

LOCAL LAW ~~4~~ OF 2020
TOWN BOARD
TOWN OF HURLEY
LOCAL LAW AMENDING CHAPTER 210, TOWN OF HURLEY ZONING CODE

BE IT ENACTED by the TOWN BOARD of the TOWN OF HURLEY, ULSTER COUNTY, NEW YORK as follows:

SECTION I. TITLE

This Local Law shall be known as the "Multifamily and Multiple Dwelling" Local Law, enacting certain zoning amendments to Chapter 210, Zoning, of the Town of Hurley Code to further regulate and clarify the appropriate location and standards and for the regulation of multifamily dwellings and multiple dwelling complexes in the Town of Hurley.

SECTION II. AUTHORITY

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 210, Article X of the Code of the Town of Hurley. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town Law, the Town Board hereby asserts its intent to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS

The purpose of this Local Law is to amend Chapter 210 of the Zoning Law of the Town of Hurley to adopt the recommendations of the Town of Hurley Comprehensive Review Committee, which recommendations establish standards and procedures for the location, site plan layout and density requirements for multifamily dwellings, multiple dwelling complexes and residential conversions in order to ensure the health, safety and welfare of residents in the Town of Hurley. The Town Board recognizes that as special permit uses, multifamily dwellings should be subject to supplementary regulations, which this amendment sets forth. These zoning amendments will allow for a mix of housing units in the Town while ensuring the appropriate scale, density and layout of such dwellings in a manner consistent with the Town's rural and semi-rural character.

SECTION IV. REVISIONS TO CHAPTER 210

1. **Definitions.** §210-5, Definitions, is hereby amended to add the following new definitions in alphabetical order:

"ARCHITECTURAL REVIEW BOARD (ARB)

A board, duly constituted and appointed by the Town Board, which shall be responsible for the architectural review of development applications."

"CONSERVATION ADVISORY COUNCIL (CAC)

A council duly constituted and appointed by the Town Board to advise in the development, management and protection of the Town's natural resources. "

2. **Definitions.** §210-5, Definitions, is hereby amended to delete and replace the following definitions:

"DWELLING

A building arranged, intended, or designed to be occupied by one or more families. The terms "dwelling," "one-family dwelling", "two-family dwelling", "three-family dwelling" and "multifamily dwelling" shall not be deemed to include motel, hotel, rooming house, boarding house or other accommodations used for transient occupancy."

"DWELLING COMPLEX, MULTIPLE

A lot developed with a combination of two or more one-family, two-family, or three-family dwellings."

"DWELLING, CONDOMINIUM

A condominium is a type of ownership wherein a person that owns a dwelling unit in a multi-unit development has both separate ownership of a unit and an undivided interest in the common elements of the building and exterior common areas."

"DWELLING, ROW (also referred to as a TOWNHOUSE)

A building consisting of a row of attached or semi-attached one-family dwellings separated by a common wall and containing three or more dwelling units."

"DWELLING, MULTIFAMILY

A building containing four or more than four dwelling units."

"DWELLING, TWO-FAMILY

A building containing two dwelling units only."

"DWELLING, THREE-FAMILY

A building containing three dwelling units only."

"DWELLING UNIT

A building or portion thereof providing complete housekeeping, cooking, sanitary, sleeping and living facilities and quarters for one family."

"FAMILY

Consists of one person; or two or more persons related by blood, marriage or adoption; or not more than five persons not necessarily related by blood, marriage or adoption, and, in addition, any domestic servants or gratuitous guests, who live together in a single dwelling unit and maintain a common household. A "family" shall not include the occupants of a boarding- or rooming house, a residential club or a hotel."

"LOT

A defined portion or parcel of land considered as a unit devoted to a specific use or occupied by a building or a group of buildings where explicitly allowed in this zoning chapter, that are united by a common interest, use or ownership and the customary accessories and open spaces belonging to the same."

"LOT FRONTAGE

A lot line which is coincident with a street line. Also referred to as "street frontage".

3. Definitions. §210-5, Definitions, is hereby amended to delete the following definitions:

"DWELLING, APARTMENT

A one-family dwelling unit in a building containing at least two such units in which each unit may be located over, under or to the side of another unit and in which each dwelling has at least one access to the outside, either directly or via a common hallway. The term "apartment dwelling" includes "apartment" and "flat".

