

Local Law Filing

Town of Woodstock Local Law No. ____ of 2023

A Local Law Repealing Chapter 260 (Zoning Law) of the Town of Woodstock Code and Replacing it with an updated Chapter 260 (Zoning Law).

Be it Enacted by the Town Board of the Town of Woodstock, Ulster County, New York, as follows:

I. Title

This Local Law shall be known as the “2023 Repeal and Replacement of Chapter 260, Zoning Local Law.”

II. Enactment

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to Article 2 of the New York State Statute of Local Governments.

III. Purpose and Background

The Town Board of the Town of Woodstock established a Housing ~~Opportunities Oversight~~ Task Force (HOTF) to conduct a comprehensive review of Chapter 260 (Zoning Law) and make recommendations to those regulations to enhance housing opportunities in Town. The HOTF also worked to ensure that all updates to the Town’s Zoning were consistent with and implemented the Town of Woodstock Comprehensive Plan. These efforts resulted in a variety of recommended zoning law changes determined to be needed to address ongoing and new issues facing the Town related to improving housing opportunities consistent with community character, environmental, and other goals of the Town. In the course of conducting this effort, and with input from the Town of Woodstock Planning Board, additional zoning law updates were developed to bring the zoning law into conformity with New York State Town Law, with the Town’s Comprehensive Plan, to incorporate methods and development standards designed to promote more affordable housing opportunities, and to provide the Planning Board with an efficient and clear review process in Woodstock. This work was conducted over the course of two years, and had substantial input from the Town Board, Planning Board, Ulster County, ZBA, WEC, other Town committees, and community input. As a result, the HOTF drafted significant changes throughout Chapter 260 (Zoning Law) to create an improved and updated set of regulations. The updated Zoning Law was submitted to the Town Board for review, public hearing, and adoption.

IV. Zoning Law

In order to efficiently incorporate these updates, this Local Law fully repeals existing Chapter 260 of the Town Code and replaces it in its entirety with a new Chapter 260. The updated Town of Woodstock Zoning Law is hereby adopted as follows. The existing Town of Woodstock Zoning Map and Overlay District Map(s) shall remain in effect and shall not be repealed or rescinded and shall become the official zoning maps associated with the new Chapter 260 pursuant to this Local Law.∴

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Chapter 260

Zoning

[HISTORY: Adopted by the Town Board of the Town of Woodstock 5-17-1989 by L.L. No. 2-1989, as last amended 11-16-2004 by L.L. No. 6-2004. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 32.

Environmental quality review — See Ch. 65.

Flood damage prevention — See Ch. 82.

Subdivision of land — See Ch. 202.

Article I Title, Scope and Purposes

§ 260-1 Title.

This chapter shall be known and may be cited as the "Zoning Law of the Town of Woodstock, Ulster County, New York."

§ 260-2 Scope.

This chapter regulates and restricts the location, construction, alteration, occupancy, and use of buildings and structures and the development and use of land within the Town of Woodstock and for said purposes divides the Town into zoning districts.

§ 260-3 Application.

Any development or use not specifically permitted by this chapter is prohibited.

§ 260-4 Authority and purposes.

This chapter is enacted pursuant to the enabling provision of Articles 2 and 3 of the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law to protect and enhance the physical and visual environment of the Town of Woodstock, to promote and protect the public health, safety, comfort, convenience, economy, aesthetics, and general welfare, and for the following purposes:

- A. To promote and effectuate the orderly physical development of the Town of Woodstock in accordance with the Town of Woodstock Comprehensive Plan which affirms Woodstock's commitment to promote a diverse community, where equity is valued and where all residents care about the quality of life we share.
- B. To encourage the most appropriate use of land in the Town in order to conserve and -enhance the value of property.
- C. To regulate business development consistent with the character and environmental resources

of the Town, to eliminate the spread of strip business developments, and to provide for adequate and suitably located and designed commercial facilities.

- D. To protect the Town's environment and its natural resources, including but not limited to, ground and surface waters, woodlands, ridgelines and steep slopes, wildlife habitats, air, and soils, for the purpose of preserving, protecting and maintaining open spaces and to protect and enhance existing wooded areas, scenic areas, and waterways.
- E. To regulate building densities to accomplish the following: (1) protect our natural environment and natural resources; (2) ensure access to natural light; (3) facilitate the circulation of air; (4) facilitate the prevention of fires and the fighting of fires; (5) prevent undue concentrations of population; (6) lessen congestion on streets, roads and highways; (7) avoid and restrict air, water, and light pollution; (8) facilitate adequate water and sewer; and (9) enable the appropriate development of housing options that will provide opportunities for individuals and families of all income levels.
- F. To improve infrastructure, including but not limited to transportation facilities, pedestrian facilities, and traffic circulation, and to provide adequate off-street parking and loading facilities.
- G. To realize a development plan properly designed to meet the goals of the Town's Comprehensive Plan, and to conserve the use of land, and to efficient and economical municipal services costs.
- H. To encourage privacy for residences and freedom from nuisances.
- I. To protect the Town against unsightly, obtrusive and objectionable land uses and operations.
- J. To enhance Town aesthetics and to maintain the Town's present rural, small-town, and scenic character, and its natural beauty.
- K. To enhance the Town as an arts colony and cultural center.
- L. To enhance the opportunity for high-quality, environmentally sustainable housing for all ages, family types, income levels, and for persons with disabilities. Woodstock desires to retain a population having varied economic status, age, family groupings, and lifestyles. A further purpose of this Zoning Law is to be inclusive by encouraging a wide range of housing options in the Town of Woodstock.
- M. Reader's Aid Boxes Appearing throughout this Zoning Law are text boxes entitled "Reader's Aid." The text within these boxes is not part of the zoning regulations nor is that its intention or purpose. Instead, they are simply explanations intended to make it easier for readers to

understand the law. In the event of any conflict between the meaning of the law and an explanation in the Reader's Aid box, the meaning of the law shall be applied. In the case that any provision of this Zoning Law is found to be ambiguous, the text in the Reader's Aid box may be considered as guidance to understanding the intention of the drafters of this Zoning Law. Reader's aid boxes are identified in the text similar to the following example:

Reader's Aid Boxes are added for additional explanation throughout this Zoning Law. These explanations are only an aid to interpreting the legal language of the law and are not to be interpreted as a zoning standard, regulation, or requirement.

Article II Establishment of Districts

§ 260-5 Zoning districts.

For the purposes of this chapter, the Town of Woodstock is hereby divided into the following categories of zoning districts:

R8	Residential District
R5	Residential District
R3	Residential District
R1.5	Residential District
HR	Hamlet Residential District
HC	Hamlet Commercial District
NC1 and 2	Neighborhood Commercial Districts
LI and SLI	Light Industrial District and Special Light Industrial District
FW	Floodway District
FRD	Floating Residential District

§ 260-6 Overlay districts.

The following categories of overlay districts are also hereby created:

FF-O	Flood-Fringe Overlay District
S-O	Scenic Overlay District
HP-O	Hamlet Preservation Overlay District
G-O	Gateway Overlay District
WDWP-O	Water District Wellhead Protection Overlay District

§ 260-7 Description of zoning districts.

The zoning districts are described as follows:

- A. The Residential (R8) District generally is located in areas that are the most environmentally sensitive, and where building is kept to the lowest density in the Town. Where development

does occur, it is carefully located to avoid adversely impacting those sensitive areas of the environment. Many of the visually significant locations within the Town are located in this district, including, but not limited to, mountain faces and peaks, and the Catskill escarpment.

- B. The Residential (R5) District is a very low-density residential district. The land within the R5 District includes those areas identified by the Town's Open Spaces Plan as "ecologically most sensitive" and where other lands, which by their drainage, topography or rural and aesthetic values, should have low-density residential growth. The Town's Comprehensive Plan, Woodstock Inventory, and Natural Resource Inventory contain additional detailed environmental information.
- C. The Residential (R3) District is a low-density residential district. Land within the R3 District generally contains slopes of ten percent (10%) to fifteen (15%). It also includes those areas identified as "ecologically sensitive areas" by the Town's Open Spaces Plan. The Town's Comprehensive Plan, Woodstock Inventory, and Natural Resource Inventory contain additional detailed environmental information.
- D. The Residential (R1.5) District is a moderate-density residential district. The R1.5 District is located outside the hamlets and protected open space areas. This district may allow an increase in permitted density where new development can access central water supply facilities and/or common sewer facilities.
- E. The Hamlet Residential (HR) District is a higher-density residential district in areas near established, higher density residential development. Where central water and/or common sewer is provided, an increase in permitted density may occur.
- F. The Hamlet Commercial (HC) District is an area where both central water and common sewer are provided. This is a mixed-use district that permits commercial, residential and civic/institutional uses at a moderate density and where adequate public services are available.
- G. The Neighborhood Commercial (NC1 and NC2) Districts permit a mix of residential uses, and a variety of retail and service uses oriented at a scale and intensity of use designed to satisfy the daily consumer needs of nearby residential areas.
 - (1) The NC1 Districts are located at the intersections of Zena Road and Sawkill Road (Zena); Route 212 and Van Wagner Road (Willow); Glenford/Wittenberg Road and Wittenberg/Bearsville Road (Wittenberg); and Route 212 and Mink Hollow Road (Lake Hill).
 - (2) The NC2 Districts are located at the intersections of Route 28 and Zena Road (Zena) and Route 212 and Wittenberg Road (Bearsville).

H. Light Industrial Districts.

- (1) The Light Industrial (LI) District and Special Light Industrial District (SLI) permit research, higher intensity and scaled commercial, manufacturing, and wholesale activities to occur under strict performance standards.
- (2) The metes and bounds of the Special Light Industrial (SLI) District are described in [260c Appendix A Amendment to Zoning Map](#), Metes and Bounds of Special Light Industrial (SLI) District.

I. The Floodway (FW) District has been designated by the Federal Emergency Management Agency (FEMA). This is an area that is subject to regular flooding and which is critical to ~~both~~ the environmental health of a stream or river. As such, no development is permitted within the floodway. The floodway is defined as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to carry and discharge a flood of given magnitude. In addition to this Zoning Law, floodways are also regulated by the Flood Damage Prevention Law of the Town of Woodstock, Chapter 82-18.

J. The Floating Residential Development (FRD) District is established, but is an unmapped (or floating) district. The location of this district can be established by the Town Board subject to compliance with certain criteria-. The Floating Residential District provides for a variety of residential types and densities that may meet the Town's need for affordable housing and other housing needs in Woodstock. ~~They~~ Development pursuant to this district may be established only where it has been determined by the Town Board that it is an appropriate location where the nature, scale and intensity of that use is compatible with the physical, scenic, and environmental characteristics in the neighborhood and Town.- This district is established and fixed on the Zoning Map only when an application for development meets the performance expectations established for the FRD and only when approved ~~of~~ by the Town Board. The performance criteria and process to establish and map an FRD are detailed in this Zoning Law.

§ 260-8 Description of overlay districts.

The five overlay districts are described as follows:

A. The Flood-Fringe Overlay (FF-O) District has been designated by the Federal Emergency Management Agency (FEMA) as a floodplain area having special flood hazards and which is likely to be flooded periodically. -The FF-O District may include other lands, designated by the Town Board, which experience periodic flooding and shall be delineated pursuant to Zoning Law § 260-11. All development within the FF-O District is subject to special standards as provided in Article V of this Zoning Law and Chapter 82 (Flood Damage Prevention) of the Town of Woodstock Code.

- B. The Scenic Overlay (S-O) District is established to protect the scenic character of the Town of Woodstock and important scenic resources in the Town and requires a special permit for all development to be located at an elevation greater than 1,200 feet above sea level, as delineated on United States Geological Survey (USGS) maps. The primary purpose of this district is to mitigate the adverse visual impacts of such development to the extent practicable.
- C. The Hamlet Preservation Overlay (HP-O) is established in that part of Town that has many significant historic, architectural and cultural resources to be preserved, protected and enhanced. It is the function of the district to protect and enhance the buildings, landmarks, historic structures and distinctive elements of the district in order to ensure the harmonious, orderly and efficient growth and development of the Town. The Hamlet Preservation Overlay District shall be maintained and preserved to promote its use for the education, pleasure and welfare of the citizens of Woodstock and visitors. This is a district shown on the Zoning Map that includes all parcels contiguous to Route 212 beginning at the eastern entranceway to Woodstock at Chestnut Hill Road and Route 212 and continuing to the westernmost outlet of Orchard Lane and Route 212. Roads and lanes feeding into Route 212 along the length of the Hamlet Preservation Overlay District shall also be included in the district for a distance of 200 feet from their intersections with Route 212.
- D. The Gateway Overlay (G-O) District is a district located at the eastern entrance to Woodstock and has been created for the purpose of protecting the aesthetic and historic qualities of that location in Town while promoting the development of cultural facilities to benefit the residents of Woodstock. The boundaries of the district are defined in § **260-67H** of this chapter and shown on Zoning Maps.
- E. The Water District Wellhead Protection Overlay (WDWP-O) District is an area located within the hamlets of Bearsville to Woodstock that contains the aquifer area contributing groundwater to the Town of Woodstock's existing public supply wells (the wellhead protection area) as well as potentially productive aquifer areas that could practicably serve as future public drinking water source(s) for the Woodstock Water District.

In 1994 the hydrogeological consulting firm of Horsley & Witten, Inc. (now known as Horsley Witten Group) delineated the Woodstock Water District's Wellhead Protection Area. This is the area that is thought to directly contribute ground water to the District's production wells. The boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District include the outer boundaries of all parcels that lie within or touch the Wellhead Protection Area defined by Horsley & Witten, Inc. in their study. A copy of this study shall be maintained in the office of the Town Clerk for public review.

The boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District also

include the outer boundaries of aquifer parcels that were defined by the New York Rural Water Association (NYRWA) as having the potential to serve as future ground water supply areas for the Woodstock Water District. Factors considered in this identification of potential ground water supply sites included distance from: the existing water system, the Saw Kill and any other streams, potential contaminant sources, roads, and houses; floodplain boundaries; parcel size; land use, and hydrogeological potential. A copy of this analysis shall be maintained in the office of the Town Clerk for public review.

To protect the Water District Wellhead in times of flood, the boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District also include Flood Hazard Area properties immediately adjacent to the properties in the Wellhead Protection Area defined by Horsley & Witten and the Flood Hazard Area properties immediately adjacent to the properties defined by the New York Rural Water Association (NYRWA) as having the potential to serve as future ground water supply areas for the Woodstock Water District.

The sand and gravel aquifer in the Saw Kill valley was first mapped by the United States Geological Survey in a 1972 publication entitled “Ground-water resources of Orange and Ulster Counties, New York’ by Michael H. Frimpter. The boundaries of the aquifer were later refined by NYRWA on the basis of topographic expression, soils data from the Ulster County Soil Survey, and subsurface data from available water wells and test borings.

The extent of the boundaries of the Water District Wellhead Protection Overlay (WDWP-O) District are delineated on a map titled “Water District Wellhead Protection Overlay (WDWP-O) District Map, Town of Woodstock,” which is hereby adopted and is declared to be an appurtenant part of this Local Law and may be amended in the same manner as any other part of this Local Law. Said Map shall be kept up-to-date and shall be maintained in the office of the Town Clerk for the use and benefit of the public.

§ 260-9 Zoning Map.

The locations and boundaries of the base districts and overlay districts are hereby established as shown on the adopted Zoning Maps of the Town of Woodstock. The base district and overlay district maps, together with all explanatory matter included, and all amendments to such maps, are hereby adopted and are declared to be an appurtenant part of this Zoning Law. All zoning maps may be amended in the same manner as any other part of this Zoning Law pursuant to Zoning Law Article XIII. All zoning maps shall be kept up-to-date and shall be located in the office of the Town Clerk for the use and benefit of the public.

