

TECHNICAL MEMORANDUM

DRAFT #3

TO: Town of Esopus Zoning Task Force



FROM: Laberge Group

Partial funding for this project has been provided by the Hudson River Valley Greenway

DATE: Last Revised November 8, 2019

RE: Expanded and Detailed Outline of Zoning and Related Land Use Regulation Updates

1 The following is a detailed outline of potential revisions to *Chapter 123-Zoning* and related land
2 use regulations based on a thorough review of the regulations, recommendations from the Town
3 of Esopus Comprehensive Plan 2019 and subsequent discussions with Town representatives.
4 Comprehensive Plan Recommendation (e.g., LU-31) numbers are identified where applicable.
5 This outline, which follows the structure of *Chapter 123-Zoning* and includes additional related
6 chapters of the Town Code, is intended to identify and confirm all necessary land use regulation
7 updates and should serve as a guide for the Committee during the update process.

8

9 **Chapter 123-Zoning**

10

11 **Article I. Scope and Purpose**

- 12 • A severability clause should be added.
- 13 • Example language: “If any clause, sentence, paragraph, section, article or part of this local
14 law, or any other local law, ordinance or resolution cited herein, or any local law,
15 ordinance or resolution included in this Chapter through supplementation, shall be
16 adjudged by any court of competent jurisdiction to be invalid, such judgment shall not
17 affect, impair or invalidate the remainder thereof but shall be confined in its operation to
18 the clause, sentence, paragraph, section, article or part thereof directly involved in the
19 controversy in which such judgment shall have been rendered.”

20



21 **Article II. Enacting Clause; Short Title**

- 22 • No changes proposed.
- 23

24 **Article III. Establishment of Districts**

25 **§ 123-6. Zoning district purposes.**

- 26 • Review the purpose for each Zoning District to confirm each remains in accordance with
27 the Comprehensive Plan.
- 28 • Evaluate the Rt. 9W Overlay District to ensure clarity and the district remains in
29 accordance with the Comprehensive Plan and current Town development Goals (LU-31).
- 30

31 **§ 123-7. Official zoning map.**

- 32 • Confirm boundaries of existing zoning districts – any modifications needed?
- 33 • Two dwellings in Connelly are zoned WR-Waterfront Recreation. They should be rezoned
34 to R-12 to match the surrounding neighborhood.
- 35 • Consider expanding the Business Commercial (BC) District in Port Ewen north of Horton
36 Street or an alternative approach to replace the current GC Zone in an attempt to extend
37 hamlet-scaled development patterns, closer to the Rondout Creek, prohibit suburban-
38 style development and increase the efficiency of new development (LU-6).
- 39 • Ensure safe and adequate drinking water resources by protecting watersheds, aquifers,
40 aquifer recharge areas, and wellheads through use of overlay districts (LU-40 & 41).
- 41 • Refer to *§ 123-10. Schedule of District Use Regulations* below, for additional potential
42 changes.
- 43 • Consider an overlay district for promoting resorts/lodging and related uses in the
44 southern portion of Town.
- 45 • Review the W-Waterfront and WR-Waterfront Recreation District boundaries and
46 locations to determine if changes are needed.
- 47 ○ Two marinas are classified as WR which may preclude additional uses that could
48 benefit the community from an economic development standpoint.
- 49