"DWELLING, TOWNHOUSE

A two-story dwelling that is one of a planned complex of such, usually contiguous, dwellings that share a common wall."

"RESIDENCES, RESIDENTIAL

A building or any part of a building which contains living and sleeping accommodations for permanent occupancy. Residences, therefore, include all one-family, boarding-, fraternity and sorority houses.

However, residences shall not include the following:

- A. Transient accommodations, such as hotels, motels and hospitals; or
- B. That part of a building containing both residences and other uses which is used for any nonresidential uses, except accessory uses for residences."

4. Pre-existing dwelling complex; multiple one-family dwellings. §210-27, Reserved, is hereby renamed and amended to add the following new section:

"§ 210-27 Pre-existing multiple dwelling complex; multiple one-family dwellings.

Within the Town of Hurley there exist many properties located throughout the Town which have been developed with multiple dwellings on an individual lot, as that term is defined in this zoning chapter. Said lots may have been occupied by seasonal residential buildings and camps which have been converted to year-round use. Many multiple dwelling complexes are historically nonconforming uses, as they have not been permitted within the district within which they are located. The intent of this section is twofold: to allow pre-existing multiple dwelling complexes, whether a nonconforming use or not to continue, and to prohibit further expansion of same, except as may be allowed in subsection "B" below.

- A. Pre-existing multiple dwelling complex. A pre-existing multiple dwelling complex in existence on May 1, 2020, shall be allowed to continue, subject to the following:
 - (1) Nothing herein shall permit an increase in the number of dwelling units on the lot which were in existence on May 1, 2020. The property owner shall have the burden of proof of demonstrating, to the satisfaction of the Building Inspector, the number of dwellings units

that existed at the time these provisions were enacted. The Building Inspector shall establish the maximum number of dwelling units permitted on the lot.

- (2) The property owner shall be allowed to improve any dwelling located on the lot without the need for an area or use variance, subject to the provisions set forth in subsection "C" below.
 - (3) For purposes of this use, the pre-existing multiple dwelling complex shall meet the bulk standards for the zoning district within which it is located. The yard requirements shall be met at the periphery of the lot, and not for each individual building. Any improvements which do not comply with the bulk requirements for the applicable zoning district shall require an area variance.
 - (4) For any alterations or expansions, the property owner shall be required to demonstrate to the Building Inspector that the buildings are served adequately with potable water and sewerage systems. The Building Inspector may require the owner to obtain Department of Health approval for any expansion of a dwelling.
 - (5) Nothing herein shall limit a property owner from reducing the number of dwellings on the lot.
 - (6) Any subdivision of land associated with a multiple dwelling complex shall adhere to the requirements of this zoning chapter, the requirements of the district within which the use is located, and the subdivision regulations.
 - (7) The provisions of § 210-51 regarding undersized lots shall not apply to this use.
- B. Two one-family dwellings on an individual lot. Within any residential zoning district, the Planning Board may permit, subject to site plan and special use permit approval, the following:
- (1) The owner of a one-family dwelling on a lot in the same ownership, may construct a second one-family dwelling on the same lot, provided one of the dwellings remains as the primary residence of the property owner for the life of the use.
 - (2) Each dwelling shall meet the bulk standards for the zoning district within which it is located, as if the dwellings were located each on individual lots and shall demonstrate compliance on a site plan. The minimum lot size of the lot on which the two one-family dwellings will be situated shall be 2.5 times the minimum lot area requirement for a one-family dwelling in the zoning district within which the lot is located.
 - (3) The property owner shall be required to demonstrate to the Building Inspector that both one-family dwellings are served adequately with potable water and sewerage systems. The Building Inspector may require the owner to obtain Department of Health approval for the additional dwelling. The Building Inspector may require that each one-family dwelling be served by its own individual well and septic system.
 - (4) Nothing herein shall limit a property owner from removing one of the one-family dwellings on the lot.

(5) Any future subdivision of land associated with a property with two, one-family dwellings shall adhere to the requirements of this zoning chapter, the requirements of the district within which the use is located, and the subdivision regulations.

(6) Nothing herein shall permit more than two, one-family dwellings on the lot and any additional dwelling on the individual lot shall be deemed to require a use variance. Any dwelling that is in addition to the two, one-family dwellings shall require the lot be subdivided and approved by the Planning Board.