§ 260-10 Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the base or overlay zoning districts as shown on the Zoning Maps, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines or right-

of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically adjusted if a center line or right-of-way line of such street, highway, public utility, or watercourse is moved a maximum distance of 50 feet.

- B. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, or topographic lines, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Maps or as shall be determined by use of the scale shown on the Zoning Maps.
- D. In all other cases, where dimensions are not shown on the Zoning Maps, the location of the boundaries shown on said maps shall be determined by use of the scale appearing on the official maps kept on file with the Town.
- E. Where district boundaries divide a lot, as many lots as possible may be created which are consistent with the density requirements of the district within which the land falls; for the remaining land which borders the district boundary line dividing the lot, the lowest density zoning category of the remaining land shall apply.

§ 260-11 Delineation of flood hazard zones.

The boundary of the Floodway (FW) District and Flood-Fringe Overlay (FF-O) District is established herein as delineated on the most current edition of the appropriate Federal Insurance Administration Flood Hazard Boundary Map as issued for the Town of Woodstock by the Federal Emergency Management Agency (FEMA). Any revisions, amendments or successors thereto, including designation of a Floodway (FW) District, with all explanatory matter thereon, are hereby adopted and made part of this chapter. The latest edition of said map shall be kept on file in the office of the Town Clerk and the Town Zoning Enforcement Officer for the use and benefit of the public. The Town of Woodstock may add to the Flood-Fringe Overlay (FF-O) District those lands which may not be included on the FEMA mapping but which have been shown to comprise a flood hazard through periodic inundation.

§ 260-12 Application of district regulations.

Except as hereinafter otherwise provided:

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.

- B. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building or use, except as part of an approved conservation subdivision pursuant to Zoning Law Article V, § 260-91 and Article IX of the Woodstock Land Subdivision Law.
- C. No yard or lot existing at the time of the passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter.
- D. No off-street parking or loading space required for one building or use shall be included as satisfying, in whole or in part, the off-street parking or loading space required for another building or use except as otherwise provided for by this chapter.
- E. No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this chapter.
- F. Within each district, the regulations set forth by this chapter shall be considered minimum regulations and shall apply uniformly to each kind of use, building, structure or land. **[Amended 7-3-2013 by L.L. No. 1-2013]**

§ 260-13 Application of overlay districts.

Where a lot also falls within an overlay district, all requirements of that overlay district shall be met in addition to any base district requirements. Where a lot falls within more than one overlay district, the requirements of all said overlay districts shall apply.

Article III Use Regulations

§ 260-14 Schedule of Use Regulations.

- A. The general use regulations in each zoning district are set forth in the *Schedule of Use Regulations*. This schedule is supplemented, as appropriate, by other provisions of this chapter.
- B. Any use which is not listed specifically as a permitted, special permit or accessory use in the schedule shall be considered a prohibited use under this chapter.
- C. In the HC and NC Districts, the term "use," as set forth in the *Schedule of Use Regulations*, shall apply to the type of activity listed under the column headed "Structure/Land Use" without limitations as to the number of establishments devoted to such activity. **[Added 10-11-2011 by L.L. No. 6-2011]**

§ 260-15 Prohibited uses.

[Amended 7-31-2012 by L.L. No. 1-2012]

- A. Prohibited industrial uses. In any district where manufacturing or light industry is permitted, no manufacturing use, nor any trade, industry use or purpose that is noxious or offensive by reason of the emission of odor, dust, vibration, or excessive light, or any combination of the above, which is dangerous and prejudicial to the public health, safety and general welfare, shall be permitted. This includes more specifically, but is not limited to, the following such uses:

Acetylene gas manufacture for commercial purposes

Ammonia, chlorine or bleaching powder manufacture

Arsenal

Asphalt manufacture or refining

Blast furnaces, not including cupola or converter furnaces used in foundries and in which no wood is used as fuel

Boiler shops, structural steel fabricating shops, metalworking shops, which operate reciprocating hammers or chisels or other noise-producing electric or pneumatic tools within 100 feet of any boundary line of the premises and outside of any masonry buildings

Brewing or distilling of liquors

Bronze and aluminum powder manufacture

Carbon, lampblack, shoe blacking, graphite, or stove polish manufacture

Celluloid and other cellulose products manufacture

Cement manufacture

Coal tar products manufacture

Creosote treatment or manufacture

Distillation of coal, wood or bones

Dump, unless leased, owned or operated by the Town of Woodstock or operated pursuant to license or other agreement with the Town of Woodstock

Excelsior and fiber manufacture

Explosives, fireworks or match manufacture, assembling and storage in bulk of safety matches in book form

Fat rendering

Fertilizer manufacture or potash refining

Fish smoking or curing

Glue, size or gelatin manufacture or processing involving recovery from fish or animal offal

Incinerator, unless operated by the Town of Woodstock

Junkyard, except pursuant to local law

Lime, gypsum, cement, plaster, or plaster of paris manufacture, except the mixing of plaster

Linoleum or oil cloth manufacture

Ore reduction or the smelting of iron, copper, tin, zinc, or lead

Paint, oil, varnish, turpentine, shellac, or enamel manufacture, except the mixing of wet paints

Perfume and extract manufacture

Petroleum refining

Poisons manufacture: fumigants, carbon disulphide, hydrocyanic acid, ethyl, stomach poisons, arsenate of lead, arsenate of calcium, hellebore and paris green, insecticides, defoliants and herbicides, lime, sulfur, nicotine, and kerosene emulsions

Printing ink manufacture

Radium extraction, or extraction or refining of any substance which emits ionizing radiation

Rubber, caoutchouc, or gutta percha manufacture from crude or scrap material, except in connection with a rubber products manufacture plant

Salt works

Sandpaper and emery cloth manufacture

Slaughtering of animals, except for immediate consumption on premises or immediate retail sale

Soap, soda ash, or washing compound manufacture, except products not containing caustic soda

Starch, glucose, or dextrine manufacture

Stockyards

Storage, coloring, curing, dressing, or tanning of raw or green salted hides or skins

Sulfurous, sulfuric, nitric, picric, or hydrochloric acid or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry

Tallow, grease, lard or mass candle manufacture or refining

Tar distillation or the manufacture of aniline dyes

Tar roofing or waterproofing manufacture

Tobacco processing

Vinegar, pickle or sauerkraut manufacture in bulk

Yeast manufacture

B. In any district, no land in the Town of Woodstock shall be used:

- (1) To conduct any exploration for natural gas; to drill any well for natural gas; to transfer, store, process, treat natural gas; to dispose of natural gas exploration or production wastes; to erect any derrick, building, or other structure; or to place any machinery or equipment for any such purposes;

- (2) For the storage, transfer, treatment and/or disposal of natural gas exploration and production materials and/or wastes;
 - (3) For natural gas extraction support activities;
 - (4) For importation for any purpose of wastes resulting from natural gas exploration or extraction.
- C. No person, firm or corporation shall operate or cause to be operated any aircraft, as defined in § 260-128 of this Zoning Law, on or from any land or waters within the Town of Woodstock, except:
- (1) When required for military or governmental purposes, or for medical or police emergencies; or
 - (2) When specifically authorized by the Town Board; or
 - (3) At an airport or heliport established prior to January 6, 1966.

Article IV Area and Bulk Regulations

§ 260-16 Schedule of Area and Bulk Regulations.

The general area and bulk regulations in each zoning district are set forth in the *Schedule of Area and Bulk Regulations*. This schedule is supplemented, as appropriate, by other provisions of this chapter, including the extraordinary standards for certain special permit uses stated in Article VI of this chapter.

§ 260-17 Existing lots of record.

- A. Nothing contained herein shall prohibit the development of an existing lot of record of less than the prescribed lot area or lot width, if such existing lot of record was owned individually and separate from any adjoining lot or tract at the time of adoption of the Town's initial Zoning Ordinance on December 28, 1965, or any amendment thereto, or was owned individually and separate from any adjoining lot or tract at the time of the adoption of this chapter, provided that:
- (1) Such lot has an area of at least 7,500 square feet and a minimum width of sixty (60) feet if it is to be used for residential purposes;
 - (2) Such lot may not be used for more than one dwelling unit;
 - (3) Such use satisfies all applicable requirements of the Town of Woodstock and the Ulster County Health Department for potable water supply and sewage disposal facilities; and

(4) All other bulk requirements for that district are met.

- B. Nothing contained herein shall prohibit the use of an undeveloped lot in a subdivision which has been properly approved by the Town Planning Board and subsequently filed in the office of the Ulster County Clerk within the time limits prescribed by law for such action and prior to the adoption of this chapter, provided that the four conditions listed above in this section are met.

§ 260-18 Calculating Allowable Residential Density and Minimum lot area per dwelling unit.

- A. In all districts where residential uses are permitted, a lot held in single ownership may be improved for residential use in accordance with the density, minimum lot area per dwelling unit and related bulk regulations for the district as set forth in § 260-16, *Schedule of Area and Bulk Regulations*, and Attachment 2 except as provided in the following sections of this Zoning Law:

- (1) Section 260-17 above, which regulates existing lots of record.
- (2) Section 260-20, which details permitted modification of minimum lot area and use of average lot sizes.
- (3) Zoning Law Article VIII, which contains specific regulations related to housing:
 - a. Section 260-91 (and Woodstock Town Code, Chapter 202 (Subdivision of Land), Article IX), which regulates residential conservation subdivision design and cluster development.
 - b. Section 260-88 which regulates Accessory Dwelling Units (ADUs).
 - c. Section 260-90, which regulates three and four-plex units, other multifamily dwellings, and co-housing.
 - d. Section 260-92.1, which details Floating Residential Districts.

- B. Only one principal, single-family, two-family, three-plex, or four-plex residential structure shall be permitted on a lot, except pursuant to the provisions of §§ 260-88, 91, and 92.1 (Article **VIII**) of this Zoning Law and as follows:

- (1) Accessory dwelling units, as allowed pursuant to Zoning Law ~~§-260-88~~, ~~§-260~~ Attachment 1 and ~~§-260~~ Attachment 2 shall not count towards density or the application of the minimum lot area per dwelling unit requirement.
- (2) Conversion of an existing single-family residence to a two-family residence ~~and~~

~~construction of a two-family residence~~ shall be allowed in all zoning districts except FW District, and will not count towards the density or the application of the minimum lot area per dwelling unit so long as the following criteria are met: (1) the lot meets the minimum lot area and setback requirements for the applicable district; (2) all water and septic system requirements of the Town and Ulster County are met or the residence is in an area where sufficient public water and sewer exists, and (3) all other applicable requirements of this chapter and other applicable laws, rules and regulations are strictly met.

- (3) Three or four-plex units and other multifamily residential structures as allowed pursuant to §260 Attachment 1-, are subject to the density or minimum lot area per dwelling unit requirement pursuant to Zoning Law § 260 Attachment 2.

C. A residential lot of required or greater than required area as set forth in this Zoning Law shall not be reduced in area for transfer of ownership if such lot so divided will form two or more lots, any of which shall be less than the minimum lot area required for the district in which the lot or lots are situated, except pursuant to the provisions of § 260-20 of this Zoning Law.

D. Calculating Allowable Density

- (1) In all districts, the number of residential units or the number of bedrooms (as per Density Bonus §260-92.6), not including Accessory Dwelling Units (ADUs), allowed shall be based upon the net acreage of the parcel. Net acreage represents the buildable acreage available on the parcel. Net acreage is calculated based on site -specific features.

(a) Net acreage shall be calculated by subtracting the acreage containing the following constrained lands from the total parcel acreage:

- acreage of land containing slopes of more~~less~~ than twenty five percent (25%);
- acreage of land designated as regulated floodway;
- acreage of land designated as a regulated wetland or watercourse pursuant to Section 260-34 of this Zoning Law (Wetlands and Watercourse Protections), not including any associated wetland buffers;
- acreage of lands included in a watercourse buffer area as defined in this Zoning Law.

(b) After subtraction of constrained acreage, the remaining acreage is the net acreage used for calculating residential density.

(c) The ~~density number of lots~~ allowed to be created on the parcel shall then be calculated from the net acreage of the parcel by applying required lot sizes and/or density of units as per the Schedule of Bulk Regulations (260 Attachment 2) and for when affordable or senior housing is provided pursuant to §260-92.6 (A) (3) (a) (1))

for the district in which the parcel is located in and rounding to the nearest whole number.

(d) Net acreage shall be used to calculate the number of housing units a parcel is eligible for. It shall not determine the siting of housing units on the parcel, however. Such siting shall be governed by the various applicable provisions of the Zoning Law and the Subdivision Regulations. In a conservation subdivision, those environmentally constrained lands used to calculate net acreage shall be included in the primary conservation area.

(2) When subtraction of constrained lands results in net acreage too limited to place at least one (1) residence along with its water supply and septic system and other needed infrastructure, and there are no otherwise fully buildable portions of the parcel remaining, one (1) residential unit and its water supply and septic system and other infrastructure shall be allowed to be placed on the least constrained location within the parcel within the Planning Board's discretion.

(a) No density bonuses as per 260-92.~~64~~ are eligible to be used when greater than 75% of the parcel is constrained by the above outlined environmental conditions.

§ 260-19 Maximum floor area for nonresidential uses.
[Amended 10-11-2011 by L.L. No. 6-2011]

In all districts where nonresidential uses are permitted, a lot held in single ownership may be improved for nonresidential use in accordance with the minimum lot area, floor area ratio (FAR) and other related bulk regulations for the district as set forth in § 260-16, *Schedule of Area and Bulk Regulations* and the minimum parking requirements set forth in § 260-30. All such calculations for nonresidential uses shall be based on the total floor area proposed to be used for such purposes, regardless of the number of individual nonresidential uses proposed. Floor area ratio shall be calculated as defined in § 260-128 of this chapter.

§ 260-20 Permitted modification of minimum lot area (Average Lot Sizes).

For subdivisions within the R8, R5, R3, and R1.5 Districts, the minimum lot area of individual lots may be reduced, ~~provided~~ that the average lot area of all the lots together equals the minimum lot area that is required in Zoning Law § 260-16 (*Schedule of Area and Bulk Regulations*) for the district in which it is situated, and each of the following conditions is met:

- A. Under no circumstances shall the total number of lots created be more than what would otherwise be created if the parcel were subdivided in compliance with the minimum lot area requirement for the district, as listed in § 260-16, *Schedule of Area and Bulk Regulations*.
- B. Use of average lot sizes shall be allowed only when all local, county, and state water supply

and septic/wastewater treatment requirements are met for each and every lot.

