

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

January 13, 2025

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239

Map Date:

Date Review Received: 12/03/2024

Item: *PUD Regulations Outside of Northeast Area of Town (GML-24-0337)*

A local law to permit the establishment of Planned Unit Development District (PUDs) throughout the Town on parcels that comprise a contiguous minimum of ten acres. The implementation of PUD floating zones is intended to encourage creative residential, commercial, or mixed use development, including smaller and more affordable dwelling units and to minimize the negative impacts associated with suburban sprawl. This local law does not apply in the Northeast area of the Town, where PUDs are regulated by the provisions of Section 376-24.

Throughout the Town, specifically outside the Northeast area of the Town

Reason for Referral:

County Highways, County Facilities, County Streams, County Parks, Long Path Hiking Trail, NYS Highways, NYS Facilities, NYS Thruway, Harriman State Park, Towns of Clarkstown and Haverstraw, Villages of Pomona, Wesley Hills, Montebello, Suffern, Airmont, Chestnut Ridge, New Hempstead, New Square, Spring Valley, Kaser, Hillburn, and Sloatsburg, Palisades Interstate Parkway

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

Recommend the Following Modifications

The Town of Ramapo previously passed Local Law 5 of 2022 to adopt Planned Unit Development (PUD) Regulations as part of a “Flex-Overlay PUD Zone” in Northeastern Ramapo. This local law allows more flexible development on land of at least 20 acres within Opportunity Areas A, D, and E within the Northeastern Ramapo Corridor. It included new definitions pertaining to PUDs and established provisions specifically for these Opportunity Areas under Section 376-24. In our GML review of Local Law 5 of 2022, which we issued on April 1, 2022, we indicated several concerns regarding the lack of specific limitations on allowed uses and bulk

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requirements. The Town is now proposing a local law to allow the PUD Districts on tracts of land of at least ten acres in the remainder of the Town. This department reiterates many of the same concerns for this local law that were stated in our April 1, 2022 review in the following comments:

- 1 The definition of a PUD established by Local Law 5 of 2022 provides a list of allowed uses that includes the phrase “or other land uses.” Though this language permits uses not thought of in the description, it is also open-ended and could result in permitting uses that are incompatible with residential areas or sensitive environmental resources, such as manufacturing or industrial uses. As we have previously recommended, this definition must be more specifically defined, eliminating the text “or other land uses” to prevent discordant uses adjacent to each other. This is especially important if the Town wishes to expand areas for permitting the PUD floating zone.
- 2 In addition, the adopted definition of a PUD District affords the Ramapo Town Board broad discretion in which to approve projects. The concept of being able to provide flexible guidelines can benefit the unique features of a site. However, leaving such broad guidelines in place also omits specific parameters that help to control over-utilization or developer-driven plans. More defined use and bulk requirements must be provided to make this floating zone a viable zoning option.
- 3 Section 376-26.A.2 (Permitted Uses) does not explicitly establish a list of permitted or prohibited uses but, instead, states that all permitted uses will be determined by the Town Board. Without this information, it is impossible for the public to ascertain what uses will ultimately be permitted and what type of uses will be impermissible. As stated above, the definition lists some uses, but then permits “or other land uses”. To avoid incompatible land uses, permitted uses must be provided as part of the planning document. The type of land uses specified will impact drainage, traffic, infrastructure and utility capacity, community character, and visual, audible, and olfactory effects.
- 4 Section 376-26.A.4 (Area and Bulk Requirements) does not provide any bulk requirements but, instead, states that specific area and bulk requirements shall be determined by the Town Board. As a result, it is impossible to ascertain what the ultimate requirements for bulk standards such as yards, setbacks, building heights, floor area ratio, development coverage, buffers, parking requirements, etc., will be. It is critical for neighbors to a PUD to understand the impact a new development may have on their property so that steps can be put in place to avoid incompatible uses, require buffers, or other means to alleviate any negative impacts that could result from a more intense land use.
- 5 Section 376-26.B.3.c states that the public hearing on a PUD district and preliminary plan shall not occur until a negative declaration has been issued or until a draft Environmental Impact Statement has been accepted. PUDs on tracts of land of ten acres or more have a significant potential to impact the environment. It is recommended that the Town classify this action as Type 1 under this Local Law and require preparation of an EIS for all PUDs subject to Section 376-26.
- 6 Section 376-26.B.3.g provides general design criteria. In order to further the proposed local law's stated intent of encouraging more affordable housing and minimizing the negative impacts associated with suburban sprawl, we recommend that this section be expanded to encourage the following elements: A mix of residential scales and types; the incorporation of landscaped elements that include native species; alternative modes of transportation such as bicycle lanes and access to public transit; the incorporation of green infrastructure such as raingardens and bioswales in order to increase resiliency to weather events; and the incorporation of greenhouse gas-reducing infrastructure such as publicly available electric vehicle charging stations, solar panels, and large scale thermal networks such as community heat pump systems.
- 7 Section 376-26.B.3.h grants the Town Board the authority to attach conditions or requirements to mitigate potential impacts to the surrounding neighborhood and provides a non-comprehensive list of areas of mitigation. In addition, subsection 1. includes the qualification "to the extent practicable" to the buffer requirement. As noted previously, the proposed regulations do not provide specific bulk or setback

