

**TOWN OF RAMAPO
STATE OF NEW YORK**

LOCAL LAW __ OF 2022

**A LOCAL LAW TO ADOPT PLANNED UNIT DEVELOPMENT
REGULATIONS WITHIN THE TOWN OF RAMAPO ZONING CODE
AS PART OF A “FLEX-OVERLAY PUD ZONE”**

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

Section 1. Title of Local Law.

This “Local Law” shall be entitled “a Local Law to Adopt Planned Unit Development Regulations within the Town of Ramapo Zoning Code” as part of a “Flex-Overlay PUD Zone”.

Section 2. Authorization.

This Local Law to adopt Planned Unit Development regulations within the Town of Ramapo Zoning Code, is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Section 10 and New York Town Law Section 261-c.

Section 3. Purpose.

Pursuant to the authority under New York Town Law Section 261-c, it shall be the purpose and intent of this Local Law to enact regulations for the implementation of a Planned Unit Development (“PUD”) floating zone to provide for new residential, commercial, and mixed uses in which economies of scale or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of Chapter 376 [Zoning] (Chapter). Once adopted, it will allow the Town of Ramapo Town Board to place PUD districts on property identified for PUD development in the Town’s Comprehensive Plan as amended from time to time including within the Town’s Northeast Corridor. The Town Board may place PUD districts as part of an Overlay Zoning for larger tracts of land, which may consist of one or more tax parcels in common ownership, that are a minimum of 20 acres within the Town of Ramapo, combined and contiguous (lands may be separated by a public or private road/highway), and accessible by a public street. The minimum tract size requirement of 20 acres is an inextricable element of a PUD in Northeast Ramapo, and it is the intent of the Town Board that development of a PUD in Northeast Ramapo on tracts of less than 20 acres is not in the public interest and is prohibited.

To be considered and evaluated for PUD designation pursuant to the Environmental Impact Statement and Findings Statement prepared for the Comprehensive Plan Update for Northeast Ramapo and this local law, tracts must have been under common ownership and contain a minimum of 20 acres on March 1, 2021.

Tracts of land aggregated to contain at least 20 contiguous acres and under common ownership or control after March 1, 2021, may be considered for PUD designation, but any such consideration and evaluation by the Town Board shall be pursuant to an amendment to the Town Comprehensive Plan and supported by supplemental environmental analysis prepared by the applicant for that particular property.

The intent of enacting this Local Law and the related PUD provisions is to minimize the negative impacts associated with suburban sprawl as noted in the Town’s Comprehensive Plan (2004 as amended). Planned Unit Development is intended to allow flexibility in planning and designing land development proposals. This flexibility often accrues in the form of relief from compliance with conventional zoning site and design requirements. Ideally, this flexibility results in a development that is planned and designed as an integrated land use that makes more efficient use of land while reducing disturbance and avoiding environmentally sensitive areas on the site, resulting in a development, that contains more amenities, shares common

infrastructure that can be operated and maintained effectively and efficiently, and which is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls. Therefore, it is with this purpose and intent that the Town of Ramapo seeks to amend the Zoning Code and enact PUD regulations.

Section 4. Amendment.

The Town Board of the Town of Ramapo hereby amends Chapter 376 [Zoning], Article I [Title, Purpose and Word Usage], Section 5 [Definitions] by adding the below:

Planned Unit Development Authorized Board or Body: Town of Ramapo Planning Board.

Planned Unit Development (“PUD”): means a site upon which residential, commercial, office, retail, or other land uses, or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the Town Comprehensive Plan.

Planned Unit Development District (“PUD District”): means an independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the Town of Ramapo Town Board.

Preliminary Planned Unit Development Plan (“Preliminary PUD Plan”): means a proposal for a planned unit development showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities including preliminary plans and profiles, at suitable scale and in such detail as is required by these PUD regulations; architectural features, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by these PUD regulations.

Preliminary Planned Unit Development Plan Approval (“Preliminary PUD Plan Approval”): means the approval with conditions, if any, of the layout of a proposed planned unit development as set forth in a Preliminary PUD Plan and the simultaneous amendment of the zoning local law or ordinance by the legislative body to create and map a planned unit development district encompassing the plan; subject to the approval of the plan in final form pursuant to the provisions of this local law.