- C. ~~The~~ Planning Board shall require establishment of a building envelope ~~onfor~~ each lot to be created. The building envelope shall not encroach on any yard or setback, or on any constrained land including, but not limited to slopes greater than twenty five percent (25%), locations in the Floodway (FW) District, other floodplains, or wetlands or watercourse or their buffer areas.
- D. Monitoring Lot Splits. The Town of Woodstock recognizes that proper administration of the average lot size method is important in meeting the intent of this Zoning Law. As such, the following procedures have been established to help ensure proper monitoring of lot splits.
- (1) An official parcel map showing the existing lots of record, parcel numbers and, as they are generated, the subdivisions of the existing lots of record and the future subdivision opportunities for each subdivided parcel shall be established along with an official register containing this information as of the date of adoption of this amended local law.
 - (2) As each proposed subdivision is reviewed, the Planning Board shall calculate and keep a record of the number of lots allowed as per Zoning Law Article IV and shall keep records of the allotment of those lots as created by subdivision activity.
 - (3) A property owner submitting a minor or major subdivision plan shall be required to specify on his/her plan, and on any approved final plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the parcel may have. Plat notes shall be required to indicate the total number of lots eligible to be created, the number of lots proposed to be allocated as part of the proposed subdivision, and the number of remaining lots, if any, that could be created in future subdivisions pursuant to the density requirements of Zoning Law Article IV. The plat shall be signed by the Chair of the Planning Board and incorporated into the deed(s) prior to filing with the Ulster County Clerk.
 - (a) When new lots are established using average lot size, resubdivision is not permitted. A newly created lot which meets or exceeds the minimum lot area requirement for the district cannot be further subdivided in the future. Lots that are so restricted shall be identified as such in writing on the approved subdivision plat. That restriction shall also be incorporated into the deed for the parcel by including on the deed the following provision: "This parcel may not be further subdivided. The maximum permitted subdivision has been completed pursuant to § 260-20 of the Zoning Law of the Town of Woodstock and all eligible development potential has been used". The subdivider shall issue new deeds for the newly created parcels and to have them recorded in the Ulster County Clerk's office after they have been reviewed and approved by the

Planning Board's attorney. Copies of the recorded deeds shall thereafter be filed with the Planning Board Administrative Assistant.

(b) When new lots are established using average lot size and not all potential lots are created in one subdivision, each remaining lot which meets or exceeds the minimum lot area requirement for the district shall be identified as such in writing on the subdivision plat. That restriction shall also be incorporated into the deed for the parcel by including on the deed the following provision: "This parcel may be subdivided into at most n lots, pursuant to § 260-20 of the Zoning Law of the Town of Woodstock," where n is the potential number of future additional lots calculated from the parent parcel in existence as of ~~the date this Local Law was adopted~~DATE OF THIS AMENDMENT. Where there are two or more lots which are eligible for further subdivision, the number n shall be apportioned among said lots as desired by the applicant. The restriction(s) shall appear on the subdivision plat prior to signing by the Woodstock Planning Board and in the deed(s) prior to filing with the Ulster County Clerk. The subdivider shall issue new deeds for the newly created parcels and to have them recorded in the Ulster County Clerk's office after they have been reviewed and approved by the Planning Board's attorney. Copies of the recorded deeds shall thereafter be filed with the Planning Board Administrative Assistant.

(4) As allotments are used up, the official subdivision plat map and register shall be updated to reflect these changes. All future plat maps shall also reflect this information.

(5) The official subdivision plat map and register shall be maintained by the Planning Board Clerk upon final approval of each subdivision and copies made available for inspection by the public, landowners and others. This register shall be referred to for all future inquiries related to proposed subdivisions to ensure for the correct density allotment.

§ 260-21 Permitted conveyance of undersized lots (Lot Line Revision).

For the purpose of conveyance between contiguous property owners, the Planning Board may create a lot of less than the minimum required lot area, provided that the conveyed lot shall be attached to and become part of an existing contiguous lot, and all procedures and requirements, as may exist, for a Lot Line Revision pursuant to Woodstock Town Code Chapter 202 (Subdivision of Land).

§ 260-22 Height additions.

That portion of a structure which encroaches on any required yard may not be increased in height, regardless of whether the encroachment existed at the time of the adoption of this chapter or was permitted by variance.

§ 260-23 Height exceptions.

- A. The height restrictions set forth in § 260-16, *Schedule of Area and Bulk Regulations*, shall not be applicable to farm buildings and structures.
- B. The height restrictions set forth in §260-16, *Schedule of Area and Bulk Regulations*, shall not be applicable to the following structures, provided that, in their aggregate, such structures occupy not more than eighty (80) square feet or ten percent (10%), whichever shall be less, of the roof area of the building of which they are a part:
 - (1) A radio or television antenna shall be restricted to a height of sixty five (65) feet above the average finished grade of the building of which it is a part.
 - (2) A spire, belfry, flagpole, chimney, water or cooling tower, parapet or railing, elevator, stair bulkhead, air-conditioning unit or similar structure shall be restricted to a height of 50 feet above the average finished grade of the building of which it is a part.
 - (3) Nothing described in Subsection **B(1)** or **(2)** above shall be used as a place of habitation or for advertising not otherwise authorized by this chapter.
- C. Towers constructed for personal wireless service facilities. All requirements of Zoning Law § 260-64 shall take precedence.

§ 260-24 Accessory structures and features in yards.

- A. Non-residential accessory structures as defined in Zoning Law § 260-128, excepting those in Subsection **B** below, may be located in any front, rear, or side yard, provided that:
 - (1) No such structure shall exceed twenty five (25) feet in height;
 - (2) Such structure shall comply with all requirements as set forth in Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*;
 - (3) No more than ten (10) such non-residential accessory structures, other than a permitted sign or fence, of which not more than one shall be a private garage shall be permitted on an individual lot in any district; and
 - (4) All such structures in the aggregate shall not occupy more than thirty percent (30%) of any required yard.
- B. Swimming pools (aboveground and in-ground), tennis courts and other hard-surfaced game courts, and satellite dish antennas are permitted only in side and rear yards and must comply with all other provisions of Subsection **A** above.

- C. The following architectural features and accessory structures may be located in any required yard, except where such constitute a permanent obstruction in a required front yard in a commercial or light industrial district:
- (1) Chimney or pilaster;
 - (2) Open arbor or trellis;
 - (3) Unroofed steps, patio or terrace not less than 20 feet from the highway right-of-way nor less than 10 feet from any side or rear lot line, provided that the building complies with the yard requirements of this chapter, except that in the Hamlet Commercial (HC) District such feature may encroach wholly to the lot line if determined by the Planning Board under site plan review to represent no detriment to the public health, safety or welfare;
 - (4) Awning or movable canopy not to exceed fourteen (14) feet in height;
 - (5) Retaining wall, fence or masonry wall, except as limited by Zoning Law § 260-32;
 - (6) Overhanging roof not in excess of three (3) feet into the required front yard; and
 - (7) Open fire escape not less than five (5) feet from any lot line nor more than eight (8) feet from the principal building.
- D. A single portable accessory building with a maximum floor area of eighty (80) square feet may be installed or constructed and utilized without the issuance of a building permit or certificate of occupancy, provided that:
- (1) The structure does not have a permanent foundation;
 - (2) The structure is not served by any utility such as electricity, gas or plumbing;
 - (3) The structure does not exceed eight (8) feet in height;
 - (4) The structure is never used for human habitation; and
 - (5) All other requirements of this chapter related to accessory structures are fully met.
- E. Fences may be located in required yards where in full compliance with the standards provided in § 260-32 of this chapter.

§ 260-25 Distance between principal buildings on same lot.

No detached principal building shall be located closer to any other principal building on the same lot than the maximum height of the highest of said buildings.

§ 260-26 Modification of required yards.

- A. On streets, roads or highways with less than a fifty-foot right-of-way, the front setback in all districts shall be measured perpendicularly from the center line of the existing right-of-way with twenty five (25) feet added to the required front yard setback to establish the building line.
- B. For lots of record in existence prior to May 23, 2001, which are smaller in area than the minimum lot area specified in Zoning Law § 260-16 for the district in which the lot is located, the following minimum setbacks shall apply:
 - (1) For R1.5 Districts: if a lot is less than 1.5 acres in size, the required yards shall be:
 - (a) Front: twenty five (25) feet.
 - (b) Side: fifteen (15) feet.
 - (c) Rear: twenty five (25) feet.
 - (2) For R3, R5 and R8 Districts: if a lot is less than three acres in size, the required yards shall be:
 - (a) Front: twenty five (25) feet.
 - (b) Side: twenty five (25) feet.
 - (c) Rear: fifty (50) feet.
 - (3) For R5 and R8 Districts: if the lot is at least three but less than five acres, the required yards shall be:
 - (a) Front: fifty (50) feet.
 - (b) Side: fifty (50) feet.
 - (c) Rear: fifty (50) feet.
 - (4) For R8 Districts: if the lot is at least five but less than eight acres, the required yards shall be:
 - (a) Front: seventy five (75) feet.
 - (b) Side: seventy five (75) feet.

(c) Rear: seventy five (75) feet.

§ 260-27 Corner lots.

- A. Required front yards. On a corner lot, each street frontage shall be deemed to be a front street line, and the required yard along such lot line shall be a required front yard. However, the above notwithstanding, for the purposes of this Zoning Law, no lot shall be interpreted to have more than two front yards regardless of how such lot is located or configured. The Zoning Enforcement Officer, in consultation with the owner, shall establish which of the remaining yards shall be the required side yard and the required rear yard for purposes of this Zoning Law.
- B. Obstructions at street intersections. At all street intersections no obstructions to vision such as a fence, wall, hedge, structure or planting over three feet in height shall be erected or installed and maintained on any lot within the triangle formed by the intersecting street lines or their projections where corners are rounded and a straight line joining said street lines at points which are thirty five (35) feet distant from their point of intersection measured along said street lines and/or projections.

Article V Supplementary Regulations

§ 260-28 Applicability.

The following supplementary regulations are applicable to all zoning districts within the Town of Woodstock unless otherwise provided herein.

§ 260-29 General performance standards.

No use shall be permitted and/or maintained that does not conform to the following standards of use, occupancy and operation, in addition to all relevant provisions of other local, state and federal laws, rules or regulations.

A. Noise.

- (1) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category stated below when measured at or within the property boundary of the receiving land use.

		Sound Level Limit
		(dBA)
Receiving Land Use Category	Time	
Residential Districts R8, R5, R3, R1.5, HR and FRD	7:00 a.m. to 7:00 p.m.	57

Receiving Land Use Category	Time	Sound Level Limit
		(dBA)
	7:00 p.m. to 7:00 a.m.	53
Commercial Districts HC, NC1 and NC2	7:00 a.m. to 9:00 p.m.	64
	9:00 p.m. to 7:00 a.m.	60
Industrial Districts LI/SLI	7:00 a.m. to 9:00 p.m.	68
	9:00 p.m. to 7:00 a.m.	63

(2) For any source of sound which emits a pure tone, a discrete tone or impulsive sound, the maximum sound limits set forth above shall be reduced by five (5) A-weighted decibels (dBA).

(3) For noises created and measured at outdoor locations within the Hamlet Commercial (HC) and Neighborhood Commercial (NC) Districts, the sound level shall not exceed the above limits for those districts when measured at a point 10 feet or greater from the sound source or at a property boundary.

B. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential premises shall be disseminated beyond the boundaries of the lot where such use is located.

C. Glare and heat.

(1) Any outdoor lighting fixture, with the exception of incandescent fixtures up to and including one-hundred-fifty-watt intensity per light source, and string, rope or similar low-voltage lighting as provided in Zoning Law § 260-54, shall be fully shielded from above in such a manner that:

(a) The edge of the shield is below the light source;

(b) Direct rays from the light source are confined to the property boundaries, except when lighting accesses to commercial and/or industrial uses where footcandle values shall be permitted up to one footcandle at the point where the site access meets the pavement of adjoining public roads; in no instance shall site access lighting spill into the carriageways of said public roads; and

- (c) Direct rays are prevented from escaping toward the sky.
- (2) In the Scenic Overlay (S-O) District and for all home occupations, the above shielding requirements shall apply to all outdoor lighting, including incandescent fixtures of one-hundred-fifty (150) watt intensity or less.
- (3) For the purpose of these provisions, "light source" includes any refractor, reflector or globe.
- (4) Outdoor lighting shall be of substantially minimum intensity needed for the particular purpose.
- (5) Mercury vapor lighting is prohibited.
- (6) No heat shall be produced that is perceptible beyond the boundaries of the lot on which such source is located.
- (7) No light shall be mounted higher than twenty five (25) feet above grade, except landscape lighting for a property used exclusively for residential purposes, provided that said parcel is not in the Scenic Overlay District and the lamp is one hundred fifty (150) watts or less.
- (8) Parking lot lighting shall also meet all glare and heat requirements of this sub-section and shall be required to be consistent with the use and character of an area and meet the following: **[Amended 7-3-2013 by L.L. No. 1-2013]**
 - (a) All luminaries over two thousand (2,000) lumens shall be full cutoff, non-tilting with the lamp not visible below the shield.
 - (b) Pedestrian walkway lighting shall be below eighteen (18) feet.
 - (c) Pole spacing shall be no greater than four times height.
 - (d) Average light levels below two (2) footcandles with higher security areas below Illuminating Engineering Society (IES) standards may be applied.
 - (e) Gasoline canopy lighting shall be fully recessed with average footcandles below twenty (20).
 - (f) Wayfinding lighting is encouraged at site entrances and shall be enhanced with landscaping.
 - (g) Utilization of energy efficient luminaries to include light emitting diodes (LEDs) or induction lighting shall be used.

- (h) Photometric submittals and photometric plots shall be required.
 - (i) Parking lot lighting shall be reduced to that needed for security one hour after close of business.
- (9) Any outdoor lighting fixture already installed at the site on the effective date of this chapter shall be brought into compliance with these provisions within twenty (24) months of said effective date.
- D. Industrial and commercial waste. No solid or liquid waste, including solvents, grease cutters, paint thinners, oils, pesticides, herbicides, heavy metals, or radioactive materials, shall be discharged into any public sewer, common or private sewage disposal system, or stream or on or into the ground, except in strict conformance with the standards approved by the Ulster County Health Department, or with the standards established by any applicable local law or ordinance, or other duly empowered agency. Where more than one standard exists, the most stringent shall apply. No solid or liquid waste containing radioactive material shall be stored.
- E. Radioactivity or electromagnetic disturbance. No activity shall be permitted which emits any radioactivity beyond the building in which such activity is located. No electrical disturbance adversely affecting the operation of any equipment other than that of the generator of such disturbance shall be permitted. No emission or discharge of radioactive gases, liquids or solids shall be permitted. The manufacture or assembly of devices which contain or which utilize substances that emit ionizing radiation, as well as the manufacture or processing of food or merchandise utilizing ionizing radiation, shall be prohibited. The storage of radioactive waste by-products shall be prohibited. The handling and disposal of radioactive material or waste by-products, whether or not licensed by the Nuclear Regulatory Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, and in accordance with any other applicable laws, regulations or ordinances, including those established by the Town of Woodstock.
- F. Fire and explosion hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed. All burning of such waste material in open fires is prohibited.
- G. Maintenance of developed lots. All open portions of any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with native trees, shrubs, grass or other pollinator-friendly

planted materials or ground cover, or by paving with asphalt, concrete, crushed rock or other material.

§ 260-30 Parking and loading standards.

In all districts, at the time any new building or structure is erected, any existing building or structure is enlarged, a new or changed use of either land or structure is established, or a subdivision is completed, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below. Except for short-term rental uses, the Planning Board may allow shared use of existing parking lots or spaces through a shared-use parking agreement. Such agreement shall be provided to the Planning Board. The Planning Board may also allow for off-street parking, or parking in structures below a residential or commercial use to meet parking requirements. Where parking is provided within a structure, such structure shall be architecturally compatible with adjacent architecture.

- A. Required number of off-street parking spaces. The minimum number of parking spaces stated below shall be required in addition to one parking space for each company vehicle associated with a commercial, business or light industrial use.

(1) Residential uses.

- (a) Single-family dwelling: two spaces.
- (b) Two-family dwelling: four spaces.
- (c) Multifamily dwelling: two spaces per dwelling unit. Where multifamily dwellings are dedicated for ~~below-market-rate~~ affordable housing, senior housing, or housing for people with disabilities, parking may be reduced to 1.5 spaces per dwelling unit but only when the applicant provides proof that fewer parking spots are needed by the population to be served in the housing units.
- (d) Boarding or rooming house: one (1) space per bedroom plus required spaces for occupants of other dwelling units.