50 **§ 123-8. Interpretation of district boundaries.**

- 51 • No changes proposed.
- 52

53 **§ 123-9. Effect on establishment of districts.**

- 54 • No changes proposed.
- 55



56 **Article IV. Regulations and Standards Governing Use**

57 **§ 123-10. Schedule of District Use Regulations.**

- 58 • Determine if a new format for the Schedule of District Uses is needed.
- 59 • Determine if the Schedule of District Uses should continue to use the Standard Industrial
60 Classification (SIC) code system. This requires referencing both *Chapter 123-Zoning* and
61 the SIC codes when considering uses.
- 62 ○ Every use must be clearly defined. If SIC codes will continue to be used, the Town
63 will need to determine which source to use for definitions.
- 64 • Conduct a full review of all uses in each District to confirm they are in accordance with
65 the Comprehensive Plan and the Town’s current and future land use conditions.
- 66 • Clarify allowable agricultural uses and consider addressing bee farms.
- 67 • Promote/support Agri/Eco-Tourism uses, including, but not limited to craft breweries
68 (ED-34, 38).
- 69 • Clarify any differences between craft breweries/distilleries and farm
70 breweries/distilleries.
- 71 • Review each Zoning District and the Schedule of District Use Regulations with an
72 economic development focus to determine if revisions are needed: Business and
73 waterfront commercial zoning districts, encourage compatible commercial, tourism,
74 education/interpretive and residential development in key waterfront locations with a
75 focus on Connelly, Sleightsburgh, Port Ewen and West Park, and evaluate density, bulk,
76 and parking requirements to ensure these are conducive to desired development goals
77 (ED-10, W-1, LU-29).
- 78 • Work closely with residents and business owners within the Hamlet of Esopus to
79 reevaluate current land use regulations to ensure any future commercial uses are
80 consistent with the Hamlet’s desired community character and traffic concerns along Rt.
81 9W are taken into consideration (LU-36).
- 82 • Support new compatible development in the Town’s hamlet centers, provided such
83 development is restricted to infill and limited peripheral development in keeping with the
84 scale of the hamlet. When new development and infill occurs, new structures should be
85 comparable in size and style with existing structures (LU-37).
- 86 • Evaluate all allowed commercial/industrial uses to determine which uses may no longer
87 be appropriate in certain Zoning Districts or Town-wide with a focus on low-job
88 generating land uses, including, but not limited to, self-storage units, gasoline
89 stations/convenient stores and other similar low-value uses (LU-46).
- 90 • Allow for the placement of vehicle charging stations at commercial and public locations
91 (LU-35).
- 92 • Encourage and facilitate repurposing of one or more marinas in Connelly and adjacent
93 upland areas to incorporate waterside dining, entertainment opportunities, and



- 94 residential development in combination with a well-organized marina and launching
95 facilities (W-7). Refer to §123-13(T) below for additional recommendations.
- 96 • Evaluate applicable regulations of the Waterfront (W), Waterfront Recreation (WR), and
97 Residential (R-40) Zoning Districts in Port Ewen and Connelly to determine if changes are
98 necessary to facilitate additional compatible tourism and commercial related
99 development along the Rondout Creek (LH-2).
- 100 • Continue to encourage medium to high density residential uses in Hamlets served by
101 water/sewer and reuse/infill of vacant lands (LU-1, H-2, ED-31).
- 102 • Evaluate allowable uses in the Light and Heavy Industrial Districts and determine if new
103 uses should be allowed or existing uses prohibited (ED-7, LU-9).
- 104 • Encourage infill along secondary streets to Broadway and re-adaptation of buildings of
105 historic character (ED-22).
- 106 • Promote the reuse of vacant/underutilized structures as space for startup businesses,
107 part-time business offices, or artists located in the Hamlets of Port Ewen and
108 Connelly/additional areas outside of these hamlets should also be identified for
109 compatible businesses – relevant regulations should be evaluated to ensure new
110 compatible businesses are not inadvertently prohibited or difficult to obtain approvals
111 (LU-8).
- 112 • Encourage small/tiny homes, mixed-uses, market-rate, senior housing, multi-family
113 dwellings and other alternatives for providing housing options to persons of all income
114 levels, age groups and special needs (H-1, 3, 4, 5, 17, LU-23, 25).
- 115 • Additional potential revisions to the Schedule of Uses are discussed below under § 123-
116 13. *Uses requiring special use permits.*

117

118 **§ 123-11. Supplementary regulations on use.**

- 119 • A. Principal buildings per lot.
120 ○ No changes proposed.
- 121 • B. Home occupations.
122 ○ No changes proposed.
- 123 • C. Agricultural uses and riding stables.
124 ○ Review to confirm the regulations are in accordance with the Comprehensive Plan,
125 are in compliance with NYS Ag. and Markets Law and appropriate based on current
126 Town conditions.
- 127 • D. Craft uses.
128 ○ No changes proposed.
- 129 • E. Roadside Farms.
130 ○ No changes proposed.



- 131 • F. Logging operations.
 - 132 ○ The regulations refer to the Timber Harvesting Guidelines for New York, or Section
 - 133 11 of the Timber Harvesting Standards of New York State Forest Practice Board’s
 - 134 Recommended Model Timber Harvesting Ordinance.
 - 135 ▪ NYSDEC now recommends loggers use the New York State Forestry
 - 136 Voluntary Best Management Practices for Water Quality – BMP Field
 - 137 Guide.
 - 138 ▪ *Subsection (F) Logging operations*, will need to be revised accordingly.
 - 139 ○ The following Comprehensive Plan recommendations are relevant to logging and
 - 140 should also be considered in site plan and special use permit reviews.
 - 141 ▪ Protect steep slopes from erosion that can degrade water quality and
 - 142 increase flooding risk (NR-7).
 - 143 ▪ Protect large, contiguous tracts of natural habitat (NR-8).
 - 144 ▪ Preserve connections between natural habitats on adjacent properties
 - 145 (NR-9).
 - 146 ▪ Prevent clear-cutting and protect high-quality intact forests through
 - 147 implementation of best management practices for timber harvesting (LU-
 - 148 39).
 - 149 ▪ Protect forested and natural areas along streams and wetlands (riparian
 - 150 buffers) as a natural filter and form of protection, and consider watershed
 - 151 overlay zones to protect water resources (LU-41).
 - 152 ○ Review the current requirements, including the BMP Field Guide to determine if
 - 153 the Comprehensive Plan recommendations noted above are adequately
 - 154 addressed or if adjustments should be considered.
 - 155 ○ The upcoming natural resource inventory (Bard College) may identify
 - 156 important/critical areas that could be taken into consideration when reviewing
 - 157 applications for logging.
- 158 • G. Accessory apartments.
 - 159 ○ Revise the first sentence as accessory apartments are not permitted in every
 - 160 zoning district.
 - 161 ○ Review to ensure adequate opportunities exist to allow accessory apartments
 - 162 while protecting neighborhood character (H-5).

