regulations of the Town. The Base Height Plan may not be dependent upon variances from, or waivers of, the said Code or regulatory requirements. The Base Height Plan shall consist of the following drawings, all prepared in accordance with the Town's site development plan regulations:

1. Planimetric Site Layout Sheet (Sheet 1);
2. Grading, Drainage and Utilities Plan Sheet (Sheet 2), provided, however, that information as to Drainage and Utilities may be omitted; and

3. Drawings depicting the masses (height, width, depth) of all buildings proposed for the site. Architectural details such as variations of façade walls, fenestration, door placements, etc., shall not be required for these drawings.

(b) The Town Board may approve an Additional Building Height Plan that allows a maximum building height above the maximum allowed by the MU-3 bulk regulations if the Applicant demonstrates that the following standards apply:

1. Compared to the Base Height Plan, there is no increase in Floor Area Ratio.
2. The maximum increase in permitted height for a building within the building envelope allowed in the CDSP will be no more than one foot for every three feet separating the nearest point of the building and the nearest lot line, and in any event may not exceed 75 feet.
3. The increased building height does not violate the MU-3 ridgeline protection requirements.
4. The highest rooftop elevation allowed by the Additional Building Height Plan will not be higher than the highest rooftop elevation of the Base Height Plan.
5. The overall development coverage to be achieved by increasing height must be at least 10% less than the Base Height Plan. The project shall maintain a minimum of 50% of the gross lot area of the subject property as deed restricted open space, which the Town Board may, to the extent feasible, require to be consolidated during the CDSP process, to protect environmentally sensitive areas and to provide contiguous areas of habitat.
6. All buildings benefiting from increased height must contain at least one level, but not more than two levels, of interior parking within the footprint of the respective building; provided, however, that this parking level requirement shall not apply to any

building consisting of a single level with uninterrupted interior volume.

7. A minimum setback of 200 feet shall be provided between structures greater than 45 feet and the front property line.
8. The Applicant demonstrates to the Town Board, by means of a visual impact analysis or other means acceptable to the Town Board, that the siting of the increased height buildings mitigates visual impacts of the proposed development on surrounding properties and viewsheds to a greater extent than a plan restricted to the conforming building height.
9. The Town Board shall also consider the potential visual and shadow impacts of any increased height building on nearby offsite structures.

(7) All developments shall be suitably landscaped and designed to accommodate pedestrian access. Sidewalks are permitted to be located in the required front yard and front setback.

(8) All buildings shall be served by public water service.

(9) All buildings shall be served by municipal sewer service or an on-site sanitary sewer system approved by the regulatory agency with jurisdiction over such system.

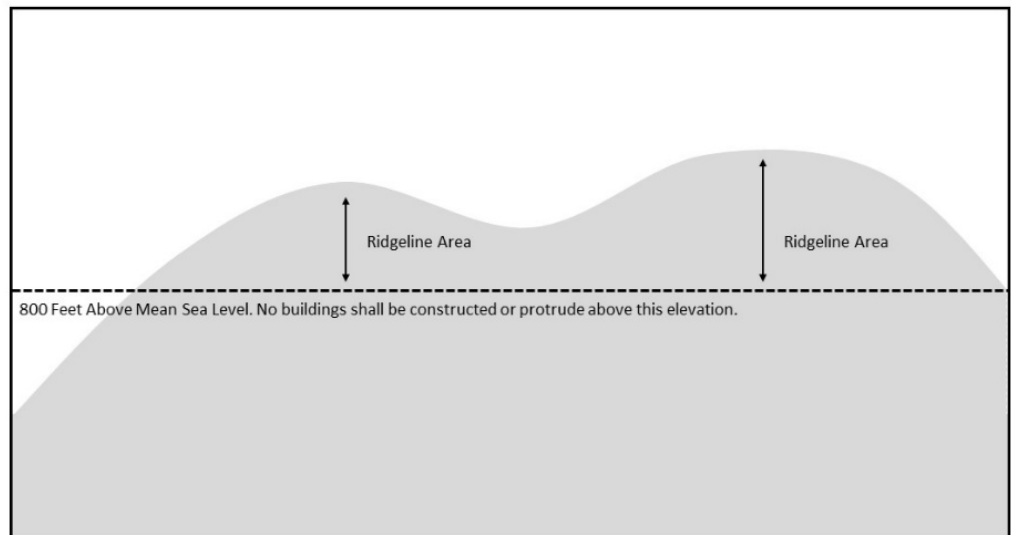
(10) All buildings shall be fully alarmed, with connection to a central alarm system, and sprinklered in accordance with the Fire Code of New York State.