(2) General uses.

- (a) Church or other place of worship, meeting hall, membership club, auditorium, theater or other place of public seating assembly not otherwise specified: one space per four seats or fifty (50) square feet of seating area where fixed seating is not provided.
- (b) School: one space per twelve (12) classroom seats or the auditorium requirements as specified above, whichever is greater.

- (c) Cultural facility (museum, library), art gallery or philanthropic and institutional use: one space for each four hundred (400) square feet of gross floor area plus one (1) space for each employee.
 - (d) Hospital, convalescent home or nursing home: one (1) space for each two (2) beds.
 - (e) Cottage development: (1) one space for each bedroom, plus necessary spaces for employees.
 - (f) Artist studio: one space per two hundred fifty (250) square feet of such use, plus one space per artist or artisan who does not reside on premises.
- (3) Accessory uses.
- (a) Home occupation: one space per two hundred fifty (250) square feet of such use, if customers or clients routinely visit the use, plus one space per employee.
 - (b) Bed-and-breakfast home: one space per rented room plus required spaces for other dwelling units.
 - (c) Short-term rental (STR) home, and supplemental businesses, STR establishment and STR non-owner-occupied: one parking space per bedroom plus required spaces for the principal residence. **[Added 5-21-2019 by L.L. No. 1-2019]**
- (4) Business uses.
- (a) Bed-and-breakfast establishment: one (1) space per rented room, plus required spaces for other dwelling units.
 - (b) Funeral home: one (1) space per three (3) seats within public areas.
 - (c) Medical clinic and related health service office: five (5) spaces per professional, plus one (1) space per employee.
 - (d) General or professional office:
 - [1] Open to public: one space per three hundred (300) square feet of gross floor area, plus one (1)space per employee and/or owner.
 - [2] Not open to public: one (1) space per employee or owner, plus necessary spaces for visitors.
 - (e) Retail business, store or service shop: one (1) space per two hundred (200) square

feet of floor area used to display or sell merchandise or provide a service, plus one (1) space per employee.

- (f) Hotel or motel: one (1) space per bedroom plus necessary spaces for employees.
 - (g) Eating and drinking establishment: one (1) space per three seats or fifty (50) square feet of floor space available to patrons, whichever is greater, whether such seats or floor area is situated within an enclosed building or outdoor service area.
 - (h) Bowling alley, billiard hall, golf course, tennis club, or similar use: one (1) space per alley, tee, court, table or similar measure.
- (5) Light industrial uses: one (1) space per employee on largest shift, plus necessary spaces for visitors and company vehicles.
 - (6) For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time of special permit and/or site plan review, as provided for in Zoning Law Articles **VI** and **VII**, respectively.
 - (7) In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit modification.

B. Design standards for off-street parking spaces.

- (1) Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed area available for parking. All permitted or required parking areas shall be on the same lot as the use for which the parking is required unless a shared parking arrangement has been approved by the Planning Board.
- (2) No parking area shall encroach on any portion of a required front yard or within 15 feet of any public right-of-way. Open parking and related driveways may, however, encroach on a required side or rear yard to within five feet of a property line, except that if abutting a residential ~~district~~district, a minimum of ten (10) feet of separation shall be maintained. For parking areas of three or more spaces which are in a residential district, or which abut a residential district or property of residential use, there shall be provided and maintained a dense natural screen or other barrier so designed as to form an effective visual screen from the adjoining property. This provision is not, however, to be construed as prohibiting a common driveway which may, by agreement between

adjacent property owners, encroach wholly to the lot line.

- (3) In any residential, commercial, or mixed-use district, required parking spaces shall be fully provided in the side or rear yard of the same lot so long as they shall not encroach on any required front yard or within five feet of any side or rear property line.
- (4) Size of parking space; driveway access and maneuvering area.
 - (a) In all zoning districts, each parking space provided shall be at least nine feet wide and eighteen (18) feet long. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces as follows:
 - [1] Parallel curb parking: end-to-end measurement of twelve-foot aisle width for one-directional flow and twenty-four-foot aisle width for two-directional flow.
 - [2] Thirty-degree parking: thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
 - [3] Forty-five-degree parking: sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
 - [4] Sixty-degree parking: twenty-one-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
 - [5] Perpendicular parking: twenty-four-foot aisle width for one-directional and two-directional flow.
- (5) All parking areas shall be suitably drained. Except for one-family or two-family dwellings and as required by the Americans with Disabilities Act (ADA) and the New York State Uniform Fire Prevention and Building Code, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article VII of this chapter, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use. Permeable paving systems for parking areas, including porous concrete, porous asphalt, and plastic reinforcing grids for parking spaces, drive aisles and vehicular circulation areas shall be used to the extent practical.
- (6) All off-street parking areas shall be designed to eliminate the need to back out onto any public street, road or highway.
- (7) All gravel parking areas shall be constructed to a minimum standard of 12 inches of compacted pervious subbase (quarry rubble, run-of-bank gravel, creek gravel) topped

with three to four inches of Item 4 or 400 fines and shall be maintained to these standards. Subbase standards may be modified by the Planning Board, or the Zoning Enforcement Officer based on existing soil and subsoil conditions.

- (8) The Planning Board may require that outdoor parking area lights mounted twenty four (24) feet or less above the ground be controlled to automatically reduce the power of each luminaire by a minimum of fifty percent (50%) when no activity has been detected for at least fifteen (15) minutes.

- (9) Electric Charging Stations. New parking garages, and new parking lots having ten (10) or more parking spaces shall provide either:

- (a) Panel capacity and conduit for the future installation of minimum 208/240V 40-amp outlets for five percent (5%) of the total parking spaces and not less than two (2) parking spaces; or

- (b) Minimum 208/240V 40-amp outlets for five percent (5%) of the total parking spaces and not less than two (2) parking spaces.

- C. Cash payment in lieu of on-site provision of required off-street parking spaces. Within the Hamlet Commercial (HC) and Hamlet Residential (HR) Districts, in those instances where the Planning Board has determined that parking cannot be sufficiently and/or safely accommodated on site, provision of the minimum required number of off-street parking spaces, as calculated in accordance with Subsection A above, may be alternatively satisfied for any commercial use, whether permitted by right or by special use permit, by payment to a special Town Parking Fund of an initial charge followed by an annual maintenance fee per parking space required but not provided on site. Said Town Parking Fund shall be used exclusively by the Town Board for the development and subsequent maintenance of municipal parking spaces to service the needs of the affected properties and zoning districts within the Hamlet Commercial (HC) and Hamlet Residential (HR) Districts. The amount of said initial charge and annual fee per parking space alternatively provided shall be in accordance with the fee schedule established and annually reviewed by the Town Board. In setting such fee, the Town Board shall take into account the costs of acquiring property, carrying out suitable site development, and maintaining municipal parking facilities. Before utilizing this subsection, the Planning Board must make every effort, including reducing the proposed development, to establish sufficient on-site off-street parking.

- D. Required number of off-street loading berths. Off-street loading berths, either open or closed, shall be required for the following uses:

- (1) General uses. One berth per ten thousand (10,000) to twenty five thousand (25,000)

square feet of floor area and one (1) additional berth for each additional twenty five thousand (25,000) square feet, unless truck deliveries do not exceed one vehicle per day.

(2) Business uses.

(a) Office and commercial uses: one berth per ten thousand (10,000) to twenty five thousand (25,000) square feet of floor area and one (1) additional berth for each additional twenty five thousand (25,000) square feet.

(b) Hotel, motel and vacation resort: one (1) berth for floor area in excess of ten thousand (10,000) square feet.

(3) Light industrial uses. One berth for the first ten thousand (10,000) square feet of floor area and one (1) additional berth for each additional forty thousand (40,000) square feet.

E. Design standards for off-street loading berths.

(1) Each required loading berth shall be at least twelve (12) feet wide, thirty five (35) feet long, and fourteen (14) feet high.

(2) Unobstructed access, at least twelve (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as permitted below. No entrance or exit for any off-street parking or loading area shall be located within fifty (50) feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three hours during the daily period that the establishment is open for business.

(3) Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments.

§ 260-31 Sign regulations.

A. General regulations. The provisions contained within this section shall apply to all signs and to all zoning districts.

(1) Any sign or use of signs not specifically permitted by provision of these regulations is prohibited, including but not limited to the following:

- (a) Real estate "sold" and "under contract" signs or signs with similar language;
 - (b) Movable signs, except permitted temporary signs;
 - (c) Multiple-faced, other than double-faced, signs;
 - (d) Billboards;
 - (e) Signs or other advertising devices which advertise a profit-making business or organization, and which appear upon permanent pickup and delivery containers;
 - (f) Directly illuminated signs or advertising devices, unless specifically permitted;
 - (g) Signs which employ reflective or luminous material or paint in their construction;
 - (h) Neon signs or signs with letters or features formed of internally illuminated glass or transparent tubing;
 - (i) All internally lighted signs; and
 - (j) Any off-premises sign, except for directional signs permitted in accordance with Subsection **F** of this section.
- (2) No sign shall be located in such a way as to interfere with driver vision, pedestrian traffic or other traffic.
- (3) Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. String, rope or similar low-voltage lighting products shall not be formed into words or pictorial representations of commercial products. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.
- (4) No sign shall be erected or maintained which would project above the front or face of a building a distance of more than twelve (12) inches, except as otherwise provided herein, such as those projecting from the face of a theater or motel marquee. Any projecting or freestanding sign which projects into or above any pedestrian right-of-way or sidewalk shall have clearance of not less than eight (8) feet above the sidewalk or the surrounding ground level. No projecting or freestanding sign shall be permitted to project into or above any public driveway or thoroughfare for vehicular travel.

- (5) No sign shall be placed on the roof of any building.
- (6) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as otherwise provided herein.
- (7) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, balloons, streamers, spinners, or similar moving, fluttering or revolving devices. Included within this prohibition are signs which are mechanically animated, such as moving, rotating or revolving signs. Said devices shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- (8) All signs shall be constructed of wood, metal or other durable material approved by the Zoning Enforcement Officer. All signs shall be so constructed as to withstand reasonable wind and weather and to be neither a detriment nor a hazard to the public health, safety, and welfare. The Zoning Enforcement Officer shall issue notice to owners of signs in violation of this provision. Said owners shall be permitted ten (10) days within which to make necessary repairs to or remove all signs in violation of the provisions of this section.
- (9) Any sign may consist in whole or in part of three-dimensional elements designed to physically represent the object advertised. A representational sign shall not project more than three feet beyond the principal structure to which it is attached and shall be limited to a sign area of not more than ten (10) square feet. Only one (1) such sign per establishment shall be permitted. In calculating the sign area, the largest cross-sectional area, considering all possible views, shall be used.

B. Administrative standards.

- (1) For the purpose of determining the number of signs, a sign shall be considered to be a display surface or device containing elements organized, related and composed to form a unit. Where advertising material is displayed in a random manner without an organized relationship of elements, each element shall be considered to be a single sign.
- (2) The surface area of a sign shall be computed to include the entire area within a regular geometric form, or contiguous combination of forms, comprising all of the display area of the sign and including all of the elements of the material displayed. Structural support members shall not be included in the calculation of sign surface area. Areas permitted are maximums for each face of the sign, whether single-sided or two-sided, with the total area of all faces of any sign not exceeding twice the permitted area of one face.
- (3) For the purposes of this chapter, the term "sign" shall not include any sign erected and maintained pursuant to, and in the discharge of, any governmental function, or required

by law, ordinance or governmental regulation, with the exception that government building or facility identification and/or name signs shall adhere to Subsection C(1) of this section. The term "sign" shall additionally not include the following:

- (a) Memorial signs or tablets, names of buildings and/or dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
- (b) Displays of automotive maintenance merchandise by gasoline stations, located between the principal building and the gasoline pump island(s).
- (c) Signs integral to gasoline pumps and racks for the display of automotive maintenance merchandise. The display of gasoline prices upon signs other than those integral to gasoline pumps shall be considered as signs.
- (d) Traditional barber poles.

C. Permitted signs in all districts.

- (1) The following signs are permitted in any use district without issuance of a sign permit or payment of a permit fee:
 - (a) For each bed-and-breakfast establishment, artist studio, governmental use, boardinghouse or multifamily residential structures, one wall or borderless sign not exceeding eight (8) square feet in area or one (1) freestanding double-faced sign not exceeding eight (8) square feet per side or face.
 - (b) One double-faced freestanding, projecting or single-faced wall sign denoting the name and address of the occupant of a single-family premises, such sign not exceeding two (2) square feet in area per side or face, provided that a projecting sign shall not project more than three feet from the principal building on the lot.
 - (c) One double-faced freestanding, projecting or single-faced wall sign denoting the name, address, profession or home occupation of the occupants of the single-family premises on which the sign is located, such sign not exceeding two (2) square feet in area per side or face, provided that a projecting sign shall not project more than three (3) feet from the principal building on the lot.
- (2) The following signs are permitted in any use district as a special permit use subject to the procedures and requirements of Article VI of this chapter and the further requirement that a sign permit be issued in accordance with Subsection G of this section:

- (a) Any sign advertising a commercial or not-for-profit enterprise, other than the uses listed in Subsection **C(1)**, in a district zoned residential. Such sign shall not exceed ten (10) square feet in area and shall advertise only the name of the owner, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
- D. Permitted signs in commercial and light industrial districts. Within the Hamlet Commercial (HC), Neighborhood Commercial (NC), and Light Industrial (LI) Districts, no sign, except those allowed without a permit under Subsection **C(1)**, shall be erected and maintained unless a sign permit is issued prior to installation in accordance with Subsection **G** of this section.
 - (1) All signs must be located on the premises of the business activity, except as noted in Subsection **F** of this section which relates to directional signs.
 - (2) Each business or industrial establishment so located shall be permitted one (1) of the following alternative sign displays:
 - (a) One projecting double-faced sign, not exceeding ten (10) square feet per side, provided that such sign shall not project more than five (5) feet beyond the principal building on the lot, and provided further that such sign shall not extend more than thirteen (13) feet above ground level or exceed the height of the building at the point of location of the sign, whichever is more restrictive.
 - (b) One freestanding double-faced sign, not exceeding ten (10) square feet per side or face, provided that such sign shall not extend more than ten (10) feet above ground level at the point of location of the sign. Furthermore, the sign shall not be located closer than eight (8) feet to said ground level if located in an area of pedestrian traffic.
 - (c) Not more than two wall, hanging, or borderless signs having an aggregate area of not more than twenty five (25) square feet, provided that neither of the signs extends above the height of the building at the point of location of such sign, and provided further that neither sign extends beyond the end of the building at the point of the location of such sign.
 - (3) In addition to the signs described in Subsection **D(2)** above, a restaurant shall be permitted one (1) menu board to be placed in the window or mounted flat against the face of the building not to exceed four (4) square feet in size.
- E. Temporary signs.