Final Planned Unit Development Plan/Site Development Plan (“Final PUD Plan/Site Development Plan”): means an approved preliminary planned unit development plan prepared at such additional detail and showing information as is required by the PUD regulations, and the modifications, if any, required by the legislative body at the time of approval of the preliminary planned unit development plan, if such preliminary plan has been so approved.

Final Planned Unit Development Plan/Site Development Plan Approval (“Final PUD Plan/Site Development Plan Approval”): means the signing of a final plan by a duly authorized officer of the authorized board or body pursuant to a resolution granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for filing in the office of the clerk as provided herein.

Section 5. Amendment.

The Town Board of the Town of Ramapo hereby amend Chapter 376 [Zoning], Article II [Zoning Districts and Zoning Map] by adding the below new Section:

§ 376-24 Planned Unit Development District and Development

A. Planned Unit Developments General Regulations

1. Location and Size:

- a. As defined in the Comprehensive Plan, the Town Board may place a PUD District on any tract of land which may consist of one or more tax parcels, in common ownership, within the Northeast Corridor of the Town that are a combined and contiguous minimum of 20 acres within the Town of Ramapo (lands may be separated by a public or private road/highway), are accessible by a public street and have been recommended for PUD development by the Town's Comprehensive Plan. Said tract of lands shall be under common ownership or control and contain at least 20 acres on March 1, 2021 at the time of application. The minimum tract size requirement of 20 acres is an inextricable element of a PUD in Northeast Ramapo, and it is the intent of the Town Board that development of a PUD in Northeast Ramapo on tracts of less than 20 acres is not in the public interest and is prohibited.

- 2. **Permitted Uses:** All uses permitted within a PUD District shall be determined by the Town Board pursuant to the Preliminary PUD Plan for that District along with any permitted accessory uses. Permitted use language and required approvals elsewhere in the Zoning Code, inconsistent with these PUD regulations, shall be not applicable.

- 3. **Density:** The Town Board shall, at the time of placing the PUD District, establish as part of the Preliminary PUD Plan the permitted land use intensity including the number and type of dwelling units, retail, or office space square footage for the PUD District. Such density shall not exceed the maximum allowable density in any zoning district established by Chapter 376 [Zoning] and the FAR shall not exceed the greater of the FAR in the district where the property is located or fifty percent (50%) of the highest FAR in any zoning district in the Town. The MR-16 and R-15C district densities are not applicable for the purposes of maximum density calculations of a PUD. In establishing such density or intensity of use, the Town Board shall consider the availability of central water and sewer infrastructure to serve the PUD.

- 4. **Area and Bulk Requirements:** Each application for a PUD will propose specific area and bulk requirements appropriate for that proposed development, to be reviewed by the Town Board. A key intent of the PUD is to allow flexibility to encourage more creative residential, commercial or mixed use development. The specific area and bulk requirements shall be determined by the Town Board.

- 5. **Subdivision Regulations:** The Town Board shall, at the time of placing the PUD District, and after recommendation from the Planning Board, establish as part of the Preliminary PUD Plan the road widths and specifications applicable for the PUD District. To the extent that the PUD District and the Preliminary PUD Plan Approval shall conflict with any other requirement within the Zoning Code or Subdivision regulations, the PUD District and the Preliminary PUD Plan Approval shall control. Any road widths and specifications shall be consistent with minimum requirements of applicable building and fire codes. The Planning Board shall have the power to waive the requirements of the Town's Subdivision regulations, as needed, to assure consistency with the Preliminary PUD Plan Approval by the Town Board.

