

Public Hearing was held on
April 22, 2019 at 6:45 PM at
the Town Hall

Presiding: Supervisor John Perry

Attending: Councilwoman Zell, Councilman Gill, Councilman Dittus, Councilman Boms

Also Present: 22 members of the public

The purpose of the public hearing was to present the Local Law 1 of 2019 for the Route 28 overlay district.

Supervisor Perry opened the public hearing and read the proposed Local Law.

PROPOSED LOCAL LAW AMENDING ARTICLES II, III AND ARTICLE VI OF CHAPTER 210 “ZONING” OF THE TOWN CODE TO IMPLEMENT RECOMMENDATIONS OF THE PLANNING BOARD.

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

A LOCAL LAW to
amending Chapter 210 of the
Town Code.

SECTION 1. Legislative Intent and Findings of Fact.

A. Findings.

This action was prompted by the Town Board’s adoption of the 2006 Comprehensive Plan for the Town of Hurley and recommendations by its Planning Board. The Town Board of the Town of Hurley, Ulster County, NY has determined the adoption of certain zoning text amendments as recommended by the Planning Board would enhance the land use policies of the Town and have a positive impact on the community in terms of provision of needed services and supporting the local tax base. This action was also prompted by a request by a property owner for a Zoning Map Amendment, which was reviewed by the Planning Board and recommended for approval to the Town Board. The recommended revisions to the Chapter 210 “Zoning Local Law of the Town of Hurley” hereafter referred to as “Zoning” would preserve property values while preventing adverse traffic conditions by providing opportunities for optional use of properties on Route 28 for which residential use may no longer be suitable.

B. Legislative Intent.

This local law is intended to protect the public health, safety and welfare of the community by implementing certain recommendations of the Town of Hurley’s 2006 Comprehensive Plan and recent recommendations of its Planning Board pursuant to Chapter 210, Article X “Amendments” of the Town Code. It is further intended to protect property values, protect the physical appearance of the community, preserve the scenic and natural beauty, and ensure that certain non-residential uses are situated in a manner that does not adversely affect Hurley’s character.

In accordance with the legislative intent of this Local Law, the current provisions of Chapter 210 “Zoning” of the Code of the Town of Hurley are hereby amended with those items with ~~strikethrough~~ deleted and those underlined added thereto as provided for in the attached Schedules.

SECTION 2. Amend Chapter 210, Article II, Section (§) 210-5 of the Town Code

Chapter 210, titled “Zoning,” Article III, §210-5, titled “Definitions and Word Usage,” of Chapter 210 is hereby amended to include the following definitions:

OWNER – An individual or group of individuals who are in possession of an have a fee interest

in real property. The term “owner” shall not include a corporation, limited liability company, partnership, association, a trustee, receiver or guardian of an estate, or mortgagee lien holder, or other business entity.

OWNER-OCCUPIED – A one-family or two-family or multiple dwelling building used by the owner as his or her or their domicile or principal residence.

SHORT-TERM RENTAL – An entire dwelling unit, or a room or group of rooms or other living and sleeping space made available to rent, lease, or otherwise assigned for a tenancy of less than 30 consecutive days. The term “short-term rental” does not include bed and breakfast inns, boarding houses, hotel, vacation resort, camp, cottage or cabin development, or cabin and bungalow colonies as permitted and regulated by the Town of Hurley Zoning Code.

SECTION 3. Amend Chapter 210, Article III, Section (§) 210-7 of the Town Code

Chapter 210, titled “Zoning,” Article III, §210-7, titled “Zoning Map,” of Chapter 210 is hereby amended as appears in *Schedule “A”* attached hereto.

SECTION 4. Amend Chapter 210, Article VI, Section (§) 210-44 of the Town Code

Chapter 210, titled “Zoning,” Article VI, §210-44, titled “Route 28 Overlay District,” of Chapter 210 is hereby amended as appears in *Schedule “B”* attached hereto.

SECTION 5. Table of Use and Density Control Schedule

Chapter 210, titled “Zoning,” Article XI ATTACHMENT 1, Table of Use Regulations is amended as provided in *Schedule “C”* attached hereto.

SECTION 6. Severability

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION 7. Effective Date

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

Schedule “A”

§210-6. Enumeration of districts; descriptions

The Official Zoning Map of the Town of Hurley, amended September 21, 1991 by Local Law No. 1 of 1991, shall be amended to provide therein as follows:

- A. The Zoning Map of the Town of Hurley is hereby amended to rezone the following parcels from the R-1 Moderate Density Residential Zoning District to the NC-Neighborhood Commercial Zoning District:

S-B-L: 38.4-5-3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16.1, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28.1, 28.2, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38. 110 and 38.210.