- (1) All signs of a temporary nature, such as political posters, banners, and signs of a similar nature, restricted to church, school, civic and other nonprofit functions, shall be permitted for a period of thirty (30) days, except as otherwise explicitly provided by this section, without issuance of a sign permit or payment of a fee. Such signs shall not, however, be attached to fences, trees, utility poles, traffic signs, or the like, nor be placed in a position that will either obstruct or impair vision of traffic or in any manner create a hazard or disturbance to the health, welfare or safety of the general public. Such signs shall not exceed twenty four (24) square feet per side. All such signs shall be removed within seven (7) days of the close of the advertised event.
- (2) The following specific temporary sign types are more explicitly addressed by this chapter as provided below:
 - (a) Temporary window signs and posters shall be permitted without permit or fee, provided that they do not exceed fifteen percent (15%) of the aggregate surface of the establishment's windows on the side of the building in which the temporary window signs and posters appear.
 - (b) Temporary "for sale" real estate signs and signs of a similar nature not exceeding four square feet per side in area within any residential or commercial district or ten (10) square feet per side in any light industrial district shall be permitted without any permit or fee. All such signs shall be removed immediately upon sale or lease of the premises.
 - (c) A temporary single-sided real estate development sign not exceeding ten (10) square feet shall be permitted without fee or permit on property being sold, leased or developed and is to be erected parallel to the fronting highway, set back not less than fifteen (15) feet, or attached to the building face. The sign shall be limited to a duration of twenty four (24) months unless otherwise authorized by the Planning Board.
 - (d) A temporary single-sided construction sign denoting the architect, engineer, and/or contractor shall be permitted without permit or fee when placed upon premises under construction and for which a building permit has been issued, not exceeding (4) four square feet in sign area. Said sign shall be removed immediately upon issuance of a certificate of occupancy or use for the premises or upon termination or revocation of the building permit.
 - (e) A temporary garage sale, yard sale, barn sale, tag sale, or similarly descriptive sign, not exceeding six square feet per side in area, located fully on the property on which such sale is being conducted, and restricted to a period of not more than forty eight

(48) hours in advance of the sale nor more than twelve (12) hours after its completion shall be permitted. Such signs shall be further restricted by the provisions of Zoning Law § 260-50.

F. Directional and notification signs.

(1) Business and public destinations that are isolated from primary routes of travel shall be permitted a maximum of two off-site directional signs subject to the issuance of a sign permit in accordance with Subsection G and the following additional requirements:

- (a) In locations with more than one directional sign, all such signs shall be affixed to a common standard and shall be graphically coordinated and arranged so as to present a neat and orderly appearance. Any such standard shall be designed to accommodate the later addition of further directional signs.
- (b) No directional sign shall be more than three square feet in area. In locations with more than one directional sign, the aggregate area of all such directional signs shall not exceed twelve (12) square feet.
- (c) An off-premises directional sign permit shall be acquired from the New York State Department of Environmental Conservation (DEC).
- (d) A letter of authorization shall be obtained from the owner of the property on which the sign will be located. **[Amended 11-18-2008 by L.L. No. 2-2008]**

(2) Each general, business or light industrial use may erect on-site directional and notification signs, provided that the individual signs do not exceed two (2) square feet in area and are limited to such text as "Office," "Entrance," "Exit," "Reserved Parking" or "No Parking." Permits shall be granted only if the applicant can clearly demonstrate that any such on-site directional or notification sign will be set back not less than five (5) feet from any public right-of-way or any property line. During site plan review, as governed by Zoning Law Article VII, the Planning Board may recommend that the Zoning Enforcement Officer issue sign permits for such signs.

G. Sign permit required. Except as otherwise stated herein, no sign or other device for advertising or notification purposes of any kind shall be erected, established, added to, or altered until a sign permit has been issued by the Zoning Enforcement Officer. All applications shall include such information as may be required by the Zoning Enforcement Officer to determine compliance with these sign regulations and shall be accompanied by payment of the required

sign permit fee in accordance with a schedule established and reviewed annually by the Town Board. Signs that are part of any subdivision, site plan, special use permit, or Floating Residential District application, including temporary signs erected during construction or sales periods, shall be reviewed by the Planning Board at the same time as such applications are in front of the Planning Board.

§ 260-32 Fences, walls and gates.

- A. Except as otherwise provided in Subsection **B** or **D** below, in any residential or commercial district, fences and walls shall not exceed six (6) feet in height when erected in a rear or side yard nor four (4) feet in height when erected within a front yard. Height shall be measured from the finished grade to the top of fence. **[Amended 7-3-2013 by L.L. No. 1-2013]**
- B. In the Light Industrial (LI) District, fences and walls shall not exceed eight (8) feet in height, except that on a residential district boundary line such fences or walls shall not exceed six (6) feet in height, as determined by the Planning Board.
- C. In any district, all fences and walls shall conform to the requirements of Zoning Law § **260-27B**, as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety.
- D. Fences and walls shall be permitted within the required front, side and rear yard, except that fences and walls shall be set back five (5) feet from the edge of pavement (or alternative surface) or ditch line when bordering a public or private road, highway, shared drive, or right-of-way. Further, fences and walls, for the purposes listed below, shall be permitted as follows, but shall not be located within the required front yard nor within twenty (20) feet of any lot line in the R8, R5, R3, and LI Districts nor within ten (10) feet of any lot line in the HC, HR, R1.5, and NC Districts unless otherwise specified herein. All such fences shall be removed within twelve (12) months of the termination of the use for which they were erected. **[Amended 7-3-2013 by L.L. No. 1-2013]**
 - (1) Tennis court enclosure. Chain link fence is permitted up to ten (10) feet in height.
 - (2) Swimming pool enclosure. Fence is permitted up to six (6) feet in height.
 - (3) Enclosures to prevent animal intrusion or escape.
 - (a) Vegetable garden enclosure. Chain link or open mesh fence is permitted up to eight (8) feet in height. If the fence is to be less than four (4) feet in height, it may be located within the front yard or within twenty (20) feet of any lot line and may be built from material chosen by the property owner or lessee. No such fence shall enclose a residence or other principal building.

(b) Electric fence enclosure.

- [1] Electric fence is permitted in all districts except the Floodway (FW) District up to eight feet in height and permitted in the required front yard, provided that a twenty-foot setback from the front lot line is maintained. Area enclosed must not exceed seventy percent (70%) of the property.
- [2] Electric fence shall be conspicuously posted at intervals of not more than twenty five (25) feet so as to warn the public that it is electrified.
- [3] The area around the electric fence must be cleared of undergrowth and debris for a minimum of six (6) feet on the exterior side and two (2) feet on the interior side of the fence.
- [4] High-tensile, smooth twelve and a half (12.5) gauge steel wire utilizing current supplied by a high-voltage, low-impedance charger or a conventional charger emitting short, high-voltage pulses must be used.
- [5] Fences that conduct a continuous electric current, such as those advertised as pet deterrents or weed burners, are prohibited.
- [6] All electric fences shall comply with the minimum specifications of the Underwriters' Laboratories, Inc.

(c) Livestock enclosure. Fencing, other than electric fencing, is permitted up to six feet in height.

(d) Dog enclosure. Chain link or open mesh fence is permitted up to six feet in height. Area enclosed must not exceed twenty percent (20%) of the property if one (1) acre or less. If the property is more than one (1) acre in size, the area enclosed must not exceed ten percent (10%) of the property or nine thousand (9,000) square feet, whichever is greater.

(e) Enclosure for fowl. Chain link or open mesh fence or cage is permitted up to eight (8) feet in height, which fence must be at least twenty five (25) feet from any property line.

E. Barbed wire fence is prohibited in all districts.

F. Any fence, wall or gate erected or installed in accordance with this section shall be maintained in good order.

- G. The height of gates shall not exceed permitted fence heights, except that ornamental overhead architectural features, such as arches and trellises, shall be allowed provided that the feature's height shall not exceed fifteen (15) feet above ground level at the location of the gate.

§ 260-33 Excavation as part of site preparation.

Nothing contained herein shall prohibit the excavation of sand, gravel, shale, topsoil or similar material from a lot preparatory to construction of a building for which a building permit has been issued, or to move such material from one part of a site to another part of the same site, when such excavation or removal is clearly incidental to the approved building construction and/or site development and necessary for improving the property for a use permitted in the district in which the property is located. Provision shall be made to restore an effective cover crop to any area of land from which topsoil has been removed or covered within the first growing season following the start of such operation.

§ 260-34 Wetlands and watercourse protection standards.

[Amended 8-18-2009 by L.L. No. 1-2009; 10-25-2011 by L.L. No. 8-2011]

It shall be unlawful for any person to undertake any regulated activity, as defined in Zoning Law § 260-34C, in any wetland, watercourse, water body or their associated buffer without a wetland and watercourse permit (hereinafter referred to as "wetland and watercourse permit") issued by the Town of Woodstock.

- A. Definitions specific to wetland permits. Words and phrases used in this section shall be interpreted as defined below, and where ambiguity exists, words or phrases shall be interpreted so as to give this section its most reasonable application in carrying out the regulatory purpose and intent as set forth herein. Words and phrases of broad application to the general provisions of this chapter shall be found in Zoning Law § 260-128, Word usage and definitions.

ACOE

Army Corps of Engineers.

ACTIVITY, PREEXISTING, NONCONFORMING

Those actions and activities occurring within a wetland, water body, watercourse or their associated buffer areas which were approved prior to the effective date of this section and for which the approval has not expired and is still valid. These actions and activities may not be expanded, changed, enlarged, or altered; or discontinued for a period of twelve (12) consecutive months without losing their preexisting, nonconforming status. Preexisting, nonconforming activities destroyed by human activities or a natural catastrophe must be reconstructed within twelve (12) months and be completed within twenty four (24) months or lose their preexisting, nonconforming status.

ACTIVITY, REGULATED

See "regulated activity."

AREAL

Of or relating to or involving an area.

BANK

The side slopes of a watercourse.

BERMING

The process of building up stream banks higher than surrounding floodplain elevations to contain water unnaturally in the channel.

BOUNDARY OF A WETLAND

The outer limit of wetland soils, wetland hydrology, and wetland vegetation as defined under "wetland/freshwater wetland."

BUFFER, WATERCOURSE

See "watercourse buffer area."

BUFFER, WETLAND

See "wetland buffer area."

CHANNEL

A surface feature open to the air that conveys surface water and has existed long enough to establish a stable route and/or biological community.

CHANNELIZATION

The process of straightening, widening, and excavating gravel from a watercourse.

CHROMA

See "Munsell Soil Color Charts."

DAMS AND WATER CONTROL MEASURES

Barriers which intentionally or unintentionally obstruct the natural flow of water either to raise it, lower it, or artificially maintain its level.

DEPOSIT (DEPOSITING)

The act of filling, grading, discharging, emitting, dumping, or the placement of any material.

DISCHARGE

The emission of any water, substance, or material into a wetland, watercourse or wetland/watercourse buffer.

DOMINANT SPECIES

A dominant species is one that exhibits either the greatest areal extent (ground or canopy cover) or greatest density (number of plants per unit area) within one or more layers (tree, shrub, herb) of

a naturally occurring plant community.

DRAIN

To deplete or empty of water by drawing off by increments.

DURATION, LONG

A duration class referring to flooding or inundation in which inundation for a single event ranges from seven days to one month.

DURATION, VERY LONG

A duration class referring to flooding or inundation in which inundation for a single event is greater than one month.

FACULTATIVE SPECIES

Plant species that, because of their broader ecological requirements or tolerances, can occur in both wetlands and uplands to varying degrees. Subcategories of facultative species include:

- (1) **FACULTATIVE WETLAND SPECIES (FACW)** Plant species that usually occur in wetlands (estimated probability 67% to 99%), but occasionally are found in nonwetlands;
- (2) **FACULTATIVE SPECIES (FAC)** Plant species that are equally likely to occur in wetlands or non-wetlands (estimated probability thirty four percent (34%) to sixty six percent (66%)); and
- (3) **FACULTATIVE UPLAND SPECIES (FACU)** Plant species that usually occur in non-wetlands (estimated probability sixty seven percent (67%) to ninety nine (99%), but occasionally are found in wetlands.

FLOOD, ONE-HUNDRED-YEAR OR BASE

The highest level of the flood that, on the average, is likely to occur once every one hundred (100) years, i.e., has a one-percent chance of occurring each year.

FLOODPLAIN or FLOOD-PRONE AREA

A land area adjoining a river, stream, lake, watercourse, water body or wetland, which is likely to be inundated by water from any source.

GROWING SEASON

The portion of the year when soil temperatures are above biologic zero (5° C.); the growing season for Ulster County is approximately May 15 through September 15.

HEC-RAS

River analysis system software developed by the Hydrological Engineering Centers of the Institute for Water Resources of the United States Army Corps of Engineers.

HISTOSOLS/ORGANIC SOILS

A taxonomic soils order composed of organic soils (mostly peats and mucks) that have a predominance of organic materials to a depth of sixteen (16) inches or more, or to any lesser depth if bedrock is closer than sixteen (16) inches to the surface.

HYDRIC SOILS

A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part; see expanded definition under "wetland." For field identification delineation purposes, soil in the upper eighteen (18) inches with a predominant chroma of two (2) or less on the Munsell Color Charts, whether streaked with brighter colors (mottled) or not, generally meet the field criterion of hydric soils.

HYDROPHYTIC VEGETATION

The sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present.

MITIGATION PLAN

A plan prepared and implemented by an applicant in accordance with a wetland and watercourse permit issued upon demonstration that either losses or impacts to wetlands/watercourses and/or wetland/watercourse buffer areas are necessary and unavoidable.

MUNSELL SOIL COLOR CHARTS

A soils color designation system based on a collection of color-reproduced chips that visually demonstrate the relative degree of the three fundamental variables of color: hue, value, and chroma, as produced by the Kollmorgen Corporation, 1975, or as amended or updated from time to time. Each color chart shows the range and variation in value and chroma for a specific hue.

NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS, 1988, NEW YORK

The list of obligate and facultative upland and wetland plant species developed by the United States Department of the Interior Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels, as amended and updated from time to time.

NYCDEP

New York City Department of Environmental Protection.

OBLIGATE UPLAND SPECIES (UPL)

Plant species that, under natural conditions, nearly always occur in nonwetland uplands (i.e., greater than ninety nine percent [99%] of the time). The less-than-one-percent difference allows for anomalous wetland occurrences (i.e., occurrences that are spontaneous or unexplainable or are the result of human-induced disturbances and transplants).

OBLIGATE WETLAND SPECIES (OBL)

Plant species that, under natural conditions, nearly always occur in wetlands (i.e., greater than

ninety nine percent [99%]) of the time). The less-than-one-percent difference allows for anomalous wetland occurrences (i.e., occurrences that are spontaneous or unexplainable or are the result of human-induced disturbances and transplants).

ORGANIC SOILS

See "histosols."

POLLUTION OF WETLAND OR WATERCOURSE

The contamination or the departure from the range of normal variation in physical or chemical factors of any wetland or watercourse by reason of erosion, or by any waste or other materials discharged or deposited therein.

REGULATED ACTIVITY

Those actions and activities occurring within a wetland, water body, watercourse or their associated buffer areas which are not exempted from requiring a wetland permit by § 260-34D of this section and are more specifically listed in Zoning Law § 260-34C.

REGULATED AREA

Wetlands, waterbodies, vernal pools, watercourses and their associated wetland/watercourse buffer areas as defined in this section.

UCSWCD

Ulster County Soil and Water Conservation District.

VERNAL POOL

Seasonally flooded, isolated pool of standing water that is devoid of naturally occurring fish and that persist, in a year of average, precipitation for at least two months (average annual precipitation in the Woodstock area is forty eight (48) inches). Vernal pools are essential breeding habitat for certain amphibians, including, but not limited to, the following species: spotted salamander (*Ambystoma maculatum*), marbled salamander (*Ambystoma opacum*), Jefferson salamander (*Ambystoma jeffersonianum*), blue-spotted salamander (*Ambystoma laterale*), Northern spring peeper (*Hyla c. crucifer*), and wood frog (*Rana sylvatica*).

