

**OFFICE OF THE SUPERVISOR
TOWN OF RAMAPO**

237 Route 59
Suffern, New York 10901
(845) 357-5100



Michael B. Specht
Supervisor

June 27, 2025

VIA ROCKLAND COUNTY PORTAL

Douglas J. Schuetz
Acting Commissioner
Rockland County Department of Planning
50 Sanatorium Road, Building T
Pomona, New York 10970

RE: Final Action Report and Override Pursuant to GML §239-m(6)
Local Law – PUD Regulations Outside of the Northeast Area of Town

Dear Mr. Schuetz:

This letter constitutes the final action report of the Town Board of the Town of Ramapo regarding the above zoning amendment local law. This letter addresses and overrides the recommended modifications provided to the Board by the Planning Department in letters, dated December 3, 2024, February 11, 2025, and March 28, 2025. In adopting this local law on a vote of 4-0, the Board overrode the Department's recommended modifications. A copy of the Board's resolution of adoption is annexed. The reasons for this override are as follows:

First, with respect to all of the Department's comments, it is important to recognize that the local law does not authorize the development or land disturbance of any property, does not rezone any property, and does not change the zoning requirements applicable to any property. The local law sets forth a procedure for the consideration of PUD District petitions, which are unknown at this time, that may be submitted to the Board in the future.

The Department's December 3, 2024, Letter

The following numbered paragraphs correspond to the paragraphs in the Department's letter:

1. The reference to "or other land uses" in the local law is proper, because the Town Board

possesses complete discretion to determine the land uses in a PUD District. If the Town Board approves a PUD District, the Board will exercise its legislative authority, judgment and discretion to assure that the land uses permitted in the District are not incompatible with residential areas or sensitive environmental resources and prevent discordant uses adjacent to each other. If the Board approves a PUD District, the Board possesses the authority to impose requirements and conditions pertaining to the development of the particular tract to address issues and concerns related to any such development to the extent deemed necessary by the Board.

2. See #1. In addition, although developers who petition to establish a PUD District will propose the permitted land uses, bulk requirements and other requirements and conditions of a PUD District, the Town Board possesses complete discretion whether to entertain such petition in the first instance and, if so, to approve, approve with modifications, or deny such petition.

3. See #s 1 and 2. In addition, the public will easily ascertain what uses may ultimately be permitted in a PUD District, because if the Town Board entertains a PUD District petition, the Board will conduct a public review of the proposed PUD District, including SEQR compliance, County Planning referral, public hearing and other agencies input. The potential impacts of the establishment and development of the PUD District will be evaluated, and the public will have the opportunity to comment on such potential impacts.

4. See above. In addition, contrary to the Department's comments, this local law does not authorize any new development. New development may be authorized only after the process of a Town Board zoning amendment, review and approval by the Town Planning Board, and other applicable agency approvals. This process will avoid incompatible uses and alleviate potential negative impacts. Since any PUD District petition considered by the Town Board will undergo a public review as set forth above, and that public review will include consideration of the ultimate requirements for bulk standards, the public and neighbors of a proposed PUD District will be aware of the potential impacts of new development on their properties, and conditions may be imposed to avoid incompatible uses, including buffers or other means to alleviate potential negative impacts.

5. Since this local law does not change the zoning requirements applicable to any property or change or rezone any property, and does not authorize any development or land disturbance, the Board properly classified this local law as a SEQR Unlisted action. Subsequent to the Department's December 3, 2024, letter, the Board revised the SEQR provisions in the introductory local law to provide that the public hearing on a PUD District and preliminary plan may occur before or after issuance of a negative declaration or acceptance of a draft Environmental Impact Statement. With respect to any future petitions to establish a PUD District, the SEQR classification will depend upon the proposed development.

6. See above. In addition, in reviewing a PUD District petition, the Town Board will consider appropriate elements, recognizing that properties seeking PUD District designation will vary with respect to numerous factors, such as size, location, neighborhood, site features, and proposed use and bulk requirements, and the Board possesses discretion to impose requirements and conditions to address issues and concerns pertaining to that PUD District petition. Since the

Town Board possesses authority and discretion to require such requirements and conditions, it is not necessary to include the additional, specific, elements stated in the Department's paragraph #6.