- B. The Zoning Map of the Town of Hurley is hereby amended to rezone the following parcels from the R-2 Medium Density Residential Zoning District to the NC-Neighborhood Commercial Zoning District:

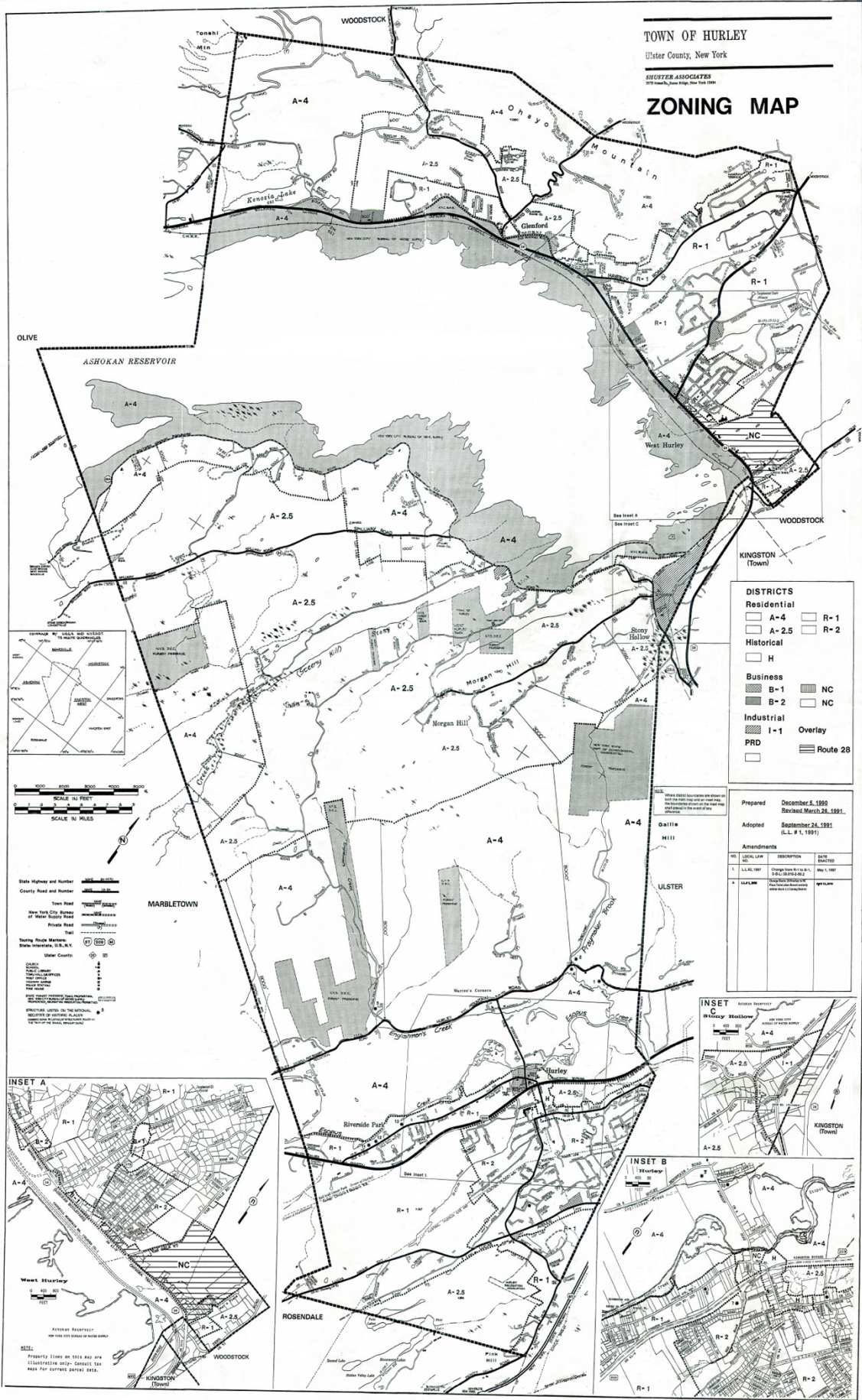
S-B-L: 38.10-3-6, 7, 8, 9 and 10 and 38.10-5-15, 16, 17, 18, 19.

- C. At the property owner’s request, and favorable recommendation by the Planning Board, the Zoning Map of the Town of Hurley is hereby amended to rezone Tax Parcel S-B-L: 55.4-9-11 from the R-1 Moderate Density Residential Zoning District and A-2.5 Low Density Residential Zoning District entirely to the A-2.5 Low Density Residential Zoning District:

TOWN OF HURLEY
Ulster County, New York

SHORTER ASSOCIATES
375 Broadway, New York, New York 10018

ZONING MAP



Schedule “B”

