

**TOWN OF RAMAPO
INTRODUCTORY LOCAL LAW
PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS
OUTSIDE OF THE NORTHEAST AREA OF THE TOWN**

BE IT ENACTED by the Town Board of the Town of Ramapo, County of Rockland, State of New York, as follows:

Section 1. Title of local law. This local law shall be entitled “Planned Unit Development District Regulations Outside of the Northeast Area of the Town.”

Section 2. Authority. This local law is enacted pursuant to the state Municipal Home Rule Law and state Town Law §261-c.

Section 3. Legislative purpose. The Town Board previously authorized the establishment of Planned Unit Development Districts (PUD) in the Northeast area of the Town and has determined that authorizing the establishment of PUD Districts throughout the Town is in the public interest. Pursuant to the authority under state Town Law §261(c), it is the purpose and intent of this local law to enact regulations for the implementation of a PUD floating zone to encourage creative residential, commercial or mixed use development, including the construction of smaller and more affordable apartments and single-family detached residences, without departing from the spirit and intent of this Chapter. This local law shall not apply in the Northeast area of the Town, where PUDs are regulated by the provisions in §376-24. This local law shall apply throughout the remainder of 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 after compliance with all applicable requirements and procedures. If a PUD District is established by the Town Board, the types of permitted uses and the area and bulk requirements shall be determined by the Town Board after consideration of appropriate factors.

In addition to the purpose and intent set forth above, 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). Planned Unit Development is intended to allow flexibility in planning and designing land development proposals. This flexibility may be accomplished in the form of relief from adherence to conventional site and design requirements. Ideally, this flexibility results in the 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, and resulting in a development that contains amenities, infrastructure that can be operated and maintained efficiently, and more desirable for residents. This local law is determined to be an exercise of the police powers of the Town to promote the public health, safety and welfare of the Town and its residents.

Section 4. Chapter 376, titled “Zoning,” of the Code of the Town of Ramapo is amended by adding a new section, designated as §376-26 and titled “Townwide Planned Unit Development District and Development,” to read as follows:

§376-26. Townwide Planned Unit Development District and Development.

A. General regulations. Notwithstanding the title of this section, this §376-26 shall not apply in the Northeast area of the Town, where PUDs are regulated by the provisions in §376-24. This local law shall apply throughout the remainder of the Town.

(1) Location and Size:

(a) 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 or control, within the Town that are a combined and contiguous minimum of 10 acres within the Town of Ramapo (lands may be separated by a public or private road/highway), and are accessible by a public street. Said tract of lands shall be under common ownership or control and contain at least 10 acres on and after ~~January 1~~ May 31, 2025, and at the time of application. The minimum tract size requirement of 10 acres is an inextricable element of a PUD, and 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.

(2) Permitted Uses: All principal and accessory uses permitted within a PUD District shall be determined by the Town Board pursuant to the preliminary PUD plan. 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, type and size of dwelling units, and retail, office or other commercial space square footage for the PUD District. Such density or intensity shall not exceed the maximum allowable density or intensity in any zoning district established by this Chapter 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 R-15C district is not applicable for the purpose of maximum density calculations of a PUD, except, however, the density authorized in Use Group x.7 is applicable in the Town Board's discretion. 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 and other appropriate factors.

(4) Area and Bulk Requirements: Each application for a PUD shall 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 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 to establish a PUD District. 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.
 - (a) 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.
 - (b) 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 PUD Plan: The applicant shall submit the following to the Town Board:
 - (a) Application form and associated fee;
 - (b) State Environmental Quality Review Act ("SEQRA") Full Environmental Assessment Form ("EAF");
 - (c) 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.
 - (d) The text of the local law required to enact 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.
 - (e) A survey of the property, showing existing site features, including regulated

wetlands, mapped floodplains, slopes in excess of 15% grade, contours five feet or less, buildings, structures, streets, utility easements, rights-of-way and land uses within 500 feet.

- (f) Information on the intended construction sequence for buildings, roads, parking areas and landscaping.
- (g) Subdivision plat, where applicable, indicating lots to be divided and related rights-of-way, easements, and other agreements.
- (h) 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:

- [1] 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.
- [2] 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.
- [3] 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.
- [4] The approximate location, type, layout, and nature of proposed pedestrian circulation systems on the site.
- [5] 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.
- [6] 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.
- [7] Proposed concept plan for landscaping, tree preservation and/or for buffering to adjacent properties.
- [8] 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.