7. The Department recognizes that the local law grants the Town Board authority and discretion to impose conditions and requirements to mitigate potential impacts to surrounding neighborhoods. It is not possible to set forth a comprehensive list of mitigation measures, particularly where the characteristics of each PUD District petition will vary. Nor is it necessary in the local law to set forth a comprehensive list of mitigation measures, because the Town Board possesses complete authority and discretion to impose mitigation measures with respect to the particular PUD District petition. The Board agrees that if a particular PUD District petition proposes land development in close proximity to incompatible uses, there is a greater need for buffering. The Board disagrees that the absence of specific bulk requirements in the local law makes a buffer requirement in the law more critical. Buffering will be addressed on a case-by-case basis. With respect to a particular PUD District petition, the Board possess discretion to impose bulk requirements and buffering requirements to protect neighboring properties from incompatible uses. The phrase "to the extent practicable" is common and accepted in land use regulations.

8. See above. In addition, it is not necessary that the local law indicate impermissible uses. If the developer proposes the development of use(s) that is not appropriate near a residential zoning district, then the Town Board has the absolute discretion to deny the petition or refuse to even consider the petition.

9. Since the local law provides that other bulk requirements in the zoning code are not applicable to a PUD District, the provisions of §376-42(A) will not apply in a PUD District. However, the Town Board possesses complete authority to establish bulk requirements and other requirements and conditions to protect environmentally sensitive features of a site.

10-15, 17. The local law does not authorize or approve the development of any property. None of the listed agencies has any approval jurisdiction regarding the local law and there is no requirement to seek comment from these agencies. Note that the notice of public hearing and continued public hearing was published in the newspaper and posted on the Town's website at least three times.

16. The County Sewer District letter, dated December 23, 2024, refers to "this application," but there is no application. The Town has notified the District of the Board's adoption of the local law.

18. Since this local law does not authorize any development or land disturbance, does not rezone any property and does not change the requirement applicable to any property, the local law does not have the potential to affect any municipality within or adjoining the Town of Ramapo. If a future PUD District petition is submitted to and considered by the Town Board, and such petition may affect a municipality, that municipality will have ample opportunity to provide comments on the potential adverse (and positive) effects of any such development on the municipality. In addition, please note that all adjoining municipalities, including all Villages in

the Town of Ramapo were aware of the introductory local law, since they received the notice of public hearing and notice of continued public hearing on three separate dates.

19. See this Override letter.

The Department's February 11, 2025, Letter.

This letter did not provide additional comments.

The Department's March 28, 2025, Letter.

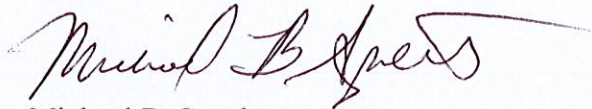
1. See above.

2. The original draft of the introductory local law, stating that the petition must be "complete" prior to the public hearing, would have required the Board to make a SEQR determination (either a negative declaration or acceptance of a DEIS) prior to a public hearing. The revisions the Board made to the introductory local law, during its review of the law, provide the opportunity for greater public participation prior to a SEQR determination on a PUD District petition. The revised text does not present any possibility, much less an increased possibility, that an incomplete application will be presented for a public hearing or acted upon by the Town Board. The revised text is consistent with the SEQR requirements.

3. See this Override letter.

Please feel free to contact me to discuss this letter.

Sincerely,



Michael B. Specht
Town Supervisor

Attachment

cc: Town Board
Town Clerk



Town Board
237 Rt 59
Suffern, NY 10901

Meeting: 06/25/25 07:00 PM
DOC ID: 10360

ADOPTED

2025-286

Resolution Approving Override of County Planning Recommendations


WHEREAS: On May 28, 2025, the Town Board adopted a local law titled "Planned Unit Development District Regulations Outside Of The Northeast Area Of The Town" by Resolution 2025-248 on a vote of 4-0. The Rockland County Department of Planning had previously submitted recommended modifications of the introductory local law to the Board, and the Board's May 28 resolution states that the Board "carefully reviewed those comments and recommendations and determined to override those recommendations pursuant to state General Municipal Law §239-m (5), and the Board shall set forth its reasons for such override in its report of final action pursuant to GML §239-m(6)." The Board has reviewed a draft letter to be sent to the Planning Department which sets forth the reasons supporting the Board's override of the Department's recommended modifications.