163
164 **Recommended New Subsections for § 123-11. Supplementary regulations on use.**

165 [NOTE: Some of the following recommended new subsections may be relocated to § 123-13. Uses

166 requiring special use permits or placed in an existing reserved section.]

- 167 • H. Renewable Energy Systems.



- 168 ○ Prepare and adopt regulations for both small and utility-scaled solar and wind
169 energy collection systems. See Myles Putman Memo dated January 22, 2018 “First
170 Draft, Solar Regulations” (LU-26).
- 171 ○ Additional renewable energy systems should be evaluated including geothermal,
172 biomass, and small-scale hydro facilities (LU-27).
- 173 ○ Consider regulations that would reduce the probability of locating a gas fired
174 power plant or similar from locating within the Town.
- 175 ● I. Short-Term Rentals.
 - 176 ○ Evaluate options for regulating short-term rentals (H-16).
 - 177 ○ Preparing draft regulations.
- 178 ● J. Design Guidelines and Standards.
 - 179 ○ Initiate the process for preparing site and architectural design guidelines and
180 standards to protect the Town’s gateways, Hamlets and other key areas and to
181 establish a consistent “look and feel.” These guidelines/standards should be
182 guided by an inventory of the Town’s historically significant buildings and
183 architectural styles (LU-14, 15).
 - 184 ○ See Myles Putman March 28, 2018 Memo “Gateway Overlay Zoning Concepts.”
- 185 ● K. Filming Permit.
 - 186 ○ Consider options for establishing more control over filming projects in Town for
187 public health, safety and welfare considerations.
- 188 ● L. Noise.
 - 189 ○ Evaluate options for and establish a standalone noise ordinance, including
190 achievable means of enforcement to ensure the continued health, safety, and
191 welfare of Town residents (LU-12).
- 192 ● M. Sump Pump Drainage.
 - 193 ○ Determine if regulations can be established to prohibit directly discharging sump
194 pump drainage into public roads.
 - 195 ○ This regulation may be moved to an alternative Chapter in the Town Code.
- 196 ● O. Signs.
 - 197 ○ In the absence of comprehensive sign regulations, the Town should prepare
198 standalone sign regulations to protect community character and facilitate a more
199 consistent theme of signage town-wide (LU-20).
 - 200 ○ Based on initial discussions, preliminary issues to consider include, but should not
201 be limited to: appearance, aesthetics and timeframes for event and political signs.
- 202 ● P. Placement of Fill.
 - 203 ○ Consider options for regulating the placement of fill/construction and demolition
204 debris on property.



- 205 ○ May also be addressed in a new property maintenance law.
- 206
- 207 • Q. Resiliency and drainage.
- 208 ○ Ensure existing and future development along shorelines adequately address
- 209 anticipated rising water levels through a combination of proper planning and
- 210 development practices, shoreline stabilization, education and land use regulations
- 211 (W-11).
- 212 ○ Evaluate options to update engineering design standards to incorporate
- 213 increasing precipitation intensities as extreme weather events occur with greater
- 214 frequency (CS-25).
- 215 ○ Zoning should provide the Planning Board with authority to require a drainage
- 216 study for any size project. This requirement could also be added to site plan review
- 217 and approval language – see *§ 123-47 Site plan review* below or *Chapter 106*
- 218 *Stormwater Management and Erosion and Sedimentation Control*.
- 219 ○ Consider minimum sizing requirements for drainage systems and piping. Revisions
- 220 to *Chapter 106 Stormwater Management and Erosion and Sedimentation Control*
- 221 may be necessary.
- 222 • R. Steep Slopes.
- 223 ○ Consider adding standards and limitations for disturbance on steep slopes,
- 224 including, but not limited to setting a maximum steep slope for disturbance.
- 225 • S. Camping/campsites/campgrounds.
- 226 ○ Consider preparing regulations for camping/campsites/campgrounds.
- 227 ○ Include minimum parcel size and required open space, among other
- 228 requirements.
- 229 • T. Clothing drop boxes.
- 230 ○ Determine if specific requirements for locating drop boxes on property should be
- 231 established.
- 232 • U. Temporary handicap ramps.
- 233 ○ Determine if specific requirements for temporary handicap ramps should be
- 234 established.
- 235 • Outdoor wood boiler regulations
- 236 ○ The Town already regulates outdoor wood heaters/boilers – see *Chapter 97*
- 237 *Outdoor Wood-Fire Hydronic Heaters and Boilers*.
- 238 Review existing regulations to ensure they are consistent with NYSDEC regulations
- 239 and adequate for the Town.
- 240
- 241