Chapter 210
Article VI

§ 210-44. Route 28 Overlay District

- A. Purpose. The purpose of this district is to preserve property values while preventing adverse traffic conditions by providing opportunities for optional use of properties on Route 28 for which residential use may no longer be suitable. The additional uses permitted, subject to specific standards, are in addition to those permitted in the underlying NC – Neighborhood Commercial Zoning District.
- B. Permitted uses shall be as follows:
- 1) Short-term rental
- C. Design standards for Route 28 Overlay District. The NYS Route 28 within the Town of Hurley is an important gateway to the Catskill Park and also provides an opportunity for the introduction of new buildings or the rehabilitation of existing structures on previously developed sites. The Town Board recognizes the importance of Design Guidelines for the NYS Route 28 corridor to provide guidance for creating aesthetically pleasing and functional development within the hamlet of West Hurley. Design Guidelines provide a basis for property owners, architects, engineers, landscape architects, developers, planning board members, residents and Town officials to address site development issues within the NYS Route 28 corridors.
- More specifically, Design Guidelines are intended to:
1. Stimulate improvements to existing structures and encourage new development within these commercial corridors.
2. Improve the appearance of the NYS Route 28 corridor in West Hurley to sustain interest in and the viability of this areas as a hub of retail, office and other commercial activity.
3. Provide a consistent methodology for review of proposed projects.
4. Inspire creativity and quality in design of all structures and in site development.
5. Foster an exchange of ideas among developers, Town officials and residents in an effort to improve the quality of design in all projects both public and private.
- D. Design Guidelines Adopted. To encourage high quality and aesthetically pleasing design of commercial properties within the Town’s NYS Route 29 corridor, the Town of Hurley Town Board hereby *appends* the document entitled “Design Guidelines for NYS Route 28 Corridor,” which is provided herein as Schedule D. This document shall provide general guidelines and principles appropriate to the site design of commercial properties as well as the architectural features of commercial buildings, along with visual examples of attractive and effective application of such design principles for use in the development of site plan applications, building elevations and as a basis for the Planning Board’s review and comments regarding such applications.
- E. Conflicting Provisions. If any provisions of these Design Guidelines are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the Town of Hurley, New York, the more restrictive provision will control unless otherwise expressly provided.

Schedule “C”

Article XI, ATTACHMENT 1, Table of Use Regulations is amended as follows:

General Use	A-4	A-2.5	R-1	R-2	N C	B-1	B-2	I-1	H	Route 28 Overlay
Short-Term Rental					1					

- Owner Occupied	P	P	P	P	P	P	P	P	P	P
- Not Owner Occupied	X	X	X	X	X	X	X	X	X	P

1

A Short-term rental within the Boundary of the Route 28 Overlay District is permitted by right, whether or not it is owner-occupied, but shall still require a permit by the Building Department prior to rental. Short-term rentals shall be regulated pursuant to Section 210-33 of the Town Code.

Schedule “D”

Design Guidelines for NYS Route 28 Corridor.

BUILDING PLACEMENT AND ORIENTATION

Design Objective: To develop commercial properties in a manner that creates a safe, pleasant and active environment. Building orientation should respect surrounding buildings and streets. Buildings shall relate appropriately to surrounding developments and create a cohesive and attractive visual identity.

MASSING, SCALE AND FORM

Design Objective: Architectural style is not restricted, but evaluation of the appearance of the building shall be based upon the quality of design and relationship to surrounding community. Commercial facades (e.g. retail, restaurants, etc.) should appear open, pleasing and appealing to the public. The Planning Board may require modifications to franchise or chain store design while providing for corporate identity to be apparent yet reserved in its display. Well-designed commercial facades engage pedestrians and encourage them to enter a business establishment. When a series of well-defined facades are incorporated into a larger development, they help to create interest and activity in front of shops, which enhances the overall shopping experience.

DESIGN DETAIL

Design Objective: Buildings should be detailed with long-lasting materials, which can be appreciated when viewed from the street, surrounding properties or within multi-building developments.

MATERIALS AND COLORS

Design Objective: Avoid building materials and color, which could have an adverse impact on the visual quality of the NYS Route 28 corridor.

SIGNS

Design Objective: The regulation of signs is intended to promote a positive visual environment within the NYS Route 28 corridor and contribute to traffic safety. All proposed signs shall comply with the Town of Hurley’s existing sign regulations as provided in Article VI, Section 210-32 of the Town Code.

LANDSCAPING AND SCREENING

Design Objective: To develop commercial properties in a manner, which creates a safe, attractive and comfortable environment. Landscaping shall be utilized to soften the appearance of commercial developments from public rights-of-way.

CIRCULATION

Design Objective: To develop an on-site circulation system that promotes efficient movement of vehicles in a clear and well-defined manner and minimizes conflicts with pedestrians and bicycles. The design of access and circulation on project sites should explore opportunities for *cross access connections* to adjacent properties with the goal of developing alternative circulation routes, which could help to mitigate traffic congestion along the NYS Route 28 corridor.

SERVICE AREAS

Design Objective: To situate and screen service areas so they are not visually obtrusive and to ensure these facilities do not dominate the public street frontage. Services areas for loading, unloading and for the disposal of refuse should be placed to the rear or side of the building or out of the view from the public right-of-way. Such structures and facilities should be integrated into the overall design of the development.

Comments from the public were about the SEQU Review and the preparations and attachments of Sections 1, 2 and 3

Supervisor Perry is going to get clarifications on the SEQU review.

The public hearing was left opened.

Judy Mayhon, Town Clerk