(7) Nothing herein shall permit both of the one-family dwellings to be rented, as one of the dwellings must remain the primary residence of the lot owner. Any owner wishing to rent both one-family dwellings shall require a variance.

(8) The provisions of § 210-51 regarding undersized lots shall not apply to this use."

5. **Uses Subject to Special Use Permit Approval.** §210-40 sections A-D, titled "Conditional uses allowed by special permit from the Planning Board", is hereby deleted and replaced by following Section 210-40 sections A through D:

"§ 210-40 Uses subject to special use permit approval.

A. General provisions. Special permit uses are hereby declared to possess characteristics which require that each specific use be considered an individual use. Any use for which a special use permit is granted by the Planning Board shall be deemed a use permitted in the district in which it is located, except that for any addition or enlargement of such use, a separate special use permit shall be required for each addition or enlargement. A special permit use must be in conformity with the provisions of this chapter and shall affect only the lot or portion thereof for which it shall have been granted.

B. Procedures.

(1) In accordance with § 274-b, Subdivision 6, of the Town Law, the Planning Board shall have the power, after public notice and hearing, to grant special use permits for the special uses specified in this chapter. The procedures for special use permits set forth therein shall apply.

(2) All applications for special use permits shall be filed with the Secretary of the Planning Board, in writing, and shall be made in a form required by the Board and shall be accompanied by payment of a filing fee, in accord with a schedule adopted by the Town Board, and three copies of a site plan, drawn to scale and accurately dimensioned, as required in § 210-41B below.

(3) Whenever the Planning Board grants a special use permit, appropriate conditions and safeguards and/or time limitations may be attached thereto.

(4) Any special use permit which is not exercised within one (1) year from the date of issuance

shall be deemed expired without further hearing by the Planning Board. The Planning Board, as a condition of approval, may require the renewal of any special use permit.

C. Basis for deliberation; general provisions. Before issuing a special use permit, the Planning Board shall take into consideration the public health, safety, morals and welfare and shall assure itself of the following, and may waive a standard below where it is determined not to be relevant or applicable to the particular special use permit application, and not requisite to promote the public health, safety and welfare of the Town:

- (1) That there shall not be any detrimental effect by the establishment of such use on other uses within the district.
- (2) That such use will be in harmony with the orderly development of the district and that the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.
- (3) That the use meets the prescribed requirements for the district in which located and the following prescribed provisions. As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
- (4) The proposed use shall be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties. The Planning Board shall determine that the proposed use meets the intent of this chapter and the intent of the zoning district in which the use is proposed. The Planning Board may require a reduction in the size, intensity or density of the use to ensure the standards set forth herein are met. In this regard, the Board may consider, without limitation, lighting, noise, outdoor storage, visual character, site design, and architectural character. The Planning Board may require the submission and approval of a photometric plan, noise impact analysis, visual impact analysis, floor plans and building elevations to make this determination.
- (5) The location and size of such use, the nature and the intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous. The Planning Board may specifically require the submission of a traffic impact analysis to make such determination.
- (6) Roadway improvements which are necessary and/or proposed to mitigate project related traffic impacts shall be such that they do not negatively impact the character of the neighborhood in which they are located.