- [9] A preliminary plan for the collection and disposal of sanitary, wastes from the site and preliminary plan for distribution within the development.
- [10] 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.
- [11] A description of sustainable energy measures that have been considered and included in the preliminary PUD plan.
- [12] A preliminary site grading plan using contour intervals of five feet or less.
- [13] Approximate location of land to be dedicated to the Town.
- [14] Preliminary identification of areas that will be disturbed by project implementation and areas that will remain undisturbed.
- [15] Other information as may be required by the Town Board or Planning Board.
- [16] 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:

- (a) 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 Rockland County Planning Board 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 public agencies with permitting authority or which maintain facilities within 500 feet of the proposed action.
- (b) 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 avoid conflict with 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.

- (c) 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~~ may occur ~~until before or after~~ 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, in accordance with law. 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.
- (d) PUD District and Preliminary PUD Public Hearing. Within 45 days after the Town Board has deemed the application ~~complete as set forth above~~ adequate for public review, 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.
- (e) 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.
- (f) 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:
 - [1] That the proposal is consistent with or does not conflict with the objectives of the Town Comprehensive Plan, as amended.
 - [2] That the proposal meets the intent and objectives of a planned unit development as expressed in this section.

- [3] That the proposal complies with the general requirements listed above in this section.
 - [4] 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.
 - [5] 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.
 - [6] 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.
 - [7] That there are adequate services and utilities available or proposed to accommodate each phase of the development.
 - [8] That the existing transportation network, along with any proposed mitigation, will sufficiently handle all traffic generated by the proposal.
- (g) 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:
- [1] Encourage compatibility between residential and commercial uses where existing residential zones abut commercial zones.
 - [2] The variety of active uses should be complemented with facades that are articulated with a variety of depths and materials along the pedestrian ways.
 - [3] Create a network of active spaces and avoid disconnected spaces.

- [4] Design rooftops for visual interest and screening of mechanical equipment.
 - [5] Achieve compatible building styles and design and avoid incompatible elements.
 - [6] Create streetscapes that include appropriate, unified site furniture to encourage pedestrian activity, avoiding bleak streetscapes that discourage walking.
 - [7] The design treatments for the area should include details and materials that promote interest for users and visitors.
 - [8] Encourage incorporation of LEED design or similar green or sustainability initiatives.
- (h) 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:
- [1] Visual and/or acoustical screening and buffers to the extent practicable;
 - [2] Land use mix;
 - [3] Schedule of construction and occupancy;
 - [4] Pedestrian and vehicular circulation system;
 - [5] Parking and snow removal;
 - [6] Sites for public services;
 - [7] Protection of natural and/or historical features;
 - [8] Pedestrian access;
 - [9] Parks, recreation and/or open space;
 - [10] Lighting;
 - [11] Area and bulk requirements; and
 - [12] Such other requirements for development of the PUD District that the Town Board deems appropriate.

- (i) 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 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 plan approval pursuant to Article IX of this Chapter.
 - (a) 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.
 - (b) 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, subdivision 5(e)(ii).
 - (c) 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.
 - (d) The Planning Board shall consider the following in reviewing the final PUD plan/site development plan application:
 - [1] The final PUD plan/site development plan must generally conform to the requirements of the PUD District and preliminary PUD plan approval.
 - [2] 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.
 - [3] 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/site

development plan.

[4] The 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 context 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.

(a) The applicant shall 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.

(b) Simultaneously with section (B)(4)(c) above, the Planning Board shall refer the subdivision application to the Rockland County Department of Planning if required pursuant to state General Municipal Law 239-n and to any other agency to which a referral is required.

(c) Simultaneously with section (B)(4)(b) above, the Planning Board shall hold a public hearing on the preliminary subdivision plan and the final PUD plan/site development plan. Such public hearing shall be conducted in accordance with the requirements in state Town Law §276(5)(e)(ii).

(d) The Planning Board to consider the following when reviewing a preliminary subdivision approval:

[1] The preliminary subdivision plat must be consistent with the requirements of the PUD District and preliminary PUD plan approval.

[2] 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.

[3] 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.

- (e) Performance Surety: The Planning Board may require the applicant to furnish security 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 security, and the amount of any liability insurance to be furnished, shall be determined by the Planning Board and acceptable in form to the Town Board and 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.
- (f) 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.
- (g) Final PUD Plan Approval and Site Development Plan expiration: The final PUD/site development plan approval shall expire two 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.
- (h) 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.

- (a) 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 element(s) 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.

[1] 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 PUD District.

[2] 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.

- (b) 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 PUD District. 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 5. 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 of this local law, 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 order or judgment shall be rendered.

Section 6. Supersession.

To the extent that any provisions of the state Town Law, including Article 16 thereof, or provisions of Chapter 376 of the Town Code are inconsistent with this local law, such provisions are hereby superseded.

Section 7. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.