WATER BODY

Any natural or artificial pond, lake, reservoir, or other area which usually or intermittently contains water and which has a discernible shoreline. For the purposes of this chapter, a water body is also a wetland, and the appropriate wetland buffer area shall apply. An artificial pond of less than one tenth (1/10) of an acre (i.e., 4,356 square feet) shall not be considered a regulated water body, provided its creation and maintenance does not alter the flow, function or values of existing waterbodies, wetlands or watercourses.

WATERCOURSE

Any natural, artificial, permanent, seasonal, or intermittent, public or private water segment, such

as rivers, streams, brooks, or other waterways that are contained within, flow through, or border on the Town of Woodstock. A watercourse contains a discernible channel, bed, and/or banks and usually flows in a particular direction. Artificial water segments, such as swales and ditching shall not be considered a regulated watercourse, provided they do not discharge directly into a naturally occurring wetland water body or watercourse.

WATERCOURSE BUFFER AREA

A specified area surrounding a watercourse that is intended to provide some degree of protection to the watercourse from human activity or other encroachment associated with development. The watercourse buffer area shall be subject to the regulations for watercourses as defined herein and shall be determined by consulting the map entitled, "Applicable Watercourse Buffers" which is maintained in the office of the Planning Board and Zoning Enforcement Officer. The buffer area is the area extending horizontally away from and paralleling the edge of bank of a watercourse. Buffer widths vary from thirty (30) to forty five (45), sixty (60), seventy five (75), ninety (90) or one hundred (100) feet (each side) depending on the upstream drainage area and the slope of the land. The default buffer for all watercourses is thirty (30) feet from the edge of bank.

WATERSHED

The region draining into a river, river system, or other body of water.

WETLAND AND WATERCOURSE INSPECTOR

The agent appointed by the Town Board, who may or may not be employed by the Town also as a Zoning Enforcement Officer, charged with enforcement and permit-processing responsibilities associated with regulated activities within regulated areas. The determination of the Wetland and Watercourse Inspector shall be of the same force and effect and subject to the same laws and regulations as those of the Zoning Enforcement Officer. The Wetland and Watercourse Inspector must be certified in basic wetland delineation.

WETLAND BUFFER AREA

A specified area surrounding a wetland, that is intended to provide some degree of protection to the wetland from human activity or other encroachment associated with development. The wetland buffer area shall be subject to regulations and site conditions for wetlands and watercourses as defined herein. The wetland buffer area shall consist of the area extending 100 feet horizontally away from and paralleling the outer wetland boundary limits of a wetland of greater than one tenth (1/10) of an acre (i.e., 4,356 square feet) and fifty (50) feet horizontally away from and paralleling the outer wetland boundary limits of a wetland of equal to or less than one tenth (1/10) of an acre.

WETLAND DELINEATION

The process by which the boundary or edge of a wetland is determined. Delineations shall be in accordance with Part IV of the US Army Corps of Engineers Wetland Delineation Manual (1987) herein referred to as the Wetland Delineation Manual.

WETLAND DELINEATOR

A person who has demonstrated training and experience in the identification of wetlands and watercourses, and the use of the Corps of Engineers Wetland Delineation Manual (January, 1987) including preparation of federal data forms and federal level wetland delineation reports. A wetland delineator must have a degree from an accredited university in a related field and a minimum of two (2) years of continuous wetland and watercourse delineation experience as set forth above.

WETLAND (FRESHWATER WETLAND)

- (1) All areas that comprise hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For the purposes of this Zoning Law, the term "wetland" shall refer to freshwater wetlands and shall generally include swamps, marshes, bogs, vernal pools, and similar areas. Wetlands must have the following three general diagnostic environmental characteristics:
 - (a) Wetlands vegetation. The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions as described above. Hydrophytic species, due to morphological, physiological, and/or reproductive adaption(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. Indicators of vegetation associated with wetlands are listed in Paragraph 35 of the Wetland Delineation Manual.
 - (b) Wetlands Soil. Soils are present and have been classified as hydric, or they possess characteristics that are associated with saturated soil conditions. Indicators of these soils are listed in Paragraphs 44 and 45 of the Wetland Delineation Manual.
 - (c) Wetlands hydrology. Wetlands are inundated either permanently or periodically at mean water depths equal to or less than 6.6 feet, or the soil is saturated to the surface at some time during the growing season. Indicators of hydrologic conditions that occur in wetlands are listed in Paragraph 49 of the Wetland Delineation Manual.
- (2) Regulated wetlands do not include:
 - (a) Detention, infiltration and retention basins created as part of an approved local, state or federal stormwater pollution prevention plan; or
 - (b) An artificial pond of less than one tenth (1/10) of an acre (i.e., 4,356 square feet), provided the pond's creation and maintenance does not alter the flow, function or values of existing waterbodies, wetlands or watercourses.

WETLAND HYDROLOGY

The sum total of wetness characteristics in areas that are inundated or have saturated soils to within eighteen (18) inches of the surface for a sufficient duration to support hydrophytic vegetation.

WETLAND PERMIT

That form of written approval required by Zoning Law § 260-34 allowing for a specific regulated activity in a regulated area.

- B. Regulated areas. Areas subject to a review under this section are as follows and more specifically defined in Zoning Law § 260-34A:
- (1) Waterbodies.
 - (2) Watercourse buffer areas.
 - (3) Watercourses.
 - (4) Wetlands (freshwater wetlands).
 - (5) Wetland buffer areas.
- C. Regulated activities. The following activities shall require a wetland and watercourse permit when conducted within a regulated area:
- (1) Any form of mining, dredging or excavation and any grading or removal of soil, mud, sand, gravel, peat, silt or any other earth material, either directly or indirectly.
 - (2) Any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly.
 - (3) Construction or enlargement of any building or structure except as allowed by Zoning Law §§ 260-34D(13) and (14), whether or not the same affects the ebb and flow of water.
 - (4) Construction of any road, driveway or parking facility, or paving, or establishment of trails consisting of impervious surfaces for vehicles, whether or not the same affects the ebb and flow of water.
 - (5) Placement of any obstructions within a wetland, water body and/or watercourse, whether or not the same affect the ebb and flow of water.
 - (6) Draining or ditching with the intent of mosquito control.
 - (7) Creation of a diversion of water flow on any watercourse, including but not limited to

constructing dams, docks (pilings), or bridges.

- (8) Timber harvesting or clearing of vegetation, except as allowed without a wetland and watercourse permit pursuant to Zoning Law § **260-34D**.
 - (9) Commercial use or storage of any chemicals, dyes, fertilizers, fuels, herbicides, pesticides, petroleum products, de-icing materials, or similar materials in any regulated area, such that the same may cause pollution of waters.
 - (10) Introduction of any influents of high thermal content to a wetland, water body or watercourse, as may be capable of causing deleterious ecological effect. Deleterious effects shall be defined in accordance with the New York State Department of Environmental Conservation, Chapter X, Division of Water, Part 704 regulations, or its successor.
 - (11) Installation of septic disposal systems or swimming pool drainage systems; discharging sewage treatment effluent or other liquid wastes; construction of wells; or installation of any pipe or other conduit in a regulated area; whether or not said activities affect the ebb and flow of water.
 - (12) Withdrawal of ground- or surface water in excess of two thousand five hundred (2,500) gallons per day for more than seven (7) days in the course of one (1) year which may cause an increase or decrease in the flow, velocity or volume of water in any watercourse or water body (excluding the natural seasonal fluctuations of said watercourse or water body and controlled dam releases);
 - (13) Interbasin transfers of water (such as water supply distribution systems and sewer systems) of more than ten thousand (10,000) gallons per day from one watershed to another watershed.
 - (14) Any other activity which impairs the function of a wetland, water body or watercourse as defined in Zoning Law § **260-34B**, unless said activity is allowed without a wetland permit under § **260-34D**.
- D. Nonregulated activities. The following activities may be conducted within a regulated area, as defined in Zoning Law § **260-34B**, without a wetland and watercourse permit to the extent that such activities do not constitute a pollution or erosion hazard or interfere with proper drainage. Such non-regulated activities shall conform to all other applicable ordinances and/or laws.
- (1) Creation or maintenance of an artificial pond less than one tenth (1/10) of an acre (4,356

square feet) in size, provided the pond does not alter the flow, function or value of existing, regulated waterbodies, wetlands or watercourses as defined herein.

- (2) Creation of an artificial water segment, such as a ditch or swale, to collect diffuse surface runoff, provided that the artificial water segment does not discharge directly into a naturally occurring water body, wetland or watercourse.
- (3) Construction of an addition to an existing single-family residence or existing customary detached accessory structure within a wetland buffer area or watercourse buffer area, which addition shall be no greater than three hundred (300) square feet in structure coverage, and provided that such addition shall be constructed no closer than the existing structure to the top of bank of a regulated watercourse or the delineated wetland or water body boundary.
- (4) Construction or placement of one accessory structure or portable accessory building per lot with a maximum floor area of eighty (80) square feet within a wetlands buffer or watercourse buffer area, providing construction or placement maintains a minimum distance of one half (1/2) the applicable regulated buffer width from the top of bank of a regulated stream and/or delineated wetlands boundary, does not involve land clearing, grubbing, grading, excavation or fill activities and conforms to the applicable provisions of Zoning Law § 260-16.
- (5) Ordinary maintenance and repair of existing functional structures, facilities, or improved areas which do not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, including but not limited to bridges, roads, highways, driveways, walkways, walls, fences, railroad beds, bulkheads, docks, piers, or pilings.
- (6) Installation of fences in a wetland or watercourse buffer if post holes are hand dug and are the only permanent disturbance.
- (7) Public health activities, orders, and regulations of the Ulster County Department of Health and/or the New York State Department of Health for emergencies.
- (8) Operation and maintenance (but not expansion, replacement or enlargement) of dams, retaining walls, terraces, sluices, culverts, or other water control structures or devices, involving the adjustment of water elevations of no greater than eighteen (18) inches from existing levels.
- (9) Normal ground maintenance of existing landscaped or improved areas, including mowing, trimming of vegetation, and removal of dead or diseased vegetation, including trees.

- (10) Harvesting of trees and firewood for the personal use of the property owner providing at least 60 trees of five inches or more in diameter at four and one half (4 ½) feet above ground level are left per acre.
- (11) Commercial logging as defined by Zoning Law §§ **260-63K** and § **260-128**, provided the necessary special use permit is obtained from the Planning Board.
- (12) Any actual and ongoing emergency activity which directly addresses an imminent threat to the protection or preservation of life, property or natural resource values. Such emergency activities include, but are not limited to search-and-rescue operations; activities intended to remedy large-scale contamination of streams or other bodies of water; response to imminent floods, hurricanes, and other storms that follow established emergency response plans for a watercourse; firefighting and public health concerns.
- (13) Deposition or removal of natural products of wetlands in the process of recreational or commercial fishing, aquaculture, hunting, or trapping where otherwise legally permitted and required but excluding excavation and removal of peat, timber or mined material such as gravel.
- (14) Agricultural activities as defined in Zoning Law § **260-128**.
- (15) Removal of invasive species by recipients of grants under the New York State Department of Environmental Conservation's Aquatic Invasive Species Eradication Grant Program or similar program with the same standards of issuance. A copy of such standards shall be available at the offices of the Town of Woodstock Zoning Enforcement Officer and/or Wetland and Watercourse Inspector.
- (16) Preexisting, nonconforming activity or use approved prior to the effective date of this Zoning Law, whether or not such activity or use has commenced provided that the:
 - (a) Approval of such activity or use has not expired and is still valid;
 - (b) Activity or use is not expanded, changed, enlarged, or altered except in accordance with the provisions and procedures set forth herein;
 - (c) Activity or use is not discontinued for a period of twelve (12) consecutive months;
 - (d) Activity or use once destroyed by human activities or a natural catastrophe begins reconstruction within twelve (12) months and is completed within twenty four (24) months.
- (17) The Woodstock Highway Department shall be exempt from the permitting requirements

named herein.

E. Wetland and watercourse permit determination.

- (1) Any person proposing to conduct or causing to be conducted an activity in or near a regulated area as defined in this chapter shall file a request for a wetland and watercourse permit determination with the Town of Woodstock on forms provided by the Building Department as follows:
 - (a) The wetland and watercourse permit determination request shall be filed with the Zoning Enforcement Officer on forms provided by the Building Department for all building permit applications.
 - (b) The wetland and watercourse permit determination request shall be filed with the Planning Board office if the project involves site plan, subdivision or special permit approval.
- (2) Within seven (7) business days of receipt of a complete wetland and watercourse determination application, the Town of Woodstock Zoning Enforcement Officer or the Planning Board office shall forward the application to the Wetland and Watercourse Inspector.
- (3) Site visit(s). The Wetland and Watercourse Inspector, or his/her agent, may enter upon lands or waters so as to undertake investigations, examinations, surveys, or other activity, including the review of applications and determinations of compliance with permits.
- (4) Duties and considerations. The Wetland and Watercourse Inspector shall:
 - (a) Confirm as part of his/her determination that the proposed activity consists of a regulated activity in accordance with Zoning Law § 260-34C or is a nonregulated activity in accordance with Zoning Law § 260-34D.
 - (b) Determine, after a site visit to the subject property(ies), whether the proposed regulated activity is within a regulated area. The Wetland and Watercourse Inspector may utilize all available information to make such a determination, including but not limited to:

[1] New York State Department of Environmental Conservation Freshwater Wetland Maps.

- [2] United States Department of the Interior National Wetlands Inventory Maps.
 - [3] USDA — Natural Resources Conservation Service Revised Soil Survey for Ulster County.
 - [4] Aerial photographs, which may be obtained from the USDA-Soil Conservation Service in Ulster County, or from the Town of Woodstock's Geographic Information System.
 - [5] Flood Insurance Rate Maps, Drainage Reports, and Flood Insurance Studies produced by the Federal Emergency Management Administration.
 - [6] Stable stream channel geometry dimension data as available from NYCDEP or the UCSWCD.
- (5) Written response. Within ten (10) business days of receipt of a complete wetland permit determination application, the Wetland and Watercourse Inspector shall transmit in writing to the Building Department, Planning Board and applicant the determination on whether a wetland and watercourse permit is required. If a determination cannot be made due to lack of information, the Wetland and Watercourse Inspector shall request additional information, including but not limited to a wetland delineation, at this time.
- F. Wetland and watercourse permit application. Upon a determination by the Wetland and Watercourse Inspector that a wetland and watercourse permit is required, a wetland and watercourse permit application shall be filed by the applicant with the Planning Board on forms furnished by the Planning Board office. An application for a wetland and watercourse permit shall include the following information:
- (1) The completed original application and five (5) copies of all forms.
 - (2) The application fee as specified by the fee schedule established by the Town Board and available from the Planning Board office.
 - (3) A description of the proposed work and the purpose thereof, and an explanation why the proposed activity cannot be located outside of wetlands, watercourses and associated buffer areas.
 - (4) Owner's permission to allow site visits to subject property by Town authorities.
 - (5) The name(s) and mailing address(es) of the owner(s) of record of lands adjacent to the property(ies) where the proposed regulated activity will be located. The names and addresses shall be as they appear on the tax roll of the Town of Woodstock.