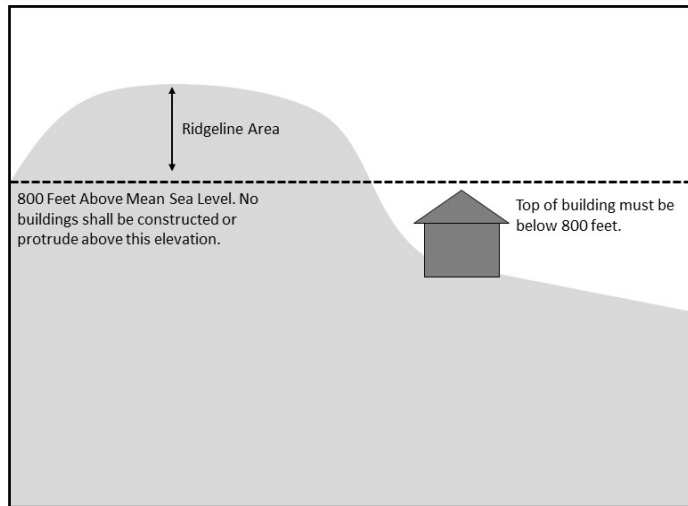
(11) The following uses shall be permitted as part of an integrated mixed-use development. All uses are intended for residents and employees of the integrated mixed-use development:

- (a) Offices
- (b) Residences
- (c) Warehouses
- (d) Audio and/or Video Recording Studios

- (d) Visitor centers
- (e) Central energy plants, which may include a battery energy storage system
- (f) Lobby and reception areas
- (g) Event spaces for assembly and dining for exclusive use by residents, occupants, and visitors to the integrated mixed-use development
- (h) Maintenance workshops
- (i) Parking garages and structures
- (j) Fitness and recreation buildings and areas
- (k) Religious and institutional uses
- (l) Media production facilities

(12) Ridgeline protection. Development within the MU-3 Zoning District shall preserve ridgeline areas. Ridgeline areas are defined herein as the vertical height of a hill or mountain above a minimum elevation of 800 feet above mean sea level. No structures shall have footings above a base elevation of 800 feet above mean sea level. Further, the finished height of a structure with footings below 800 feet shall not protrude above 800 feet.





C. Review procedures for CDSP approval. An application for CDSP approval shall be submitted to the Town Board and shall include the following:

- (1) A statement of the objectives to be achieved by the proposed project.
- (2) A legal description of the property(ies) involved, together with a survey signed and sealed by a licensed New York State surveyor. Such survey shall include property lines and measurements, tax lot designation(s), street designations, easements, existing structures, locations of utility lines and connection points, curb cuts, site topography, and a north arrow, and such other features as the Town Board deems appropriate to an understanding of existing conditions on the site.
- (3) A zoning compliance table showing the zoning criteria required for the site and the proposal's compliance with such criteria and/or the need for, and magnitude of, variances from such criteria.
- (4) Conceptual site plan drawings, on one or more sheets, including:
 - (a) The location and dimensions (length, width, and height in feet) of proposed structures.
 - (b) Conceptual architectural renderings of proposed buildings.
 - (c) Proposed vehicular circulation.
 - (d) A conceptual landscape plan.

(5) An analysis of the existing water and sanitary sewer infrastructure and a statement by a qualified professional as to the capacity of that infrastructure to support the proposed project, and a description of any infrastructure improvements that may be necessary to support the proposed project.

(6) A stormwater pollution prevention plan (SWPPP) that complies with the requirements of the DEC General Permit for Discharge of Stormwater from Construction Activities and Chapter 237 of the Ramapo Code. The Applicant shall provide a narrative that describes any waivers from those requirements that are proposed as part of the SWPPP.

(7) A tree clearing and grading plan, which shall also be addressed in the proposed SWPPP.

(8) An open space preservation plan, which shall include a narrative explaining how the plan will protect environmentally sensitive areas and preserve contiguous areas of habitat on the project site to the maximum extent feasible.

(9) A traffic impact study.

D. No application for CDSP approval shall be deemed complete until the lead agency under the New York State Environmental Quality Review Act shall have issued a negative declaration or shall have accepted a Draft Environmental Impact Statement for public comment with respect to the action that includes the proposed CDSP.