242 **§ 123-12. Billboards.**

- 243 • Definition needs to be revised to clarify that any off-premise sign, regardless of size is
- 244 considered a billboard (see Article XII).
- 245 • Consider moving this section into the proposed new sign regulations – location in *Chapter*
- 246 – 123 to be determined.

247

248 **§ 123-13. Uses requiring special use permits.**

- 249 • A. Two-family dwellings.
 - 250 ○ Determine if conversions of existing two-family dwellings should be the only
 - 251 option in R-40. May be unnecessarily encouraging single family dwelling
 - 252 conversions.
 - 253 ○ No other changes proposed.
- 254 • B. Multi-family dwellings.
 - 255 ○ Determine if current calculations for multifamily dwellings should be revised to
 - 256 take into account constrained lands such as right-of-ways, easements, roadways,
 - 257 environmentally protected/sensitive areas such as wetlands, watercourses, etc.
 - 258 ○ Senior citizen housing § 123-13(V), requires the removal of wetlands, easements
 - 259 and 50% of land within flood hazard area and slopes over 20% from acreage
 - 260 calculation.
 - 261 ○ Clustered single-family dwellings in RF-1 and RF-2 Districts § 123-13(S) – The
 - 262 maximum number of units is determined by reducing the gross site area by 25%
 - 263 (NOTE: seems arbitrary) and dividing the remaining by 40,000 SF. Constrained land
 - 264 is not taken into consideration. This calculation method is different than other
 - 265 code requirements.
 - 266 ○ Need to consider using consistent density calculations throughout the law.
- 267 • C. Commercial kennels and veterinarians.
 - 268 ○ No changes proposed.
- 269 • D. Farm breweries.
 - 270 ○ Confirm regulations are in accordance with the Comprehensive Plan and State
 - 271 laws and ensure regulations are not prohibiting these uses in appropriate areas.
 - 272 ○ Recommend the language in the introductory paragraph clarify that this use is also
 - 273 allowed in BC, GC, LI and HI with Site Plan approval and that only uses proposed
 - 274 in the R-40 are subject to the Special Use standards.
 - 275 ○ Terminology needs to be consistent between this section and Schedule of Uses–
 - 276 farm brewery vs. craft brewery.
 - 277 ○ Clarify differences between farm/non-farm distilleries and breweries – definitions,
 - 278 where they are allowed and under what restrictions.



- 279 ○ Consider allowing in the RF-1 and RF-2 Districts.
- 280 ○ *Subsection (3)* identifies a 10-acre limit for uses that include activities involving the
- 281 assembly of people. Consider if this requirement is too restrictive.
- 282 • E. Public utility stations and structures.
- 283 ○ *Subsection (b)* requires buildings and enclosed structures to have the exterior
- 284 appearance of a residential building if located in the RF-1, RF-2, R-4, R-12 or NC
- 285 Districts.
- 286 ○ Recommend that such structures in the GC and BC districts be required to blend
- 287 in with the architecture of surrounding buildings, residential, commercial or
- 288 otherwise.
- 289 • F. Commercial communication towers.
- 290 ○ Consider revising *subsection F* to better address cell towers, including height
- 291 limits, maximizing co-location requirements, visual impacts, and includes
- 292 requirements for decommissioning along with requirements for escrows or other
- 293 instruments to ensure improvements and decommissioning occur.
- 294 ○ Consider prohibiting the use of lattice poles and require the use of monopoles.
- 295 ○ Recommend revising to address limitations for review based on the Federal
- 296 Telecommunications Act of 1996.
- 297 ○ *Subsection (2)* references the SEQRA Environmental Assessment Form Visual EAF.
- 298 NYSDEC incorporated the Visual EAF into the full EAF during 2013 revisions. This
- 299 text will need to be revised accordingly.
- 300 • G. Bulk fuel storage.
- 301 ○ Evaluate Schedule of Uses to confirm currently allowed locations for this use
- 302 (referred to as “Fuel dealers” in the Schedule of Uses) are in accordance with the
- 303 Comprehensive Plan.
- 304 • H. Gasoline sales, automotive and marine.
- 305 ○ Evaluate Schedule of Uses to confirm currently allowed locations for this use
- 306 (referred to as “Retail sale of fuel” in the Schedule of Uses) is in accordance with
- 307 the Comprehensive Plan.
- 308 • I. Cemeteries.
- 309 ○ No changes proposed.
- 310 • J. Automotive repair garages.
- 311 ○ Consider revising subsection (4) by removing reference to “public assembly” and
- 312 replace with “public parks, playgrounds, fire departments” and other relevant
- 313 places. Public assembly may be too vague.
- 314 ○ Evaluate Schedule of Uses to confirm currently allowed locations for this use are
- 315 appropriate and in accordance with the Comprehensive Plan.