- (6) A completed long or short Town of Woodstock environmental assessment form (EAF) as required by Local Law No. 1 of the year 1990, the Town of Woodstock Environmental Quality Review Law (TWEQR).
- (7) Copies of all applicable local, county, state, and federal permits or other permit applications that are required for proposed activities.
- (8) A project location map which indicates the approximate boundaries of the property in relation to surrounding land and roadways on a United States Geological Survey or New York State Department of Transportation topographic map having a scale of no less than one (1) inch equals two thousand (2,000) feet.
- (9) A detailed map of the subject property(ies), drawn to a scale of not less than one inch equals fifty (50) feet and showing:
 - (a) An existing conditions plan depicting all existing structures and improvements, including buildings, drainage structures, wells and septic systems, and depicting all natural resources to be impacted such as trees, ridgelines, woodlands, and stone walls located on the subject property(ies).
 - (b) The approximate boundaries of all areas of one-hundred-year floodplains, wetlands, watercourses and associated buffer areas.
 - (c) A grading and drainage plan showing contour lines at two-foot intervals in the area to be disturbed and depicting existing and proposed topographic conditions.
 - (d) All proposed site improvements, including all areas to be disturbed, structures, roads, parking areas, sewage disposal facilities, water supply facilities, drains, culverts, stormwater treatment facilities, fences and walls.
 - (e) A stormwater pollution prevention plan (SWPPP) in accordance with the New York State Stormwater Management Design Manual where required by state law.
 - (f) Where creation of a lake, pond, detention or other water impoundment is proposed, details of the construction of any dams, berms, embankments, outlets or other water control devices.
 - (g) A request for any waivers in accordance with Zoning Law § 260-34G(6).
- G. Planning Board procedures and standards. Upon receipt of a completed application, the Clerk of the Planning Board shall schedule the application for sketch review at the next available time on the agenda and shall transmit a copy of said application to the Woodstock

Environmental Commission for its review. Planning Board review shall follow the procedures and standards set forth herein.

- (1) Planning Board review of application. At sketch review, the Planning Board shall determine whether the application is complete pursuant to Zoning Law § **260-34F**. When the wetland and watercourse permit application is in conjunction with a site plan, subdivision and/or special permit application pursuant to the Town of Woodstock Town Code, the Planning Board shall consider whether the following additional information is required based on the project's scope, the basic land use and design:
 - (a) A wetland delineation report in accordance with the standards set forth in this chapter and prepared by a qualified wetland delineator. The report shall include the identification of hydrophytic vegetation, wetland hydrology, and a description of the soil types on site, including all hydric inclusions per soil type and field-observed indicators of hydric soils and shall confirm the limits of the wetlands as shown on the plans. The description of the vegetative cover of the regulated area shall include the dominant species and their wetland classified status [Facultative (FAC), Facultative Wetland (FACW), Facultative Upland (FACU), Obligate Wetland (OBL)].
 - (b) Detailed maps of the proposed site improvements containing the elements required by Zoning Law § **260-34F(9)** above and certified by an engineer, architect, land surveyor, or landscape architect licensed in the State of New York, drawn at a scale of no greater than one (1) inch equals fifty (50) feet, and supplemented by one (1) or more of the following:
 - [1] The boundaries of all wetlands, watercourses and associated buffer areas as identified and delineated by a qualified scientist/wetland delineator on a survey documenting the field delineation. This survey shall have been completed no more than eighteen (18) months prior to the date of filing of the application and shall utilize the Wetland Delineation Manual.
 - [2] The locations and specifications for all proposed draining, fill, grading, dredging, drainage-way modifications and vegetation removal, including the areas and quantities proposed for deposition or removal, the procedures to be used and the dominant species of vegetation to be removed.
 - [3] Groundwater table elevations indicating depth to groundwater and direction of flow and hydrologic connections with surface water features.
 - [4] Location of the construction area and proposed area of disturbance in relation

to all property lines, roads, buildings, wetlands, watercourses and associated buffer areas within five hundred (500) feet utilizing available aerial photography, orthoimagery, land surveys or similar resources.

- [5] A grading and drainage plan showing contours lines at two-foot intervals in the area to be disturbed and depicting existing and proposed topographic conditions.
 - [6] Details on any existing and proposed drainage facilities, including locations of any point discharges, artificial inlets, or other conveyances which would discharge into the wetland, watercourse or associated buffer, and measures proposed to control erosion both during and after the proposed work, including a schedule for installation and maintenance for such measures.
- (c) An analysis of wetland and watercourse hydrologic systems prepared by a qualified wetland delineator or similar specialist. The analysis shall include how the hydrological system will be affected by the proposed action, including water retention capacity, water flow or other drainage characteristics.
 - (d) A floodplain encroachment analysis or a floodplain modeling and analysis consistent with HEC-RAS procedures or its successor.
 - (e) Where appropriate, the Planning Board may, at its discretion, require that the list of contiguous property owners also include those contiguous to the subject watercourse(s) for a distance of five (500) feet upstream and downstream from the subject property and those within or contiguous to the subject wetland(s).
 - (f) Correspondence from the New York Natural Heritage Program on significant natural communities, rare plants and animals and threatened and endangered species on site and in the immediate area.
 - (g) Description of all proposed temporary disruptions or diversions of local hydrology and proposed mitigation measures.
 - (h) The Planning Board may require additional information deemed necessary to evaluate the proposed regulated activity in terms of reducing potential impacts on wetlands, waterbodies, watercourses and wetland/watercourse buffers. Such information may include, but is not limited to, the study of other hazards at the site, and the effect of any protective measures that might be taken to reduce such hazards.
- (2) Standards for permit review. In the review of permit applications, the Planning Board

shall require all applicants to demonstrate the following in priority order:

- (a) First, applicants must demonstrate that potential wetland and watercourse impacts and losses cannot be entirely avoided.
 - (b) Second, applicants must demonstrate that any unavoidable impacts and losses to wetland and watercourse functions or benefits can and will be minimized to the greatest extent practicable.
 - (c) Finally, applicants must fully mitigate any remaining adverse impacts and losses to wetlands, watercourses and adjacent buffer areas and the functions and benefits of such resources, and must demonstrate that there will be no net loss of wetland acreage through a mitigation plan pursuant to Zoning Law § **260-34H**.
- (3) Recordkeeping. All information relating to a wetland and watercourse permit application, including but not limited to the application itself, additional required materials or information, notices, record of hearings, written comments, and findings shall be maintained on file in the office of the Planning Board.
 - (4) Consultant review. In its review of the wetland and watercourse permit application, the Planning Board may consider the recommendation(s) of the Woodstock Environmental Commission. The Planning Board may seek the advice of its designated private consultants, the Zoning Enforcement Officer, the Superintendent of Highways, other local and county officials, in addition to representatives of federal and state agencies, including, but not limited to the Natural Resources Conservation Service, the New York State Department of Transportation (DOT), the New York State Department of Environmental Conservation (DEC) and the Army Corps of Engineers. Designated consultant fees shall be paid by the applicant in accordance with Zoning Law § **260-34L**.
 - (5) Simultaneous review. Nothing herein shall prohibit simultaneous review of a wetland and watercourse permit application with all other applications requiring Planning Board approval; however, a separate fee and wetland and watercourse permit application shall be filed by the applicant with all other required applications. Issuance of a separate wetland and watercourse permit shall be required.
 - (6) Waivers.
 - (a) Should the Planning Board determine, after reviewing the application, and upon the recommendation of the Wetland and Watercourse Inspector, that the proposed activity will have no significant negative impacts on the values and functions of the regulated area, the Planning Board shall have the power to:

- [1] Waive the public hearing required by Zoning Law § 260-34J.
 - [2] Waive the requirement for the mitigation plan required by Zoning Law § 260-34H.
 - [3] Waive any application information requirements as set forth herein.
- (b) The decision and reasons for any such waiver shall be clearly set forth in the official record.
 - (c) The abovementioned waivers may also be granted for a proposed action of a significant nature when the proposed action consists of a specific, independent watercourse, wetland or wetland/watercourse buffer restoration project and a restoration plan has been submitted to the Planning Board.

H. Wetland/watercourse mitigation plan.

- (1) The Planning Board shall require the applicant to prepare and submit a wetland/watercourse mitigation plan when the Planning Board has determined that either losses or impacts to the wetland, watercourse or wetland/watercourse buffer area are necessary and unavoidable. For the purposes of this Zoning Law, wetland, watercourse or wetland watercourse buffer area impacts are necessary and unavoidable only if all of the following criteria are satisfied:
 - (a) The proposed regulated activity is compatible with the public health, safety, and general welfare.
 - (b) There is no feasible or practical alternative to the proposed regulated activity, including, but not limited to, reduction in density, change in use, revision of road and lot layout, and/or related site planning considerations, that could accomplish the basic objectives of the proposal.
 - (c) There is no practicable alternative to the proposed regulated activity on another portion of the subject property that is not within a wetland, watercourse or wetland/watercourse buffer area.
- (2) Mitigation plan format. The minimum components of the wetland/watercourse mitigation plan shall be:
 - (a) A project narrative, describing:
 - [1] The project name, the name of all responsible parties (applicant and applicant

representatives), a description of the proposed activities, their location and any available watercourse or wetlands classification (NYSDEC and National Wetlands Inventory).

- [2] Existing conditions, including soil types, vegetation, land uses, fauna, hydrological characteristics, wetland or watercourse size, size of undisturbed buffer areas.
 - [3] The proposed action's impacts on the regulated area, including the size of the area disturbance, effects on hydrological functions and values, effects on vegetation and effects on fauna.
 - [4] The mitigation alternatives to be employed, rationale for why they were chosen, the sequence for implementation, their success criteria and monitoring provisions as required by Zoning Law § 260-34OH(3).
- (b) Elements of the mitigation plan requiring site improvements, such as constructing vegetative swales or detention areas, shall be depicted on the detailed site plan required by Zoning Law § **260-34F**.
 - (c) A landscaping/planting plan, which shall include, but is not limited to, drawings depicting plant species, plant distribution, number and spacing, plant height at the time of planting, a replacement plan for dead or dying plantings, soil enhancements if necessary, erosion control methods and irrigation plan if necessary.
 - (d) All temporary sediment and erosion controls and stream/wetlands crossing mitigation methods to be employed shall be depicted on the detailed site plan required by Zoning Law § **260-34F**.
 - (e) Any wetland creation or restoration mitigation plan shall be no less comprehensive than that recommended by the ACOE's, "Operation Guidelines for Creating or Restoring Wetlands that are Ecologically Self-Sustaining," or its successor.
- (3) Mitigation plan alternatives. Acceptable mitigation must be provided to minimize impacts to the maximum extent practicable. Wetland and/or watercourse mitigation measures shall employ generally accepted methodology, including, but not limited to, the ACOE's "Operation Guidelines for Creating or Restoring Wetlands that are Ecologically Self-Sustaining;" New York Code of Rules and Regulations (NYCRR), Chapter X, Part 663.5 regulations pertaining to freshwater wetland permit requirements; the Federal Interagency Stream Corridor Restoration Working Group, "Stream Corridor Restoration" manual; the New York State Department of Environmental Conservation's

"Stream Crossing: Guidelines and Best Management Practices;" and any locally adopted guidelines or manuals. The following additional mitigation measures may be considered:

- (a) Restricting activities within buffer areas by the establishment of a conservation easement, deed restriction or permanent greenbelt around wetlands and watercourses and generally prohibiting any activity within buffer areas which would negatively impact their function.
- (b) Increasing width of the wetland/watercourse buffer area in one area of the wetland or watercourse to compensate for unavoidable encroachment in another area on a two-for-one areal basis. Establishment of buffer area could include improving the density and diversity of native woody plant species.
- (c) Submission of a mitigation fee specified in the Town of Woodstock development fee schedule in lieu of on-site mitigation/restoration activities where it can be proven that there is no practicable method to mitigate and/or minimize to the maximum extent possible impacts to a wetland, watercourse or wetland/watercourse buffer area. In no instance shall a fee be imposed or accepted where it is found other forms of mitigation are possible. Wetland mitigation fees must be placed in a special reserve fund as established under the provisions of § 6 of the New York State General Municipal Law for Town of Woodstock wetland and watercourse restoration projects.
- (d) As part of a wetland/watercourse mitigation plan, the applicant may be required to provide for the hiring, by the Town at the applicant's expense, an environmental monitor who, at the discretion of the Planning Board, shall be responsible for either short- or long-term inspections and assessment of permit compliance and wetland mitigation conditions, as may be needed to assure the effectiveness of the overall mitigation plan in protecting wetland, watercourse and/or wetland/watercourse buffer area resources. To conduct environmental monitoring, the Town may contract with a qualified professional consultant(s), an academic institution, an independent research group, or other qualified professional(s). The Town may also use its own staff expertise.
- (e) When required pursuant to Zoning Law § **260-34H(3)(d)**, the requirements for environmental monitoring procedures shall be specified in the wetland/watercourse mitigation plan in accordance with the provisions of § **260-34O** and shall include but not be limited to:

[1] The time period over which environmental monitoring shall occur, said period

to be no less than three (3) years.

[2] Field measurements to verify the size and location of the impacted regulated areas and the restored/replaced mitigation area.

[3] Date by which the restoration/replacement is required to be completed.

[4] Field verification of the persistency of the vegetative, hydrologic, and soils criteria as specified in the mitigation plan and wetland permit.

I. Inactive applications. A wetland and watercourse permit application must be diligently pursued by the applicant. Should any application before the Planning Board remain inactive for one year pending submission of required information, and in absence of a written update and request for additional time from the applicant within this period, the application shall be considered withdrawn. A withdrawn application may be resubmitted as a new application, subject to all applicable fees and review requirements of this section of this Zoning Law.

J. Public hearing. A public hearing shall be required as follows:

- (1) Upon a determination by the Planning Board that an application for a wetland and watercourse permit is complete, the Planning Board shall set a public hearing which shall commence no later than sixty two (62) days after a determination.
- (2) Notice of the public hearing shall be published at least once in the official newspaper(s) of the Town. Said notice shall appear at least five (5) days before such hearing. At least ten (10) days before the commencement of the public hearing, the Planning Board shall send a copy of said notice to all property owners whose names have been provided by the applicant pursuant to Zoning Law § 260-34F.
- (3) All applications, maps, and documents relating to the proposed regulated activity shall be available for public inspection in the office of the Planning Board at least ten (10) days prior to the public hearing.
- (4) Any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act.

K. Planning Board decision.

- (1) Within sixty two (62) days of the close of a public hearing, the Planning Board shall issue a written decision approving, approving with conditions or denying the proposed application for a wetland and watercourse permit.

- (2) Such decision shall be filed in the office of the Woodstock Town Clerk within five business days. A copy of the filed decision shall be sent to the applicant, Zoning Enforcement Officer, Wetland and Watercourse Inspector and any affected municipality which was given notice of the public hearing.
- (3) Any person or persons who may be individually, jointly or severally aggrieved by any decision of the Planning Board rendered under the provisions of this Subsection **K** of this Zoning Law may apply to the New York State Supreme Court for review of such decision under the provision of Article 78 of the Civil Practice Law and Rules (CPLR) of New York State, provided that such proceeding shall be instituted within thirty (30) calendar days after the filing of the decision of the Planning Board in the office of the Town Clerk.
- (4) The Planning Board decision shall set forth, in writing, the grounds for its determination and shall include specific findings with respect to:
 - (a) The impact of the proposed regulated activity upon wetland, watercourse and wetland/watercourse buffer functions, including:
 - [1] Infilling of a wetland and watercourse, or other modification of topographic contours.
 - [2] Disturbance or destruction of flora and fauna, including disturbance of significant habitats and/or impacts on rare and endangered species.
 - [3] Influx of sediments or other materials causing increasing water turbidity and/or substrate aggradation.
 - [4] Removal or disturbance of wetland, watercourse and wetland/watercourse buffer area soils.
 - [5] Destabilization of a stream channel or stream bank.
 - [6] Reductions and/or increases in wetland and watercourse water supply.
 - [7] Interference with the circulation of water within or through a wetland or watercourse.
 - [8] Damaging thermal changes and/or nutrient levels changes in the water supply within or through a wetland or watercourse.
 - [9] Any other considerations which the Planning Board deems pertinent.