- (7) Traffic access shall be designed so that local roadways through residential neighborhoods are not impacted by the diversion of traffic from more congested main roadways as a result of the proposed access design and the additional traffic volume generated by the proposed special permit use, including trips generated during off-peak nighttime and/or weekend hours.
- (8) Traffic flow to and from the site and the operation of street intersections at peak weekday, weekend and appropriate seasonal traffic hours in the vicinity of the site, taking into consideration any proposed or required street improvements, shall be such that the use shall not create nor increase any vehicular or pedestrian safety hazard or decrease the level of service at any such street intersection.
- (9) Proposed off-street parking and loading facilities shall be of adequate size for the particular use, properly and safely located and designed, and suitably/screened from adjoining residential and other uses, and the entrance and exit drive(s) shall be designed to achieve maximum convenience and safety.
- (10) The location and height of the buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings. The Planning Board may specifically require submission of a landscape plan to make such determination.
- (11) The proposed use will not require such additional public facilities or services or create fiscal burdens upon the Town greater than those which characterize uses permitted by right and will not require such facilities or services that are greater than current or anticipated levels. The Planning Board may consider, if and as applicable, whether the proposed use will provide economic benefits to the Town and its residents and, at the same time, will avoid adverse economic impacts to other existing uses. The Planning Board may require a fiscal impact analysis to make such determinations.
- (12) The physical characteristics of the site, including its soils, vegetation, topography, wetlands and other environmental features and physical characteristics, shall be such that the land will be suitable and conducive to the orderly, safe and appropriate development of the proposed use, including its proposed design and location on the site, its proper buffering from surrounding properties and land uses, and the protection provided for environmental features, including wetlands, steep slopes, and important vegetation, including mature woodlands and specimen trees. The Planning Board may require submission of wetland surveys and reports, and ecological studies to make this determination.
- (13) The proposed use, including its design and location on the site, will not create a hazard to life, limb or property because of fire, flood, erosion or panic, or by its inaccessibility for the safe and convenient entry and operation of fire and other emergency apparatus, or by the overcrowding of land or undue concentration or assemblage of persons within such or upon

such property.

(14)The proposed use, including its design and location on the site, will be compatible with the protection of groundwater resources. The Planning Board may require submission of a hydrologic study or other report to ensure this standard is met.

(15)Facilities for the treatment, removal or discharge of sewage, refuse or other effluent, whether liquid, solid, gaseous or otherwise, that will be generated by the proposed use will be adequate for such purpose. The Planning Board may require submission of a wastewater study to ensure this standard is met.

(16)The operation of the proposed use shall not overburden or otherwise interfere with the orderly enjoyment of neighboring parks, recreational facilities, or other public facilities.

(17)The safety, health, welfare, comfort, convenience, and order of the Town will not be adversely affected by the proposed special permit use and its proposed location on the site.

(18)In addition to the general standards for conditional uses and special use permits as set forth above, the Planning Board may condition its approval as necessary and appropriate to promote the public health, safety, and welfare and to otherwise implement the intent of this chapter.”

6. Conversion of existing residential buildings in two-family or three-family dwellings. §210-40(10)
has been deleted and replaced with the following new section:

“(10)Conversion of an existing residential building into two-family or three-family dwellings. In any residential district, a residential structure existing on a lot of conforming lot area, which existed on or prior to September 1, 1989 may be converted into a two- or three-family dwelling, subject to the following requirements:

(a) The gross floor area of the building is not increased.

(b) The total number of bedrooms in the structure is not increased.

(c) At least two off-street parking spaces are provided for each dwelling unit. No parking space shall be allowed in the required front yard or within 15 feet of any property line other than within an existing driveway.

(d) Each dwelling unit shall be equipped with complete bathroom and kitchen facilities for the exclusive use of the occupants of each dwelling unit.

(e) The exterior appearance of the building shall be altered only to the minimum extent necessary to accommodate the dwelling units and to further conform to residential community character.

- (f) Solid waste and recycling receptacles shall be kept in a screened enclosure.
- (g) Sanitary utilities. The Planning Board shall require the applicant to demonstrate that the water supply and means of wastewater treatment and disposal are approved by the Ulster County Health Department.
- (h) There shall be no more than one existing principal building on the lot which would be converted.
- (i) The Planning Board shall require that the exterior design and alterations of the converted building be reviewed by the Architectural Review Board prior to its decision. The Planning Board may require that the proposed conversion adhere to the recommendations of the Architectural Review Board as a condition of approval. "

6. Multifamily Dwellings. Amend §210-40 to add a new subsection §210-40 (13) as follows:

"(13) Multifamily dwellings.