- 6. Common Property in a PUD District:** Common property in a PUD District may consist of a parcel or parcels of land, together with improvements thereon, the ownership, use and enjoyment of which are shared by the individual lot owners and/or occupants of the PUD District. When common property exists, the developer shall enter into an agreement with the Town of Ramapo which the homeowners' association shall be subject to, provided that, in the event that the homeowners' association or any successor organization shall, at any time after approval of the development, fail to maintain the common land or any improvements thereon in reasonable order or condition in accordance with the approved plan, the Town of Ramapo may serve written notice upon such legal entity or successor organization or upon the property owners within the development, setting forth the manner in which the association has failed to maintain the common land or any improvements thereon, which said notice shall include a demand that such deficiencies be corrected within a designated time frame. If the deficiencies are not corrected within the designated time frame, the Town of Ramapo, in order to preserve the taxable values of the property within the development and to prevent the common land and improvements thereon from becoming a public nuisance, may, but shall not be obligated to, enter upon said common land and improve and maintain the same until such time as the Town Board shall determine that the homeowners' association is ready and able to maintain the common land and improvements in proper condition. Said entry and maintenance shall not vest in the public any rights to use the common land or improvements except when the same is voluntarily dedicated to the public by the homeowners' association and the offer of dedication is accepted by the Town Board. The decision of the Town of Ramapo with respect to the action described in this subsection shall constitute a final administrative decision subject to review in accordance with the provisions of Article 78 of the Civil Practice Law and Rules. The cost to the Town of Ramapo of any such maintenance shall be assessed against the properties within the subdivision, and, in the event of the failure or refusal of any such property owner to pay any such charges when due, the unpaid amount thereof shall become a lien against that person's property and together with interest from the due date thereof, shall be included in the annual tax levy of the Town of Ramapo upon such property for each such fiscal year, and the amount so levied shall be collected in the same manner as other Town taxes.
- For the purpose of this subsection, "common property" shall include both the land and any private facilities and/or improvements located thereon, including but not limited to private streets, driveways, infrastructure, parking areas, open space, and recreation areas.

B. Planned Unit Development Process

- 1. Application:** Application for establishment of a PUD District and Preliminary PUD Plan shall be made in writing to the Town Board and on the applicable forms. Application shall be made by the owner(s) of the land(s) to be included in the district or by a person, by a contract vendee or by persons holding an option to purchase the lands contingent only upon approval of the application for the change of zone. In the event an application is made by a person or persons holding an option to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence with the application and agreeing to be responsible for payment of reasonable fees incurred by the Town in connection with its review of the PUD rezoning request.
- i.** The Town Board retains absolute discretion to approve or deny a PUD application for any reason and reserves the right to refuse to entertain an application for any reason. If the Town Board determines an application does not warrant consideration, it shall promptly provide the Applicant with written notice of that determination and no further action on the application will be taken. The Applicant may submit a revised application for consideration.

- ii. Upon receipt of an Application, the Town Board may refer the Application to the Town's Community Design Review Committee (CDRC) and/or the Town Planning Board to assist it in assessing the completeness of information submitted. The CDRC and/or Planning Board shall review the Application as requested by the Town Board at their respective next scheduled meeting(s) and promptly advise the Town Board of their findings, as requested.
- 2. Application Materials, PUD District and Preliminary District Plan:** The Applicant shall submit the following to the Town Board:
- i. Application Form and Associated Fee;
 - ii. State Environmental Quality Review Act ("SEQRA") Full Environmental Assessment Form ("EAF");
 - iii. A narrative description of the project setting forth its purpose, desirability, and impact on the area in which the project is proposed, as well as its projected effect on the Town in general, paying particular attention to schools, traffic, population, utilities, aesthetics, recreation, taxes, and compatibility with neighborhood character.
 - iv. The text of the local law required to be enacted and place the proposed PUD zoning district over a subject property. This shall include a map and metes and bounds description of the proposed PUD District.
 - v. A survey of the property, showing existing site features, including regulated wetlands, water features, mapped floodplains, slopes in excess of 15% grade, contours five feet or less, buildings, structures, streets, utility and other easements, rights-of-way and land uses within 500 feet.
 - vi. Information on the intended construction sequence for buildings, roads, parking areas and landscaping.
 - vii. Subdivision plat, where applicable, indicating lots to be divided and related rights-of-way, easements, and other agreements.
 - viii. A Preliminary PUD Plan for development of the district, drawn approximately to scale, though it need not be to the precision of a finished engineering drawing, clearly showing the following:
 - a. The approximate location and dimensions of proposed principal and accessory residential buildings on the site, their relationship to one another and to other structures in the vicinity, as well as the number of dwelling units by housing type, size, and number of bedrooms.
 - b. The location, scale, approximate dimensions, floor area, and type of any principal and accessory commercial, office, retail, service, or other non-residential use proposed for the site and its relationship to residential uses and adjoining properties.