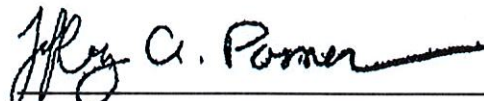
THEREFORE, IT IS RESOLVED that the Board approves the override letter as presented and authorizes the Town Supervisor to sign the letter for delivery to the County Planning Department with the final action report.

On a motion by Councilperson Charles, seconded by Councilperson Rossman, the foregoing Resolution was adopted on a vote of 4 Ayes, 0 Nays.

Dated: June 25, 2025

RESULT:	ADOPTED [4 TO 0]
MOVER:	Brendel Charles, Councilwoman
SECONDER:	Michael Rossman, Councilman
AYES:	Michael B. Specht, Brendel Charles, Michael Rossman, David Wanounou
ABSTAIN:	Yehuda Weissmandl





Jeffrey A. Posner, Town Clerk



ADOPTED

2025-248

Local Law: Planned Unit Development District Regulations Outside of the Northeast Area of the Town

WHEREAS, an Introductory Local Law titled “Planned Unit Development District Regulations Outside Of The Northeast Area Of The Town” was introduced before the Town Board of the Town of Ramapo on October 29, 2024. Upon notice and re-notice duly published, posted and circulated, the Board held an initial public hearing on the introductory local law (“local law”) on November 19, 2024, and the hearing was continued on January 15, 2025, February 26, 2025, March 12, 2025, March 26, 2025, and April 9, 2025, and thereafter closed. Public comments were heard and received concerning the merits and environmental significance of the introductory local law; and

WHEREAS, the legislative purpose is set forth in Section 3 of the local law. The legislative purpose states, *inter alia*, that the purpose and intent of the local law is to enact regulations for the implementation of a planned unit development (PUD) floating zone to encourage creative residential, commercial or mixed used development, including the construction of smaller and more affordable apartments and single-family detached residences, without departing from the spirit and intent of the Town zoning code. The local law shall not apply in the Northeast area of the Town, where PUDs are regulated by the provisions in existing §376-24 of the zoning code, and the local law shall apply throughout the remainder of the Town. In addition, the intent of this local law is to minimize the negative impacts associated with suburban sprawl as noted in the Town’s Comprehensive Plan (2004 as amended); and

WHEREAS, the local law does not change the zoning requirements applicable to any land in the Town. As with the PUD law applicable to Northeast Ramapo, a PUD District will not be established except pursuant to approval of a subsequent zoning law amendment adopted by the Town Board after compliance with all applicable requirements and procedure of the local law. If a PUD District is established by the Town Board, the types of permitted uses, the area and bulk requirements, and other requirements shall be determined by the Town Board after consideration of appropriate factors; and

WHEREAS, the local law provides, *inter alia*, that the Town Board may place a PUD District on a tract of land, which may consist of one or more tax parcels in common ownership or control, that contain a contiguous minimum of 10 acres within the Town of Ramapo, and are accessible by a public street, if said tract of land was under common ownership or control and contains at least 10 acres on and after May 31, 2025, and at the time of application for a PUD District designation. The local law states that this minimum tract size requirement of 10 acres is an inextricable element of a PUD, and further states that it is the intent of the Town Board that development of a PUD on tracts of less than 10 acres is not in the public interest and is prohibited. Although there is a minimum tract size requirement, there is no maximum size restriction; therefore, if a tract of land meets the foregoing 10-acre requirements, other lands

adjoining the eligible tract may be merged with the eligible tract to create a larger PUD District, subject to approval by the Town Board; and

WHEREAS, the local law was referred for report and recommendation to the Town Planning Board on or about November 19, 2024, and to the Rockland County Department of Planning on or about December 3, 2024, and the Board received and reviewed the Department of Planning's report and recommendations, dated January 13, 2025; and

WHEREAS, the Board determined to make certain revisions to the local law and those redline revisions were posted on the Town website, the Board re-noticed the continued public hearing, and the Board referred the revised local law to the County Department of Planning on or about February 11, 2025, and to the Town Planning Board on or about February 18, 2025; and