- (a) Locational requirements.
 - (i) Multifamily dwellings are permitted within the allowable zoning districts set forth in the Table of Use Regulations.
 - (ii) Multifamily dwellings shall be located on a lot with no less than 100 feet of direct frontage to roadways designated as a Minor Arterial or greater capacity based on NYS DOT Functional Classifications. This includes Rural Functional Classification 06, 04, 02 and 01, and Urban Functional Classification 16, 14, 12, 11. All ingress and egress to the multifamily dwelling shall be located within such frontage. For each additional multifamily dwelling, an additional 50 feet of frontage is required.
 - (iii) Multifamily dwellings along Route 28 shall conform to Schedule D of the Town Code, "Design Guidelines for NYS Route 28 Corridor."
 - (iv) Multifamily dwellings are not permitted within the NYCDEP Watershed as depicted on maps on file in the Building Department.
 - (v) Lot size. The minimum lot size shall be two buildable acres or greater (refer to subsection (b) below).
- (b) Dwelling unit density. Multifamily dwellings may be developed at two (2) dwelling units per one (1) buildable acre. Buildable acreage shall be that portion of a lot that does not contain the following environmental features, which shall be subtracted from the gross acreage to determine buildable acreage:

- (i) Steep slopes having a topographical gradient equal to or greater than fifteen percent (15%) measured by utilizing two-foot contours.
 - (ii) Designated or jurisdictional wetlands as defined in §170-11, Subdivision of Land and §168-6, Stormwater Management and Erosion and Sediment Control, and any wetland regulated by the U.S. Army Corps of Engineers.
 - (iii) Surface Waters of the State of New York as defined in §168-6, Stormwater Management and Erosion and Sediment Control.
 - (iv) Aquifers. Any area identified as having "Hydrogeologic Sensitivity" or within a "Wellhead Protection Area" as shown on groundwater study and protections plans prepared for the Town of Hurley.
- (c) Dwelling unit size. A dwelling unit shall contain no less than 750 square feet of gross floor area, and each unit shall have at least one (1) bedroom, provided that the Planning Board, in its discretion, may require a combination of one, two, and three-bedroom units to meet the housing needs of the Town of Hurley. The Planning Board may require submission of a market study supporting the bedroom mix proposed by the applicant.
- (d) Units per building. No multifamily dwelling building shall contain more than four (4) dwelling units.
- (e) Building size. No multifamily dwelling building shall exceed 120 feet in length. Buildings shall be no closer than 50 feet to any other principal building on the site, and no more than 25 feet to any accessory building.
- (f) Unless a dwelling is served by an attached garage, no parking space shall be located closer than ten (10) feet to a multifamily dwelling building. Driveways shall not be located closer than twenty (20) feet to any side or rear lot line.
- (g) Landscaping and screening.
- (i) Landscaped screening shall be provided between parking lots and adjoining lots. Plantings shall be of such type, height and spacing as, in the judgment of the Planning Board, will effectively screen the activities of the parking lot from view of adjacent properties but in no event shall be less than six (6) feet in height at the time of installation.
 - (ii) Landscaped buffers shall be provided when necessary to ensure compatibility with the surrounding lower density neighborhoods. This buffer may consist of trees, hedges, earth berms and changes in grade.
 - (iii) The Planning Board may require an opaque fence to screen views of the development from adjoining properties to provide privacy between the use and any adjoining

properties.

- (iv) Landscaping shall be provided around the perimeter of each multifamily building.
- (h) Building area and lot coverage shall be in accordance with the Density Control Schedule. Lot coverage is limited to forty percent (40%) of the total lot area. The minimum front, side and rear yards for a multifamily dwelling development shall be fifty (50) feet. The Planning Board, in its discretion, may require that the minimum yards be doubled in length where a multifamily dwelling development adjoins a property in the Hurley Historical District.
- (i) Open Space. No less than 30 percent of the gross area of the lot shall be set aside as passive open space, which space may include landscape buffers. Open space shall be areas retained in their natural state or otherwise landscaped with native trees, shrubs, and other plantings. Lawn area shall not be considered open space for purposes of meeting these requirements.
- (j) Architectural design. The architectural design of multifamily dwellings shall be reviewed by the Architectural Review Board and shall be harmonious with the rural and historic character of the Town of Hurley as determined in consultation with the Planning Board. The Planning Board shall not act until such Architectural Review Board has provided its review and recommendations to the Planning Board. A report from the ARB shall be submitted to the Planning Board within sixty-two (62) days of a referral to the ARB, which referral shall include the site plan, floor plans, building elevations, materials list and samples, renderings, and any other information deemed appropriate.
- (k) Conservation Advisory Committee review. The proposed layout of the development shall be reviewed by the CAC which shall assess the potential environmental effects of the project on the property and its surroundings and assess the project consistency with the Town of Hurley adopted Open Space Plan. The Planning Board shall not act until such time the CAC has provided its review and recommendations to the Planning Board. A report from the CAC shall be submitted to the Planning Board within sixty-two (62) days of a referral to the CAC, which referral shall include the site plan, any SEQRA documents, environmental reports, and any other information deemed appropriate.
- (l) Recreation. The Planning Board, in its discretion, may require that recreational areas be set aside on the site, depending on the anticipated needs of the occupants. The Planning Board may require a fee in lieu of recreation as per Section 274-a.6 of the New York State Town Law regarding reservation of parkland on site plans containing residential units.
- (m) Sewer and water. The means of water supply and wastewater treatment and disposal shall be approved by the Ulster County Health Department. The Planning Board shall require well testing to ensure that any new well(s) does not negatively impact adjoining or adjacent wells.