- c. The approximate location, layout, and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas and proposed access to the site.
 - d. The approximate location, type, layout, and nature of proposed pedestrian circulation systems on the site.
 - e. The proposed location, type and layout and approximate size of playgrounds, recreational areas, parks, trails, and open space proposed for the site and the general location of such facilities in respect to the proposed buildings to be erected on the site.
 - f. The approximate height, bulk and intended use of buildings on the site and an architectural concept plan prepared in sufficient detail to show the mass, form, and general architectural style of proposed buildings on the site and their compatibility with nearby land uses.
 - g. Proposed concept plan for landscaping, tree preservation and/or for buffering to adjacent properties.
 - h. The proposed source of water supply and preliminary proposal of how it will be brought to the site, including a preliminary plan for distribution within the development.
 - i. A preliminary plan for the collection and disposal of sanitary wastes from the site and preliminary plan for distribution within the development.
 - j. A preliminary stormwater management plan and for the property, showing the proposed stormwater collection and management system concept, including discharge points and provisions intended for stormwater compliance pursuant to NYSDEC regulations.
 - k. A description of sustainable energy measures that have been considered and included in the Preliminary PUD Plan.
 - l. A preliminary site grading plan using contour intervals of five feet or less.
 - m. Approximate location of land to be dedicated to the Town.
 - n. Preliminary identification of areas that will be disturbed by project implementation and areas that will remain undisturbed.
 - o. Other information as may be required by the Town Board or Planning Board.
- ix. A vicinity map showing the proposed use in relation to existing zoning and land use within ¼ mile of the site.

3. PUD District and Preliminary PUD Plan Review:

- i. **Complete Application/ Referral:** After the Town Board has deemed the application complete, including having addressed SEQRA requirements, the Town Board shall refer

the PUD District and Preliminary PUD Plan application to the Town of Ramapo Planning Board for review and recommendation. The Town Board shall also refer the PUD District and Preliminary PUD Plan application to the Rockland County Department of Planning if required pursuant to New York State General Municipal Law. The Town Board shall also refer the PUD District and Preliminary PUD Plan application to agencies with permitting authority or who maintain facilities within 500' of the proposed action.

- ii. Planning Board Referral and Recommendation:** In its referral review of the application, the Planning Board may suggest to The Town Board such changes in the PUD District and Preliminary PUD Plan it believes necessary or desirable to meet the requirements of the PUD regulations, to promote the objectives of the Comprehensive Plan, to protect the established or permitted uses in surrounding neighborhoods, and/or to promote the orderly growth and sound development of the Town. The Planning Board shall review the PUD District and Preliminary PUD Plan with the applicant and make its written referral recommendations to the Town Board within 45 days of the referral being made by the Town Board. Upon receipt of the Planning Board recommendations by the Town Board, the Town Board will consider these recommendations.
- iii. State Environmental Quality Review Act (“SEQRA”):** The Town Board shall seek to serve as lead agency pursuant to 6 NYCRR 617 for review of all PUD applications. The lead agency shall ensure that the application is circulated to all involved agencies pursuant to the SEQRA regulations. A public hearing on the 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 by the lead agency as satisfactory with respect to scope, content and adequacy. Where the PUD has been the subject of Generic Environmental Impact Statement (“GEIS”) associated with an amendment to the Comprehensive Plan, the lead agency shall determine whether the GEIS adequately addresses the potential for significant adverse effects attributed to the proposed PUD based on the EAF Part 2, or whether a supplemental environmental impact statement is needed to address any specific significant adverse impacts not previously considered.
- iv. PUD District and Preliminary PUD Plan Public Hearing:** Within 45 days after the Town Board has deemed the application complete, as set forth above, and prior to acting on a zoning amendment to create a PUD District, the Town Board shall hold a public hearing on such proposed PUD District and Preliminary PUD Plan. Such public hearing shall be conducted in accordance with the requirements in Zoning Code 376-172 and if applicable, SEQRA notice requirements for a public hearing on a DEIS.
- v. PUD District and Preliminary PUD Plan Determination:** Within 90 days after the Town Board has closed the public hearing on the PUD application, the Town Board shall act to approve, approve with modifications and/or conditions or deny the PUD District zoning amendment and the Preliminary PUD Plan, and if approved amend the local law or zoning ordinance to establish and map a PUD District.
- vi. Criteria for PUD District and Preliminary PUD Plan Approval:** The Town Board shall consider the extent to which, consistent with the intent and objectives of the PUD regulations, the proposed PUD District and Preliminary PUD Plan shall meet the following criteria:

- a. That the proposal is consistent with the objectives of the Town Comprehensive Plan, as amended.
 - b. That the proposal meets the intent and objectives of a planned unit development as expressed in this article.
 - c. That the proposal complies with the general requirements listed above in this article.
 - d. That the uses proposed shall be planned and designed so as to minimize land disturbance and, to the extent practicable, not be detrimental to the natural characteristics of the site or adjacent land uses.
 - e. That each phase of the development, as it is proposed to be completed, contains a sufficient amount of parking facilities, landscaping, and utilities necessary to create and sustain each phase independently; provided, however, where applicable, that due consideration be given to reciprocal easements and operating agreements that may be required.
 - f. That the proposal is conceptually sound in that it meets local and regional needs and that the proposed roadways, pedestrian system, land use configuration, open space system, stormwater management system and other site infrastructure, and scale of those elements shall function singly and cumulatively and conform to accepted design principles.
 - g. That there are adequate services and utilities available or proposed to accommodate each phase of the development.
 - h. That the existing transportation network, along with any proposed mitigation, will sufficiently handle all traffic generated by the proposal.
- vii. General Design Criteria:** Projects seeking PUD District approval shall incorporate the following site and architectural design to the satisfaction of the Town Board. Key elements to consider are: existing attractive architectural character of the neighborhood/district; continuity of building scale and architectural massing; transition to adjacent developments; treatment of the street-level and upper level architecture detailing; rhythm of windows and doors; relationship of the buildings to public spaces such as streets, plazas, other open space, and public parking. Design shall consider the following:
- a. Encourage compatibility between residential and commercial uses where existing residential zones abut commercial zones
 - b. The variety of active uses should be complemented with facades that are articulated with a variety of depths and materials along the pedestrian ways.
 - c. Create a network of active spaces and avoid disconnected spaces.
 - d. Design rooftops for visual interest and screening of mechanical equipment
 - e. Achieve compatible building styles and design and avoid incompatible elements.
 - f. Create streetscapes that include appropriate, unified site furniture to encourage pedestrian activity, avoiding bleak streetscapes that discourage walking.
 - g. The design treatments for the area should include details and materials that promote interest for users and visitors.
 - h. Encourage incorporation of LEED design or similar green or sustainability initiatives.
- viii. Preliminary PUD Plan Approval:** The Town Board may, if it believes it necessary to fully protect the health, safety, and general welfare of the community, attach to its PUD District and Preliminary PUD Plan Approval additional conditions or requirements the applicant must meet to mitigate potential impacts to the surrounding neighborhood or community to the extent practicable or to provide a public benefit as a result of the project. Such requirements may include but are not limited to:

- a. Visual and/or acoustical screening;
 - b. Land use mix;
 - c. Schedule of construction and occupancy;
 - d. Pedestrian and vehicular circulation system;
 - e. Parking and snow removal;
 - f. Sites for public services;
 - g. Protection of natural and/or historical features;
 - h. Pedestrian access;
 - i. Parks, recreation and/or open space;
 - j. Lighting;
 - k. Area and bulk requirements;
 - l. Visual and/or acoustical screening and buffers to the extent practicable; and
 - m. Such other requirements for development of the PUD District that the Town Board deems appropriate.
- ix. Preliminary PUD Plan Approval Phasing:** The Town Board may approve the Preliminary PUD Plan by identifying phases of construction, and the applicant may then seek Final PUD Plan Approval from the Planning Board for each phase individually. Prior to receiving the Planning Board chairman’s signature on the Final PUD Plan/Site Development Plan Review as noted below, the applicant must ensure that all infrastructure necessary to allow that phase to operate properly will be provided or bonded.
- 4. Final PUD Plan Review/Site Development Plan Review:** Following approval of the PUD District and Preliminary PUD Plan Approval by the Town Board, the applicant shall submit to the Planning Board (the “authorized board or body”) a Final PUD Plan/Site Development Plan for its review and approval. Unless stated to the contrary below, this section shall replace any requirement for a PUD development to obtain separate Site Development Plan approval pursuant to Article IX of this Chapter.
- i. The Final PUD Plan/Site Development Plan application requirements shall include those application documents required by Article IX of this Chapter and by the site development plan regulations adopted by the Planning Board .
 - ii. **Public Hearing:** The Final PUD Plan/Site Development Plan application shall be subject to a public hearing before the Planning Board. Where a subdivision of lots is proposed as part of a Final PUD Plan/Site Development Plan, the Planning Board shall also consider the preliminary subdivision plat in conjunction with the public hearing on the Final PUD Plan/Site Development Plan. Such public hearing shall be conducted in accordance with the requirements in New York Town Law 276(5)(e)(ii).
 - iii. The Planning Board shall refer the final PUD Plan/Site Development Plan application to the Rockland County Planning Department if required pursuant to New York General Municipal Law 239-m.
 - iv. The Planning Board shall consider the following in reviewing the Final PUD Plan/Site Development Plan application:
 - a. The Final PUD Plan/Site Development Plan must be generally conform to the requirements of the PUD District and Preliminary PUD Plan Approval.