E. Together with approval of a CDSP, the Town Board may authorize tree clearing within the limits of disturbance allowed by the CDSP where it finds doing so prior to approval of a site development plan by the Planning Board would allow the coordination of site development activities in a manner that would (1) avoid, minimize or mitigate any associated environmental impact, and (2) allow the site to be developed in a coordinated manner that would reduce the duration or extent of construction activities on the site. The Applicant must demonstrate to the satisfaction of the Town Board and the Town's consulting engineer that restrictions on the period of time when tree clearing would be permitted would otherwise prevent the overall site from being developed in a coordinated and efficient manner. Prior to conducting any tree clearing activities the applicant shall provide a restoration bond in such amount as the Town Board deems necessary to ensure that all disturbed areas will be restored, and such approved tree clearing activities must be addressed in the stormwater pollution prevention plan approved by the MS4 and filed with the DEC, and shall, as a condition of approval, be subject to applicable

MS-4 regulations and the applicable requirements of Chapter 237 of the Ramapo Code.

F. The Town Board may approve a CDSP subject to subsequent site development plan approval by the Planning Board. Any site development plan approved by the Planning Board must be consistent with the approved CDSP. The Planning Board's review of a site development plan based on an approved CDSP shall be limited to those details and elements of the site development plan not specifically addressed in the approved CDSP. To the extent that a site development plan includes project modifications, changed circumstances or new information about relevant environmental impacts not addressed or inadequately addressed in the record before the Planning Board, that Board shall review the changes in accordance with SEQRA.

Section 12: Severability.

If a provision of any article, section, subsection, paragraph, subdivision, or clause of this local law shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this local law.

Section 13: Recreation Fees.

Notwithstanding the provision of playground/recreation space on site pursuant to the provisions of this local law, the Town Board determines that to address the need for playground/recreation land and facilities in the Town to which development pursuant to this local law may contribute, property owners and/or developers constructing dwelling units pursuant to this local law shall provide for the reservation of park or recreation land or pay parkland/recreation fees to the Town if required by the Planning Board, based upon its findings made with respect to the recreation needs of each particular site plan application in accordance with the requirements of subdivision 6 of section 274-a of the New York Town Law.