WHEREAS, the Board later determined to make certain additional revisions to the local law and those redline revisions were posted on the Town website, the Board re-noticed the continued public hearing, and the Board referred the revised local law to the County Department of Planning and to the Town Planning Board on or about March 28, 2025; and

WHEREAS, the Board received and reviewed the Department of Planning's supplemental report and recommendations, dated February 26, 2025, which supplemental report incorporates by reference the Department's January 13, 2025, report and recommendations, and the Department's further supplemental report and recommendations, dated April 3, 2025, and the Board reviewed the Town Planning Board's comments, dated February 25, 2025, and the Planning Board's supplemental comments, dated April 8, 2025; and

WHEREAS the Board has also reviewed the full Environmental Assessment Form Part 1, dated December 9, 2024, prepared by the Town's professional consulting engineer MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, P.C. (MJ), a draft full Environmental Assessment Form Part 2 prepared by MJ, and MJ's memorandums to the Board, dated November 18, 2024, and May 27, 2025, a memorandum to the Board from J&G Law, LLP, dated May 27, 2025, and the local law information sheet read by the Town Supervisor at the May 28, 2025, Board meeting; and

WHEREAS, the Board has carefully considered the reports, recommendations and comments provided by other agencies, all public comments, and the documents prepared by MJ; and

WHEREAS, this Board determined, by separate resolution, that adoption of the local law is a SEQR Unlisted action and will not have significant adverse effect on the environment.

NOW, THEREFORE, IT IS RESOLVED as follows:

The Board recognizes that the County Department of Planning report contains recommendations objecting to certain provisions of the local law and recommending

modifications to the local law. The Board has carefully reviewed those comments and recommendations and determines to override those recommendations pursuant to state General Municipal Law §239-m(5), and the Board shall set forth its reasons for such override in its report of final action pursuant to GML §239-m(6). In essence, given the authority and discretion vested in the Town Board by this local law, if the Board approves a PUD District, the Board will impose requirements and conditions pertaining to the development of the particular tract and to address issues and concerns related to any such development to the extent deemed necessary by the Board.

The Board also reviewed the thoughtful recommendations provided by the Town Planning Board. The Town Board believes that the 10-acre requirement in the local law is adequately established. The other recommendations may be suitable for some, but not necessarily all, PUD Districts. Those recommendations may be considered by the Town Board on a case-by-case basis, recognizing that property seeking PUD District designation may vary with respect to numerous factors, such as size, location, neighborhood and site features, and that the Town Board possesses complete discretion whether or not to approve a requested PUD District designation and, if a PUD District is approved, to impose requirements and conditions to address issues and concerns pertaining to that particular tract of land.

Since this local law does not change the zoning requirements applicable to any property in the Town, this local law does not conflict with the Town's Comprehensive Plan. If the Town Board adopts a zoning amendment in the future to designate a PUD District, the Board must make a determination that that particular PUD District, including its requirements and conditions, does not conflict with the Comprehensive Plan or consider appropriate amendments to the Comprehensive Plan. The Board notes that the Comprehensive Plan encourages the use of PUD zoning and that this local law, if implemented by subsequent local law(s), would allow types of development, such as affordable housing, prevention of suburban sprawl and mixed use development, that are recommended in the Comprehensive Plan.

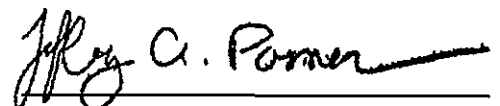
BE IT FURTHER RESOLVED that the Introductory Local Law titled "Planned Unit Development District Regulations Outside Of The Northeast Area Of The Town" of the Town of Ramapo, as revised after due notice, be and hereby is adopted as Local Law No. 3 of 2025 of the Town of Ramapo on May, 2025.

On a motion by Councilperson Charles, seconded by Supervisor Specht, the foregoing resolution was adopted on a roll call vote of 4 Ayes, 0 Nays, 1 Abstain

The Supervisor declared the Resolution adopted.

Dated: May 28, 2025

RESULT:	ADOPTED [4 TO 0]
MOVER:	Brendel Charles, Councilwoman
SECONDER:	Michael B. Specht, Supervisor
AYES:	Michael B. Specht, Brendel Charles, Michael Rossman, Yehuda Weissmandl
ABSTAIN:	David Wanounou


Jeffrey A. Posner, Town Clerk