- b. All conditions imposed by the Town Board in granting the PUD District and Preliminary PUD Plan Approval, shall be satisfied, and incorporated into the Final PUD Plan/ Site Development Plan.
 - c. The Planning Board shall ensure that the mitigation measures identified in the applicable environmental review pursuant to this section have been incorporated into the Final PUD Plan Final PUD Plan/Site Development Plan.
 - d. The Final PUD Plan Final PUD Plan/Site Development Plan must satisfy the objectives in Zoning Code § 376-91.
5. **Subdivision approval:** If the proposed Final PUD Plan/Site Development Plan involves a land division or the subdivision of land, subdivision approval by the Planning Board, as noted below, shall be required. The Planning Board shall conduct its review of an application for subdivision approval coincident with its review of an application for Final PUD Plan/Site Development Plan. A subdivision proposed within the contact of a PUD, shall follow the below process. To the extent that these PUD regulations conflict with the Town’s subdivision regulations, the PUD regulations and this section shall control.
- i. Applicant to provide a preliminary subdivision plat application to the Planning Board, the contents of which shall confirm to the requirements of the subdivision regulations. The preliminary subdivision need only reflect that land division required for the phases seeking Final PUD Plan/Site Development Plan approval.
 - ii. Simultaneously with section (B)(4)(iii) above, the Planning Board shall refer the subdivision application to the Rockland County Department of Planning if required pursuant to New York General Municipal Law 239-n and to any other agency to which a referral is required.
 - iii. Simultaneously with section (B)(4)(ii) above, the Planning Board shall hold a public hearing on the preliminary subdivision plat and the Final PUD Plan/Site Development Plan. Such public hearing shall be conducted in accordance with the requirements in New York Town Law 276(5)(e)(ii).
 - iv. Planning Board to consider the following when review a preliminary subdivision approval:
 - a. The preliminary subdivision plat must be consistent with the requirements of the PUD District and Preliminary PUD Plan Approval.
 - b. All conditions imposed by the Town Board in granting the PUD District and Preliminary PUD Plan Approval, shall be satisfied, and incorporated into the preliminary subdivision plat.
 - c. The Planning Board shall ensure that the mitigation measures identified in the applicable environmental review pursuant to this section have been incorporated into the preliminary subdivision plat.

If appropriate, the Planning Board shall issue preliminary subdivision approval, with conditions if necessary. Once all preliminary subdivision approval conditions have been satisfied, the applicant shall submit a final subdivision plat for approval by the Planning

Board in accordance with the final plat provisions of subdivision regulations. If the final subdivision plat submitted is substantially consistent with the approved preliminary subdivision plat, the second public hearing may be waived. Once approved, the final subdivision plat shall be filed in the Office of the Rockland County Clerk in compliance with subdivision regulations and New York Town Law.

The applicant shall submit a final subdivision plat for approval within 180 days of an approved preliminary subdivision plat approval unless an extension is granted by the Planning Board.

- v. **Performance Surety:** The Planning Board may require the applicant to furnish a surety in connection with the construction involved in the preparation of the building project site and/or in connection with construction of public roadways or improvements. The amount of such surety, and the amount of any liability insurance to be furnished, shall be determined by the Planning Board and acceptable in form to the Town Attorney. In addition, as applicable, the Planning Board may also require title insurance and offers of dedication, presentation of map in final form conforming to all conditions of approval, payment of all review fees, posting of inspection fees, and payment of recreation fees.

