

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Richard M. Schiafo
Deputy Commissioner

April 03, 2025

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date:

Date Review Received: 03/28/2025

Item: *PUD Regulations Outside of Northeast Area of Town (GML-25-0181)*

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

- 1 The Rockland County Planning Department issued a GML Section 239 review of a previous version of this local law on January 13, 2025 (GML-24-0337). Our comments remain applicable to the currently proposed local law. By reference, all comments made in our January 13, 2025 review are applicable to the current proposal and must be addressed as required by General Municipal Law. This department did not have any additional comments in our review issued on February 26, 2025 (GML-25-0094) for an amended version of the local law.

PUD Regulations Outside of Northeast Area of Town (GML-25-0181)

- 2 In Section 377-26B(3)(d) the original text “complete as set forth above” has been replaced with “adequate for public review” as a prerequisite for the Town Board to hold a public hearing on a proposed PUD District and preliminary PUD Plan. The amended statement does not provide a clear guideline for submission. Without following the requirements outlined in paragraphs (a) through (c) above, there is an increased possibility that incomplete applications will be presented before the Town Board for a public hearing. It is further unclear if this local law is permitting the Town Board to act upon an application that is potentially incomplete. Public hearings before the Town Board shall only be scheduled for applications that are deemed complete and adhere to the requirements of SEQRA. This department recommends that the Town not use the amended text, and the original language is retained in this paragraph.
- 3 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.



Douglas J. Schuetz
Acting Commissioner of Planning

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 Slootsburg Planning Board
Village of Spring Valley Planning Board
Village of Suffern Planning Board
Mona Montal, Town of Ramapo Chief of Staff

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*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.