(n) Submissions. Any application for a multifamily dwelling development shall be accompanied by the following, in addition to those submissions required for special use permit and site plan approval as set forth in the zoning chapter:

- (i) A landscape plan;
- (ii) A lighting plan;
- (iii) Architectural elevations for each building;
- (iv) Floor plans for each building;
- (v) Utility plans for water, wastewater and stormwater."

7. **Site development plan approval.** §210-41, Site development plan approval, has been deleted and replaced as follows:

"§ 210-41 Site development plan approval.

A. Approval required. No building permit shall be issued and no structure or use shall be established for any use designated in 201 Attachment 1, Table of Use Regulations, as subject to site plan review except in conformity with a site development plan approved by the Planning Board, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approval plan and conditions. Revisions of such plans shall be subject to the same approval procedure. The procedures set forth in Section 274-a of the New York State Town Law regarding site plan review and approval shall apply.

B. Application for site development plan approval. Any application for a building permit for a use requiring site development plan approval shall be made to the Code Enforcement Officer and shall be accompanied by a site plan. The site plan shall contain the following information and shall be drawn to scale by a qualified engineer, surveyor, architect, or landscape architect licensed by the State of New York. The Planning Board, where reasonable, may waive any submission requirement set forth below for the approval, approval with modifications or disapproval of site plans. Any such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inapplicable to a particular site plan. The site plan shall contain the following:

- (1) a map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.
- (2) acreage of the property and each distinct land use and the proposed density or intensity of

each use (number of dwelling units if residential uses are proposed, or maximum floor area where nonresidential uses are proposed). Where residential uses are proposed, the maximum bedrooms per dwelling unit.

- (3) the Section/Block/Lot number of the property taken from the Tax Maps of the Town of Hurley. The name and address of the property, the property owner of record, the applicant, and of all owners of record of adjacent property.
- (4) identification of the existing zoning and special district (fire, lighting, school, sewer, water, and others) boundaries applicable to the site and within 100 feet of the property.
- (5) the proposed location, use and design of all buildings and structures; any proposed division of buildings into units of separate occupancy. The proposed location, area, height, spacing, exterior design treatment and use of all proposed and existing buildings, structures and storage, if any. A bulk table with the dimensional standards applicable to the zoning district in which the property is located, and the table shall indicate the minimum or maximum dimensions of the proposed development. Any existing or proposed nonconforming conditions shall be noted in the table. Any bulk requirements applicable to a special permit use shall also be noted.
- (6) existing and proposed topographic contours with intervals of two feet throughout the property, extending 100 feet beyond any portion of the property which is to be developed or modified in any way, as determined by the Planning Board, and the first floor elevations of all buildings. The maximum limits of disturbance shall be outlined on the plan.
- (7) any flood hazard areas, existing drainage features and water resources (e.g., culverts, marshes, ponds, wetlands, lakes, and streams) of the property and within 100 feet of any portion of the property which is to be developed or modified in any way;
- (8) location of any existing rock outcroppings, isolated trees over 10 inches measured at diameter breast height, wooded areas, stone walls, roads or lanes, power lines, easements and other natural features and improvements thereto on the property within 100 feet of any portion of the property which is to be developed or modified in any way, as determined by the Planning Board;
- (9) location of all existing structures on the site as well as structures on adjacent property within 100 feet of any portion of the property to be developed or modified in any way, and proposed site improvements, including drains, culverts, retaining walls and fences;
- (10) all existing and proposed means of vehicular access to and egress from the site, and all streets which are either proposed, mapped or built;
- (11) location and design of all driveways, off-street open and enclosed (if any) parking and loading areas, with the number of stalls provided therewith, and curbing provided or to be

provided. A table of the parking standards applicable to the use, and a calculation of the number of parking and loading spaces provided;