- 316 • K. Lodging places other than summer cottage colonies.
 - 317 ○ Evaluate Schedule of Uses to confirm currently allowed locations for this use are
 - 318 appropriate and in accordance with the Comprehensive Plan.
- 319 • L. Summer cottage colonies.
 - 320 ○ Evaluate Schedule of Uses to confirm currently allowed locations for this use are
 - 321 appropriate and in accordance with the Comprehensive Plan.
- 322 • M. Children’s Camps
 - 323 ○ Evaluate Schedule of Uses to confirm currently allowed locations for this use are
 - 324 appropriate and in accordance with the Comprehensive Plan.
- 325 • N. Membership recreation clubs and commercial recreational facilities open to the public.
 - 326 ○ Determine if 5-acre limit is too restrictive – *subsection (3)*.
 - 327 ○ Consider separating out other uses from outdoor gun and archery ranges and
 - 328 other uses that require large acreage (see Schedule of Uses).
 - 329 ○ Evaluate Schedule of Uses to confirm currently allowed locations for these uses
 - 330 are appropriate and in accordance with the Comprehensive Plan.
- 331 • O. Institutional uses.
 - 332 ○ Revise regulations for residential care facilities/group homes as appropriate (LU-
 - 333 24).
 - 334 ○ Recommend separating out residential care facilities, group homes and related
 - 335 uses as these uses have protective status under state and federal laws. Establish
 - 336 regulations for these uses consistent with applicable state and federal laws and in
 - 337 accordance with the Comprehensive Plan.
 - 338 ○ Recommend removing *subsection 5(d)* which gets into regulating the operation of
 - 339 medical facilities.
- 340 • P. House of worship.
 - 341 ○ Consider removing *subsection (b)* requiring setbacks of 1-1/2 times minimum
 - 342 setback requirements. Appears overly restrictive as compared to requirements for
 - 343 other member organizations.
- 344 • Q. Religious communities.
 - 345 ○ No changes proposed.
- 346 • R. Conversion and reuse of large, existing landmark structures in the RF-1 District.
 - 347 ○ Need to clarify the definition of “landmark structures.”
 - 348 ■ Not defined in Chapter 123.
 - 349 ■ National historic landmarks (only John Burroughs Riverby is on the list)?
 - 350 ○ Once the term “landmark structures” is clarified, confirm the purpose of this
 - 351 regulation.



- 352 ○ Consider naming specific buildings/estates that this regulations applies to.
- 353 ○ Are there similar structures in other Zoning Districts the Town should take into
- 354 consideration?
- 355 ○ Should an overlay district be established to encourage resorts/lodging and similar
- 356 uses?
- 357 • S. Clustered single-family and townhouse dwellings in RF-1 and RF-2 Districts.
- 358 ○ Recommend moving this to *Chapter 107-Subdivision* of Land and incorporating §
- 359 123-22. Average density development (cluster subdivision).
- 360 ○ Requires a special use permit, but not identified in the Schedule of Uses.
- 361 ○ Density calculation procedure differs from other methods in the law. Need to
- 362 consider using consistent density calculation methods throughout the law.
- 363 ○ There are no incentives for proposing a clustered subdivision. Consider providing
- 364 density bonuses for voluntary compliance.
- 365 ○ Why are these regulations only specific to the RF-1 and RF-2 Districts? Are cluster
- 366 subdivisions allowed in other districts?
- 367 • T. Marinas and boatyards
- 368 ○ Clarify that restaurants are permitted accessory uses, if desired by the Town.
- 369 ○ Mixed-uses not specifically discussed in the regulations.
- 370 ○ Evaluate for any additional needed revisions including, but not limited to
- 371 provisions for showers and other amenities for transient boaters.
- 372 • U. Excavation and quarries.
- 373 ○ Recommend adding to *subsection (1)*: “Excavation and quarrying of more than
- 374 1,000 tons or 750 cubic yards (whichever is less) of minerals during 12 consecutive
- 375 months....” for consistency with the Mined Land Reclamation Law.
- 376 ○ Recommend that the Town set specific regulations and setback requirements for
- 377 projects that do not require a Mined Land Reclamation Permit (less than 1,000
- 378 tons or 750 CY).
- 379 ○ Need consistent terms – referred to as “nonmetallic, nonfuel mining” in Schedule
- 380 of Uses.
- 381 ○ Consider an overlay district for the Callanan quarry in Connelly that would allow
- 382 recreational and other potential uses to facilitate repurposing of the quarry.
- 383 • V. Senior Citizen Housing.
- 384 ○ Is there a need to clarify that individuals under 18 may be allowed to live in such
- 385 facilities if under the care of the resident 55 years or older?
- 386 ○ Density calculation procedure differs from other methods in the law. Need to
- 387 consider using consistent density calculation methods throughout the law.