Section 14: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

Exhibit A – List of Affected Parcels

Exhibit B – Zoning Map Amendment

Exhibit C – Use Table Amendment

Exhibit D – Bulk Table Amendment

Date: November 22, 2022

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RAMAPO

SHARON OSHEROVITZ, TOWN CLERK
Town of Ramapo

Ramapo Town Hall
237 Route 59
Suffern, New York 10901

CC: M. PEHUSH, DEPUTY TOWN CLERK

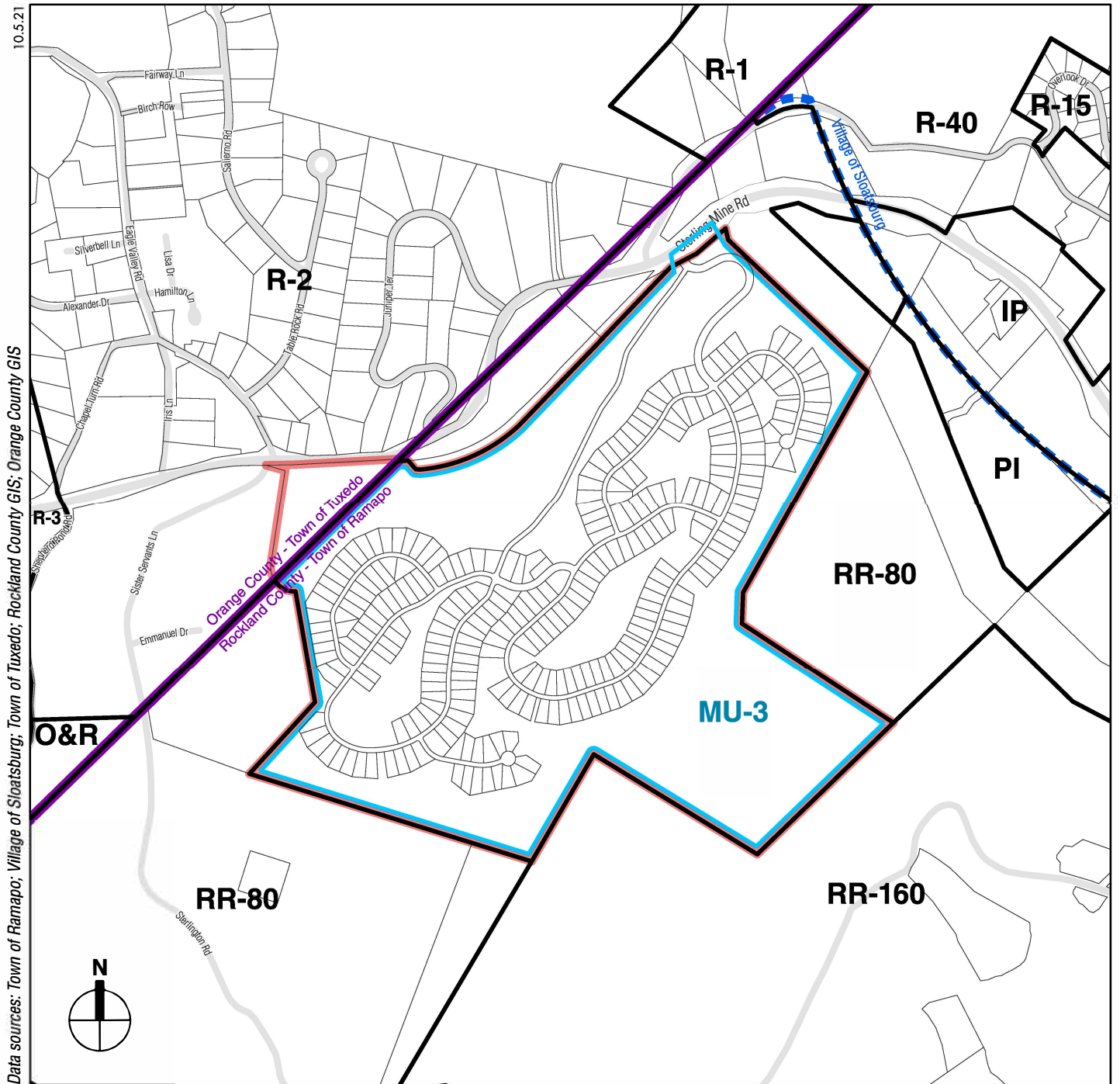
EXHIBIT A

LIST OF AFFECTED PARCELS

Section 38.10, Block 1, Lots 10 through 60
Section 38.13, Block 1, Lots 2 through 55
Section 38.14 Block 1, Lots 1 through 76
Section 38.14, Block 2, Lots 1 through 44
Section 38.14, Block 3, Lots 1 through 46
Section 38.17, Block 1, Lots 3 through 11; and
Section 38.18 Block 1 Lots 1 through 14.

EXHIBIT B

ZONING MAP AMENDMENT



- Project Site
- Proposed MU-3 Zoning District
- Zoning District Boundaries

Proposed Zoning Map Amendment Associated with
Watchtower Audio-Video Center
June 27, 2022

EXHIBIT C

USE TABLE AMENDMENT

ZONING

376 Attachment 4

Town of Ramapo, New York
Table of General Use Requirements
Part I: Residential Districts
Mixed Use Zones
§ 376-31

A	B	B-1	C	C-1	D	D-1	E	F		G
District	Uses Permitted by Right	Use Group	Special Permit Uses by Planning Board (Subject to Articles XI and XII)	Use Group	Uses by Special Permit of the Town Board (Subject to Article XVI)	Use Group	Accessory Uses Permitted by Right	Minimum Off Street Parking Spaces (Subject to Article VII)		Additional Use Requirements
								For	At Least 1 Parking Space for Each Unit of Measurement Listed or As Otherwise Noted Below	
<u>MU-3</u>					<u>Mixed use development subject to Section 376-1219</u>	p	1. <u>Same as MU-1, Nos. 1, 2, and 3</u> 2. <u>Same as LO</u>	<u>Mixed use development</u>	<u>As determined by the Planning Board based on a shared use parking analysis. Minimum parking shall be 1 space per dwelling unit.</u>	<u>1. Same as MU-1, Nos. 1 through 4</u>

EXHIBIT D

BULK TABLE AMENDMENT

ZONING

376 Attachment 5

Town of Ramapo, New York
Table of Bulk Requirements
Part I
§ 376-41

1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Lot	Front	Front	Side	Total Side	Side	Rear	Rear	Street	Maximum		Floor Area
Use	Minimum	Width	Setback	Yard	Setback	Setback	Yard	Setback	Yard	Frontage	Height	Development	Ratio
Group	Lot Area	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	Coverage	(FAR)
p	<u>200 acres</u> ⁶	<u>600</u>	<u>100</u>	<u>20</u>	<u>80</u>	<u>100</u>	<u>20</u>	<u>50</u>	<u>10</u>	<u>500</u>	<u>45</u> ⁷	<u>25%</u>	<u>0.25</u>

NOTES:

⁶ The minimum lot area may be comprised of one or several adjacent tax lots under common ownership having a total a minimum gross lot area of 200 acres within the Town of Ramapo. The 200-acre minimum lot area requirement is an inextricable element of a mixed-use development use. Therefore, mixed-use developments permitted pursuant to Use Group P are prohibited on lots of less than 200 acres.

⁷ Maximum Height may be increased subject to Town Board approval per §376-1219.B.