- vi. **Final PUD Plan Approval/Site Development Plan Approval:** The Planning Board's determination on the Final PUD Plan/Site Development Plan and subdivision (if necessary) shall be filed in the office of the clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant. Once all conditions of the Final PUD Plan Approval have been satisfied, the Planning Board Chair may sign the Final PUD Plan/Site Development Plan.

- vii. **Final PUD Plan Approval and Site Development Plan Expiration:** The Final PUD/Site Development Plan Approval shall expire 2 years from the date of the approval resolution unless a building permit has been issued. The applicant may seek a one-year extension from the Planning Board. More than one extension request may be considered.

- viii. **Reversion:** In the event that a building permit has not been issued for any building construction within a designated PUD within a period of five years and a day following the grant of final site plan approval or any extension of site plan approval, the PUD zoning designation shall be rendered null and void. In such event, the lands within the PUD District shall revert to the original zoning districts that existed prior to the PUD District designation, and this reversion shall be noted on the Official Zoning Map of the Town.

6. Request for PUD Changes.

- i. Planning Board authority. If in the Final PUD Plan it becomes apparent that certain elements of the Final PUD Plan do not conform to the PUD District / Preliminary PUD Plan Approval, as it has been approved by the Town Board, or where it is shown that certain elements of the PUD District / Preliminary PUD Plan Approval are unfeasible and in need of modification, the applicant shall present the proposed changes to the Planning Board. The Planning Board shall then determine whether or not the proposed modifications to the PUD District / Preliminary PUD Plan Approval are a substantial departure from the zoning amendment that established the PUD District, or whether the modifications are still in keeping with the intent of the zoning amendment that established the PUD District.

- a. If the Planning Board finds that the proposed modifications are not in substantial conformance with the PUD District / Preliminary PUD Plan, the Planning Board shall inform the Applicant what modifications are necessary to achieve substantial conformance with the PUD District / Preliminary PUD Plan. The applicant may then, if it wishes, either modify the PUD Plan that has been submitted in conformance with the approved PUD District / Preliminary PUD Plan Approval or apply to the Town Board for an amendment to the district plan.
 - b. If the Planning Board finds that the proposed modifications are in substantial conformance with the PUD District / Preliminary PUD Plan Approval, the Planning Board may approve said modifications as part of its Final PUD Plan approval, provided that the Board makes written findings identifying the approved modifications and the justification for each. In considering the proposed modifications, the Planning Board shall consider whether additional SEQRA assessment is warranted and, if needed, undertake such review prior to acting on the requested modifications.
- ii. Town Board application. Nothing contained in the preceding subsections shall prevent an owner/applicant from making application directly to the Town Board for an amendment to the district plan. Said applications should be reserved for significant changes in concept and design of the PUD District / Preliminary PUD Plan Approval. Applications to the Town Board for amendment of an approved district plan shall be processed in the manner of the original application that established the PUD District / Preliminary PUD Plan Approval.

Section 6. Amendment.

The Town Board of the Town of Ramapo hereby amends Chapter 376 [Zoning], Article III [Use Regulations], Section 31 [Bulk Table] by adding the below:

[FOLLOWING NOTE TO BE ADDED TO THE USE TABLE: All uses permitted within a PUD District shall be determined by the Town Board pursuant to the Preliminary PUD Plan for that District along with any permitted accessory uses. Permitted use language and required approvals elsewhere in the Zoning Code, inconsistent with these PUD regulations, shall be not applicable.]

Section 7. Amendment.

The Town Board of the Town of Ramapo hereby amends Chapter 376 [Zoning], Article IV [Bulk Regulations], Section 41 [Bulk Table] by adding the below:

[FOLLOWING NOTE TO BE ADDED TO THE BULK TABLE: Area and bulk regulations, and other inconsistent language and regulations elsewhere in the Zoning Code are not applicable within an approved PUD District.]

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any individual, firm or corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this

Local Law or in its application to the individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 9. Supersedure

Provisions of Chapter 376 of the Town of Ramapo Code to the extent they are inconsistent with this law, are hereby superseded.

Section 10. Effective Date.

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