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requirements. As a result, the qualification "to the extent practicable" is of even greater concern. An instance in which a buffer would not be practicable would likely arise from a circumstance in which there was limited space for one to be provided. It is precisely this situation, the close proximity between incompatible uses, in which there is a greater need for buffering. In the absence of established bulk regulations, the requirement of a buffer between incompatible uses becomes even more critical. The redundant language and phrase "to the extent practicable" must be removed.

- 8 The Town of Ramapo Table of General Use Requirements includes a note that indicates all uses and accessory uses permitted within a PUD District shall be determined by the Town Board. It is warranted revising this table if the Board wishes to allow the PUD district throughout the Town. As indicated earlier above, the Use Table must specify permitted or accessory uses, and off-street parking requirements based on these uses. If the Town of Ramapo does not want to limit the types of uses permitted in the PUD Floating Zone, then at a minimum, the Use Table must indicate impermissible uses so as to avoid a developer from proposing a non-residential type use that is not appropriate near a residentially zoned district, such as an industrial or manufacturing facility.
- 9 The Town of Ramapo Table of Bulk Requirements indicates that bulk regulations elsewhere in the Zoning Code are not applicable to the PUD District. In addition to the previously stated objection to the absence of specific bulk requirements, this appears to eliminate the Special Bulk Requirements of Section 376-42.A, which help to protect the environmentally sensitive features on a site. If this is the case, we strongly recommend revising this statement of the bulk table, as we are against eliminating these special bulk requirements.
- 10 The New York State Department of Transportation must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 11 The New York State Department of Environmental Conservation must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 12 The Palisades Interstate Park Commission must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 13 The Rockland County Department of Highways must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 14 The Rockland County Drainage Agency must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 15 The Rockland County Division of Environmental Resources must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 16 The Town must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of December 23, 2024.
- 17 The Rockland County Department of General Services must be given the opportunity to review the proposed local law and provide any concerns to the Town to be addressed.
- 18 This local law has potential to affect all municipalities directly adjoining the Town of Ramapo, including the Towns of Clarkstown and Haverstraw, as well as the Villages of Pomona, Wesley Hills, Montebello, Suffern, Airmont, Chestnut Ridge, New Hempstead, New Square, Spring Valley, Kaser, Hillburn, and Sloatsburg. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the

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protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Towns of Clarkstown and Haverstraw, and Villages of Pomona, Wesley Hills, Montebello, Suffern, Airmont, Chestnut Ridge, New Hempstead, New Square, Spring Valley, Kaser, Hillburn, and Sloatsburg must be given the opportunity to review the proposed zoning changes and their impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact these municipalities must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

- 19 Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County’s Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.
- 20 The following additional comment is offered strictly as an observation and is not part of our General Municipal Law (GML) review. The Board may have already addressed this point or may disregard it without any formal vote under the GML process:
 - 20.1 Page 2 of the FEAF indicates that this local law is subject to approval from the Rockland County Planning Board. The form must be revised to the Rockland County Planning Department instead of the Planning Board.



Douglas J. Schuetz
Acting Commissioner of Planning

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cc: Supervisor Michael B. Specht, Ramapo
New York - New Jersey Trail Conference
NYS Department of Environmental Conservation
NYS Thruway Authority
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Div of Environmental Resources
Rockland County Drainage Agency
Rockland County Highway Department
Rockland County Planning Board
Rockland County Sewer District No. 1
Town of Clarkstown Planning Board
Town of Haverstraw Planning Board
Village of Airmont Planning Board
Village of Chestnut Ridge Planning Board
Village of Hillburn Planning Board
Village of Kaser Planning Board
Village of Montebello Planning Board
Village of New Hempstead Planning Board
Village of New Square Planning Board
Village of Pomona Planning Board
Village of Sloatsburg Planning Board
Village of Spring Valley Planning Board
Village of Suffern Planning Board
Village of Wesley Hills Planning Board
Mona Montal, Town of Ramapo Chief of Staff

*New York State General Municipal Law § 239(5) requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.

The review undertaken by the County of Rockland Department of Planning is pursuant to and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions nor determines whether the proposed action reviewed implicates the Religious Land Use and Institutionalized Persons Act. The County of Rockland Department of Planning defers to the municipality referring the proposed action to render such opinions and make such determinations as appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Pursuant to New York State General Municipal Law §§ 239-m and 239-n, the referring body shall file a report of its final action with the County of Rockland Department of Planning within thirty (30) days after the final action. A referring body that acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.