388 o No other changes proposed.

389 **§ 123-14. Manufactured homes and manufactured home courts.**

- 390 • Confirm definition of manufactured home is consistent with state/federal regulations.
- 391 • Confirm definition for Modular home is consistent with state/federal regulations.
- 392 • No changes recommended to this section.

393

394 **§ 123-15. Prohibited and restricted uses.**

- 395 • Determine if additional uses that are/should be specifically prohibited should be included
- 396 in this section.
- 397 • No other changes proposed.

398

399 **§ 123-16. Performance standards applicable in the LI and HI Districts.**

- 400 • No changes proposed.

401

402 **§ 123-17. Route 9W Overlay District.**

- 403 • Evaluate the Rt. 9W Overlay District to ensure clarity and consistency with current Town
- 404 development Goals (LU-31), including clarifying the purpose and intent of the provision.
- 405 • Recommend clarifying in the text that the overlay district applies to BC, GC, LI and NC
- 406 Districts – all non-residential districts along Rt. 9W.

407

408 **§ 123-18. (Reserved) – No changes proposed.**

409

410 **§ 123-19. (Reserved) – No changes proposed.**

411

412 **Article V. Area and Bulk Regulations, Off-Street Parking.**

413

414 **§ 123-20. Schedule of District Area and Bulk Regulations.**

- 415 • Conduct a general review of the area and bulk regulations to ensure they accurately
- 416 represent current conditions and are in accordance with the Comprehensive Plan.
- 417 • Consider instituting maximum setback requirements or build-to lines, in key commercial
- 418 and mixed-use areas (BC, GC, NC Zoning Districts) of Port Ewen and Connelly to maintain
- 419 hamlet-oriented streetscape character (LU-4).
- 420 • Re-evaluate maximum lot coverages in core hamlet areas of Port Ewen and Connelly with
- 421 water and sewer, ensuring consistency with current community character and allowing



422 for a more efficient use of lands, maximizing developable areas on lots, more focused on
423 commercial uses (LU-5).

424 • Re-evaluate setback requirements in the Neighborhood Commercial (NC), Broadway
425 Commercial (BC), and General Commercial (GC) Zoning Districts, ensuring conformity with
426 adjacent structures and/or uses (LU-3).

427 ○ Have there been numerous variance requests in these districts that may indicate
428 a need to adjust setbacks?

429 • Consider establishing a Transfer of Development Rights program to be used to increase
430 density and development opportunities in appropriate areas while preserving sensitive
431 environmental and ecological areas (LU-22).

432 • Maximum lot coverage of 20% in NC District seems unnecessarily constraining. Consider
433 revising to allow for more efficient use of available land while still maintaining all setbacks,
434 required parking, stormwater treatment, etc.

435

436 **§ 123-21. Supplementary regulations on area and bulk.**

437 • Consider providing guidance for two or more non-residential uses/buildings on one lot in
438 the NC, GC, BC, HI and LI Districts.

439

440 **§ 123-22. Average density development (cluster subdivision).**

441 • Recommend moving this to *Chapter 107-Subdivision of Land* and incorporating § 123-
442 13(S) *Clustered single-family and townhouse dwellings in RF-1 and RF-2 Districts*.

443 • *Subsection (D)(1)(d)* allows for an applicant to submit a subdivision plat demonstrating a
444 greater number of lots could be achieved. There is no guidance for the Planning Board on
445 how to review a proposed increase in lots nor is there a set maximum allowed increase.

446 • Consider incentive zoning techniques such as density bonuses during subdivisions, to
447 promote water resource protection (LU-38).

448 • Density calculation procedure differs from other methods in the law. Need to consider
449 using consistent density calculation methods throughout the law.

450

451 **§ 123-23. (Reserved)** – No changes proposed.