- (12) description of the method of water supply and sewage disposal and the location of such facilities and a table with an estimate of the water supply demand, and the wastewater generation;
- (13) location and size of all signs;
- (14) location and design of landscaping and buffer areas, location and design of lighting, power and communication facilities;
- (15) where the applicant wishes to develop the project in stages, a site plan indicating ultimate development shall be shown;
- (16) The Planning Board, in its discretion, may require the following additional data in support of a development application:
 - (a) Material data safety sheets.
 - (b) Floor plans, elevations and renderings.
 - (c) Visual and noise impact analyses.
 - (d) Demographic analysis or data, describing the population to be generated by the proposed project, which shall consider, among other information, the anticipated household type and household size for residential subdivisions or site plans.
 - (e) Ecological survey.
 - (f) Cultural resource survey.
 - (g) Traffic impact analysis.
 - (h) Groundwater impact analysis.
 - (i) Community facilities impact analysis.
- (17) A stormwater pollution prevention plan consistent with the requirements of Article I and II of Chapter 168 shall be required for site plan approval when land disturbance is one acre or more. The SWPPP shall meet the performance and design criteria and standards in Article II of Chapter 168. The approved site plan shall be consistent with the provisions of Chapter 168. The amount of land disturbance in acres for the tract shall be included. If a stormwater pollution prevention plan is not required, the subdivision plan will include GPS (Global Positioning System) reference data for stormwater outfalls and permanent structures built in

accordance with New York State Stormwater Management Design Manual.

- (18) and any other pertinent information or report as may be necessary to determine and provide for the proper enforcement of this chapter.

C. Referral of application to Planning Board. Each application requiring site development plan approval, together with the required information described in § 210-41B above, shall be referred to the Planning Board by the Code Enforcement Officer within five days of the date of application. The applicant shall then be advised to appear at the next scheduled Planning Board meeting to discuss the application. Within 62 days of the date of a complete application, or within 62 days of the close of a public hearing, the Planning Board shall approve, disapprove or approve the application with modifications or conditions, and shall set forth what modifications or conditions, if any, are required. No action shall be taken by the Code Enforcement Officer regarding the issuance of a permit applied for until the Planning Board has rendered its decision.

D. Standards for site development plan approval.

- (1) In acting on any site development plan application, the Planning Board shall take into consideration the recommendations of the Town Development Plan, the Official Map, the proposed location, height and bulk of buildings, traffic circulation within and without the site, provisions of off-street parking space, exterior lighting, buffer areas and other open spaces and display of signs so that any development will have an harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system.
- (2) The Planning Board shall also consider the comments and recommendations of all Town agencies interested in the application and all agencies to which referral is mandated by law. The Planning Board will also notify all abutting landowners noted on the drawings with respect to the application for site plan approval.
- (3) The Planning Board may hold a public hearing if deemed necessary in the manner provided in § 274-a, Subdivision 7, of the Town Law of the State of New York.
- (4) The Planning Board may schedule an on-site investigation to be accompanied by the applicant. "

8. **Visual assessment in the A-4 District.** §210-42.C(4) has been deleted and amended as follows:

- " (4) Data requirements. In order for the Planning Board to properly consider the proposed construction in compliance with the standards in this subsection, the Board may request submission of the following data, based on the specific nature of the application and its location."

9. Use Table. Amend §210 Attachment 1, Table of Use Regulations, as follows:

- a. Where symbols are listed, amend symbol (X) to read as follows:

"(X) Designates a use subject to site plan and special use permit approval from the Planning Board in compliance with the specific standards set forth in Article VI and subject to site plan review."

- b. Under Residential Uses, Dwelling, one-family is amended with asterisk and add a footnote applicable to the asterisk as follows:

"Dwelling, one-family**

**For two one-family dwellings on an individual lot, refer to §210-27.B"

- c. Under Residential Uses, the term "multifamily dwelling complex" shall be deleted.

SECTION V. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION VIII. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Adopted: 10 . 26, 2020