452

453 **§ 123-24. Off-street parking and loading standards.**

454 • Ensure parking requirements are appropriate and do not overburden businesses trying to
455 locate in the community (LU-7).

456 • Consider waiving parking requirements if adequate on-street parking or other public
457 parking is available in the Hamlets, with a specific focus on Port Ewen.



- 458 • Refer to Myles Putman Memo dated Nov. 29, 2017 “On-Street Parking in the Broadway
459 Commercial Zoning District – Developing a Connection to the Zoning Local Law.”
- 460 • Consider requiring cross access where applicable in an effort to discourage unnecessary
461 curb cuts (LU-28).
- 462 • Encourage public and private parking lots to be designed with both pedestrian and
463 vehicular circulation in mind and be inclusive of sidewalks and crosswalks where
464 applicable (LU-19).

465

466 **§ 123-25. (Reserved)** – No changes proposed

467

468 **Article VI. Enforcement and Administration**

469

470 **§ 123-26. Enforcement; penalties for offense.**

- 471 • No changes proposed.

472

473 **§ 123-27. Building permits.**

- 474 • No changes proposed.

475

476 **§ 123-28 Certificates of occupancy.**

- 477 • No changes proposed.

478

479 **§ 123-29 Fees and costs.**

- 480 • No changes proposed.

481

482 **Article VII. Nonconforming Uses, Building and Lots**

483

484 **§ 123-30 Applicability; nonconforming uses.**

- 485 • Revise the current Pre-Existing Non-Conforming Uses requirements to ensure this
486 regulation is not inadvertently prohibiting the reuse of property by allowed uses that
487 would enhance the community and local economic development efforts (LU-28).
- 488 • *Subsection (C)(1)* allows a nonconforming uses/building less than 200 square feet in size
489 to be reestablished if it has been discontinued for a period of no more than one year.
490 Whereas, *subsection (C)(2)* provides up to five years for uses/buildings over 200 square
491 feet.



- 492 • The majority of zoning laws provide one year limits for a discontinued non-conforming
493 use, after which it can no longer be reestablished.

494

495

496 **§ 123-31 Nonconforming buildings.**

- 497 • No changes proposed.

498

499 **§ 123-32 Maintenance and repairs.**

- 500 • No changes proposed.

501

502 **§ 123-33 Enlargement of floor area.**

- 503 • Confirm that the Town is in favor of allowing nonconforming use expansions up to 100%
504 of floor area (the current provision).

- 505 ○ Are there nonconforming uses/buildings that the Town wants to allow for possible
506 further expansions?

- 507 • If this provision remains, clarify the standards used by the ZBA for reviewing a proposed
508 expansion of a nonconforming use – area variance?

509

510 **§ 123-34 Existing undersized lots.**

- 511 • No changes proposed.

512

513 **§ 123-35 Reduction in lot area.**

- 514 • No changes proposed.

515

516 **§ 123-36 Exemption of lots on approved subdivision plats.**

- 517 • No changes proposed.

518

519 **§ 123-37 (Reserved).**

520

521 **§ 123-38 (Reserved).**

522

523 **Article VIII. Board of Appeals**

- 524 • No changes proposed.



525

526 **Article IX. Planning Board**

527

528 **§ 123-45 Powers and duties.**

- 529 • No changes proposed.

530

531 **§ 123-46 Special use permits.**

- 532 • *Subsection (B)(4)*: Add requirement for submission of public hearing notice to the
533 applicant and county planning board at least ten days before such hearing, in accordance
534 with General Town Law and the General Municipal Law.
- 535 • *Subsection (C)(3)(a)*: Consider adding a more detailed expiration provision clearly
536 identifying situations in which the permit expires, is revoked, and extended/renewed.
- 537 • Recommend adding authority of the Planning Board to waive one or more requirements
538 for special use permit review and approval.

539

540 **§ 123-47 Site plan approval.**

- 541 • *Subsection (B)(9)*: Make reference to new sign regulations (proposed) and revise as
542 necessary to comply with the new sign regulations.
- 543 • Recommend adding authority of the Planning Board to waive one or more requirements
544 for site plan review and approval.
- 545 • *Subsection (E)*: Consider adding a more detailed expiration provision clearly identifying
546 situations in which the permit expires, is revoked, and extended/renewed.
- 547 • Supplemental issues for the Planning Board to consider during site plan reviews:
- 548 ○ Encourage the Planning Board to recommend and/or require new developments
549 to include sidewalks, pedestrian paths, bike lanes, trails, and connections to
550 surrounding destinations which will assist the Town establish a truly connected
551 community (PS-15, LU-17).
- 552 ○ Protect small wetlands (not subject to NYSDEC and/or USACOE) which prevent
553 flooding by acting as natural sponges to absorb stormwater, and reduce pollution
554 by absorbing and filtering certain contaminants (CS-21).
- 555 ○ Consider restoring and maintaining appropriate buffer zones of natural vegetation
556 along streams, shores of water bodies and wetlands, and at the perimeter of other
557 sensitive habitats (NR-10).

558

559 **§ 123-48 Advisory opinions.**

- 560 • No changes proposed.



561 **Article X. Amendments**

562

563 **§ 123-49 Authority to amend.**

- 564
 - No changes proposed.

565

566 **§ 123-50. Procedures.**

- 567
 - No changes proposed.

568

569 **§ 123-51. Referrals.**

- 570
 - No changes proposed.

571

572 **Article XI. Planned Unit Development**

- 573
 - Determine if a modification is necessary/desirable to allow for Town Board/Planning

574 Board coordination earlier in the review process to provide adequate predictability for

575 the applicant.

576

577 **§ 123-58. (Reserved).**

578

579 **§ 123-59. (Reserved).**

580

581 **Article XII. Definitions**

- 582
 - Review all definitions to determine if they are still relevant/accurate based on the current

583 and proposed revisions to *Chapter 123-Zoning*.

584
 - If the Town decides to no longer use SIC codes, this Article will require substantial

585 revisions to incorporate definitions of all allowed uses.

586

587 **Article XIII. Adult Use and Entertainment Establishments**

- 588
 - Adult uses are not identified on the Schedule of Uses. The regulations set forth minimum

589 distances between an adult uses and other uses, including schools, churches, other adult

590 uses, etc. This appears to be a conscious decision on regulating adult uses rather than

591 allocating them to a single zoning district. When communities restrict adult uses to a

592 single district, industrial districts are normally used.

593
 - Recommend clarifying if there are zoning districts that adult uses are specifically

594 prohibited (e.g., since adult uses are commercial uses, should the Schedule of Uses be

595 used as the first step to identify districts where commercial uses are allowed?).



596 **§ 123-66. Waiver.**

- 597 • Clarify the purpose of this waiver.

598

599 **Miscellaneous Items**

- 600 • Review Process:

601 ○ Consider options for streamlining the project approval process where appropriate
602 and through various options, including, but not limited to establishing a pre-
603 approved project compliance checklist and developing a corresponding “pocket”
604 zoning map (LU-34).

605 ○ Evaluate current surrounding property notification requirements for all projects
606 before the Town, Planning and Zoning Boards to ensure they sufficiently inform
607 property owners (LU-44).

608

- 609 • Scenic Resources:

610 ○ Evaluate existing regulations for protecting the Town’ scenic resources to
611 determine if new or enhanced protections are necessary – see Myles Putman’s
612 August 31, 2017 Memo “Possible Zoning Amendment – Visual Assessment Review
613 Standards Brief Overview” (LU-13).

614 • Consider providing the Environmental Board with the authority to review and assess
615 development plans in accordance with any adopted goals, policies and regulations,
616 derived from the Natural Resources Inventory and Open Space Plan (to be prepared) (NR-
617 3).

618 • Consider a requirement that an applicant/landowner must be current on taxes before an
619 application is considered.

620

621 **Chapter 43. Waterfront advisory board & Chapter 44. Waterfront Revitalization Program**

622 • Consider options for improving the referral process from the Planning Board and
623 improving the effectiveness and benefits of the joint review of relevant projects.

624 • Revisions to either Chapter will also be coordinated with the planned Local Waterfront
625 Revitalization Program update process.

626

627 **Chapter 85. Garbage, Rubbish and Refuse & Chapter 96 Lawn Maintenance**

628 • Consider preparing and adopting a Town property maintenance law that clearly identifies
629 what is prohibited and includes sufficient processes to remedy violations (H-9).

630 • The proposed property maintenance law could bring together the current requirements
631 for lawn maintenance (*Chapter 96*) and prohibition on storing or depositing junk and
632 related debris (*Chapter 85*), and clarify the proper maintenance of structures to provide



633 more protection for community character and facilitate continued cleanup of stressed
634 properties. In addition, lawn maintenance requirements should be extended to occupied
635 structures (they currently only apply to vacant properties) (LU-10).

- 636 • Consider educational outreach efforts about property maintenance (H-10).

637

638 **Chapter 113. Vehicles, Abandoned**

- 639 • Consider modifying *Chapter 113, Vehicles, Abandoned*, to require adequate screening of
640 applicable vehicles from adjacent private properties and/or public rights-of-way (LU-11).

641

642 **Chapter 107. Subdivision of Land**

- 643 • Integrate § 123-22. Average density development from Chapter 123-Zoning.
644 • Clarify preferred approach for calculating density.

645