- (b) Any existing wetland, watercourse or wetland/watercourse buffer area impacts.
 - (c) Impact of the proposed regulated activity and reasonably anticipated similar activities upon flood flows, flood storage, upstream and downstream channel and bank stability, storm barriers, and water quality.
 - (d) Safety of the proposed activity from flooding, erosion, hurricane winds, soil limitations, and other hazards, and possible losses to the applicant and subsequent purchasers of the land.
 - (e) Compliance with federal, state, county, and local land use regulations.
 - (f) Availability of a practicable alternative for the proposed regulated activity.
 - (g) Whether the impacts are necessary or unavoidable based on the criteria listed in Zoning Law § 260-34K(4).
 - (h) The impact of the proposed regulated activity upon neighboring land uses (where Town records are available).
 - (i) The overall impact of the proposed regulated activity upon public health and safety.
- (5) Criteria for denial. The Planning Board shall deny a permit if it finds that:
- (a) It has been given written notice by the appropriate federal or state agency that the proposed regulated activity will threaten a rare or endangered plant or animal species, or violate other federal or state standards and regulations.
 - (b) The proposed regulated activity will be a detriment to the wetland, watercourse or wetland/watercourse buffer area, and/or associated functions and values of these resources, measured by the factors listed in Zoning Law § 260-34K(4), and this detriment outweighs the cumulative benefits associated with the activity.
 - (c) There is a feasible alternative for the proposed regulated activity on site which does not impact a wetland, watercourse or wetland/watercourse buffer or which can be practicably relocated on the site so as to eliminate or reduce the intrusion into the regulated area.
 - (d) The proposed regulated activity will cause a nuisance to neighboring property(s) or threaten public health and safety.
 - (e) The proposed activity will violate other local standards and regulations.

- (f) The proposed mitigation plan shall not meet the requirements of Zoning Law § ~~260-34H~~ and/or fails to protect the impacted wetland, watercourse and/or wetland/watercourse buffer area; or achieve to the greatest extent practicable, the Town's goal of no-net-loss of wetlands.
- L. Reimbursable costs. Reasonable costs incurred, or expected to be incurred, by the Planning Board for private consultation fees for technical, biological, and engineering services, legal fees, or other expenses in connection with the review of a proposed permit application and wetland/watercourse mitigation plan shall be charged to the applicant and deposited in an escrow account. Such reimbursable costs shall be in addition to the application fee required in this section. All costs charged to the applicant shall be in accordance with the Town of Woodstock's development fee schedule. If the applicant fails to submit the necessary fees for an outside consultant review or there are unpaid amounts for which the applicant is responsible pursuant to this Subsection L, the Planning Board in its discretion may cease review of the application until such amounts are paid; or deny the application. In no event, however, shall any approval be made until all such sums have been paid in full.
- M. Approved wetland and watercourse permits. A wetland and watercourse permit shall be issued by the Planning Board once all conditions of written decision approving the application have been met.
 - (1) All approved wetland and watercourse permits issued pursuant to this Zoning Law shall be filed with the Wetland Inspector, Zoning Enforcement Officer and Town Clerk.
 - (2) All wetland and watercourse permits shall be issued pursuant to this Zoning Law in written form and shall include the following conditions:
 - (a) Work conducted under a wetland and watercourse permit shall be open to inspection at any time by the Wetland and Watercourse Inspector, Zoning Enforcement Officer or his/her agent.
 - (b) The wetland and watercourse permit expiration date shall be clearly noted and shall be pursuant to the time periods specified by this Zoning Law.
 - (c) The wetland and watercourse permit issued by the Planning Board shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
 - (3) The Planning Board may impose such conditions to any wetland and watercourse permit approval as may be necessary to assure compliance with the purposes and intent of this chapter.

- (4) All wetland and watercourse permits shall expire upon completion of the activities specified and, unless otherwise indicated, shall be valid for a period of one (1) year from the date of issue. Upon written request by the original permit holder or his/her legal agent, the Planning Board may extend the expiration date of the permit for a time not to exceed that necessary to insure the work required by the permit is completed, if in its opinion such extension is warranted. Requests for extensions shall be submitted prior to the expiration date of the permit.
 - (5) Upon satisfactory completion of the work authorized under the wetland and watercourse permit, the Wetland and Watercourse Inspector shall recommend to the Zoning Enforcement Officer the issuance of a certificate of compliance.
 - (6) Failure to comply with the conditions of the wetland and watercourse permit shall be deemed a violation of this chapter.
- N. Time extensions. The applicant and Planning Board may mutually consent to extend the time for any determination or decision on the application. Any such extension must be in writing or recorded in the minutes of the Planning Board meeting at which the extension of time was granted.
- O. Environmental monitoring.
- (1) The Planning Board may require, as a form of mitigation, monitoring of any approved wetland/watercourse mitigation plan to determine whether the elements of the granted wetland permit and approved wetland/watercourse mitigation plan have or are being met, and/or what additional mitigative measures must be taken to assure compliance with the approved wetland permit.
 - (2) The Planning Board may require the applicant to establish a monitoring escrow account with the Town to offset the costs of hiring an environmental monitor for this purpose. The total amount to be deposited for monitoring shall be determined by the Planning Board upon approval of a wetland permit or may also be established prior to the commencement of any permitted regulated activity and shall be based upon the Town of Woodstock development fee schedule. To perform specific monitoring duties as defined in the permit, the Planning Board may contract with a qualified professional consultant(s), an academic institution, an independent research group, or other qualified professional(s), or may use its own staff expertise.
 - (3) The requirements for monitoring shall be specified in the mitigation plan and shall include but not be limited to:

- (a) The time period over which environmental monitoring shall occur, said period to be no less than three years.
- (b) Field measurements to verify the size and location of the impacted regulated areas and the restored/replaced mitigation area.
- (c) Date by which the restoration/replacement is required to be completed.
- (d) Field verification of the persistency of the vegetative, hydrologic, and soils criteria as specified in the mitigation plan and wetland permit.

P. Bonds and guarantees.

- (1) The Planning Board may require the permittee to file with the Town Board a maintenance bond or letter of credit in an amount equal to one hundred percent (100%) of the cost estimate for implementation of the required wetland/watercourse mitigation plan. The maintenance bond or letter of credit shall be adequate to assure the satisfactory establishment of hydrological and vegetative restorations for a period of not less than three and not greater than five years following the completion and acceptance of the wetland/watercourse mitigation plan by the Town Board. Such maintenance bond or letter of credit shall be satisfactory to the designated Planning Board Attorney as to form, manner of execution and surety.
- (2) A performance bond or equivalent security shall be delivered to the Town to guarantee to the Town that the applicant shall faithfully cause to be implemented within a reasonable time any required mitigation plan components.
- (3) Before the Planning Board issues the wetland and watercourse permit the applicant shall provide to the Planning Board a detailed cost estimate of all required mitigation plan components for review and approval by the Planning Board and its designated representatives.
- (4) In an amount set by the Planning Board, the applicant shall file with the Planning Board office either a certified check or performance guarantee to cover the full cost of the required mitigation plan components. Any such performance bond or equivalent security shall be satisfactory to the Planning Board and designated Planning Board Attorney as to form, sufficiency, manner of execution, term and surety. A period of one (1) year shall be set forth in the bond or equivalent security as the period within which the required improvements must be completed. If an extension is requested, the Planning Board may require an increase in the amount of the bond or equivalent security.

- (5) The applicant shall construct all required improvements to the satisfaction of the Planning Board or its designated representatives within the one-year period. For any required improvements not so completed, the applicant shall file with the Planning Board office an additional bond or certified check covering the costs of such improvements.
- (6) The performance bond or equivalent security shall not be released until the Planning Board or its designated representative determine the mitigation plan components successfully implemented in accordance with the approved mitigation and site plan.

Q. Enforcement.

- (1) Site access. Work conducted under an approved wetland and watercourse permit shall be open to inspection by the Wetland and Watercourse Inspector or his or her duly authorized agent.
- (2) Whenever the Wetland and Watercourse Inspector has reasonable grounds to believe that the wetland and watercourse permit holder has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth in the approved application, the Wetland and Watercourse Inspector shall promptly refer the matter to the Zoning Enforcement Officer for issuance of a stop-work order. All work shall be suspended and shall not resume again until such time that the stop-work order has been rescinded by the Zoning Enforcement Officer. Such order and notice shall be in writing, shall state the nature of the noncompliance, shall state the conditions under which the work may be resumed and may be served upon the person to whom it is directed either by delivering it personally to them , or by posting the same in a conspicuous location on the project site and by sending a copy of the same to the person or persons responsible by certified mail. The Zoning Enforcement Officer shall file such order and notice as required for an approved wetland and watercourse permit.
- (3) The Zoning Enforcement Officer is hereby empowered to issue appearance tickets and to enforce the provisions of this chapter.

R. Penalties for violations. Penalties for violation of any section of this chapter shall be applied in accordance with Zoning Law § 260-100.

§ 260-35 Standards for development within the Flood-Fringe Overlay (FF-O) District.

All uses within the Flood-Fringe Overlay District, as mapped by the Federal Emergency Management Agency (FEMA), with the addition of other lands designated by the Town Board of the Town of Woodstock as subject to periodic flooding, shall be subject to the following standards and meet all procedures and requirements of Chapter 82 (Flood Damage Prevention) of the

Woodstock Town Code, as shall be certified to by a registered architect or licensed professional engineer:

- A. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater-related forces.
- B. All construction materials and utility equipment used shall be resistant to flood damage.
- C. Construction practices and methods shall be employed which minimize potential flood damage.
- D. Adequate drainage shall be provided to reduce flood hazard exposure.
- E. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
- F. All water supply and sanitary sewage systems shall be designed to minimize or eliminate floodwater infiltration or discharges into the floodwaters, including the provision that on-site sewage systems shall be located so as to avoid impairment of them or contamination from them during flooding.
- G. All new residential construction or substantial improvement to residential structures shall have the lowest floor, including basement, elevated to at least one (1) foot above the water level of the one-hundred-year flood.
- H. All new nonresidential construction or substantial improvements to such nonresidential structures shall have their lowest floor, including basement, elevated to at least one (1) foot above the water level of the one-hundred-year flood or, as an alternative, be floodproofed up to the same water level, including attendant utility and sanitary facilities.
- I. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one-hundred-year flood more than one (1) foot at any point.
- J. Record of all necessary permits from New York State or Ulster County agencies from which approval is required shall be provided.
- K. Plans shall be submitted showing such information as may be necessary to determine the suitability of the particular site for the proposed development or use, which information shall include but not be limited to the following:

- (1) The location of the lot or construction site in relation to affected watercourses or other bodies of water, boundaries of the Flood-Fringe Overlay District, topography of the site with elevations in relation to mean sea level, existing and proposed buildings and other structures, fill, drainage facilities, and the location and description of any materials proposed to be stored within the Flood-Fringe Overlay District on either a permanent or temporary basis incidental to the proposed project;
 - (2) Elevation in relation to mean sea level of the lowest floor, including basement, of all existing and proposed structures;
 - (3) Elevation in relation to mean sea level to which any nonresidential structure is proposed to be floodproofed, together with its attendant utility and sanitary facilities;
 - (4) Details of how any nonresidential floodproofed structure meets or exceeds essential floodproofing standards, i.e., that floodproofing occur so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (5) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- L. Any use proposed within the Flood-Fringe Overlay District shall include as a condition the additional requirement that certification by a registered architect or licensed professional engineer of as-built compliance with the approved plans be submitted to the Zoning Enforcement Officer prior to either use of the property or issuance of a certificate of occupancy or use for the intended use or structure. This certification shall be maintained by the Zoning Enforcement Officer as a permanent public record available for inspection.

§ 260-36 Standards for development within the Scenic Overlay (S-O) District.

- A. Within the Scenic Overlay District, as determined by the twelve-hundred-foot contour as mapped by the United States Geological Survey (USGS) and as shown on the Zoning Maps, the construction of new houses, house additions exceeding three hundred (300) square feet in floor area, and accessory structures exceeding three hundred (300) square feet in floor area, excluding decks and pools, shall be subject to the special use permit procedure provided by Zoning Law § 260-66.
- B. All development within the Scenic Overlay District shall conform to the standards for the mitigation of visual impact enumerated in Zoning Law § 260-66. In the event that any proposed development within the Scenic Overlay District does not, in the judgment of the Zoning

Enforcement Officer, adequately conform to those standards, the relevant application for a building permit shall be referred to the Planning Board for review under the special use permit procedure provided in Zoning Law § 260-66.

- C. No Floating Residential District shall be established in any portion of the Scenic Overlay District.
- D. Three and four-plex structures shall not be allowed in the Scenic Overlay District. ~~with a special use permit approved from the Planning Board.~~ No other types of multifamily dwellings shall be allowed in the Scenic Overlay District.

§ 260-37 Standards for development within the Hamlet Preservation Overlay (HP-O) District.

Within the Hamlet Preservation Overlay District all exterior alterations which are subject to a building permit, all demolition of buildings or parts of the exteriors of buildings, any erection or relocation of any building, and any alteration subject to site plan review as provided in Zoning Law Article VII shall be subject to a determination by the Commission for Civic Design, as specified in Zoning Law Article XII. The boundaries of the Hamlet Preservation Overlay District shall be as defined in Zoning Law § 260-8C and as shown on the Zoning Maps.

- A. The Hamlet Preservation Overlay District has many significant historic, architectural and cultural resources which it is in the interest of the Town to preserve, protect and enhance. It is the function of the district to protect and enhance the buildings, landmarks, historic structures and distinctive elements of the district in order to ensure the harmonious, orderly and efficient growth and development of the Town. The Hamlet Preservation Overlay District shall be maintained and preserved to promote its use for the education, pleasure and welfare of the citizens of Woodstock and visitors.
- B. Further, the purpose of the Hamlet Preservation Overlay District is as follows:
 - (1) To encourage good qualities of exterior building design and good appearances and to relate such design and appearances to the sites and surroundings of structures within the district;
 - (2) To preserve the prevailing aesthetic character of the district and to enhance the district by means of complementary building design;
 - (3) To ensure that the design and location of any proposed structure or the addition, alteration or reconstruction of existing structures is in harmony with the existing location of its site and/or the existing structure as well as neighboring properties and the existing property location;
 - (4) To discourage and prevent such design and appearances that would adversely affect neighboring property(ies);

- (5) To prevent such design and appearances as are unnecessarily offensive to visual sensibilities, which impair the use, enjoyment or value of neighboring properties in the district and/or the health, safety or general welfare of the community at large;
 - (6) To preserve existing residential structures in the district and to encourage their continued use as residences;
 - (7) To ensure that the facades of buildings and structures within the district shall be compatible with those of nearby buildings and structures and, where possible, shall be of wood, with use of plastic and metal to be kept at a practical minimum; the facade treatment shall not impair the historic or architectural value or worth of surrounding property and thus lead to the degradation of property values; and
 - (8) To ensure that consideration shall be given to the historic, architectural and cultural value and significance of buildings and structures within the district and their relationship to the surrounding area as well as any other factors deemed pertinent for the benefit of the Town of Woodstock.
- C. For design guidelines pertaining to multifamily housing, see Zoning Law Article VIII, Section 260-90.
- D. Nothing contained herein shall be deemed to prevent the ordinary and necessary maintenance and repair of any exterior architectural feature(s) of a structure within the Hamlet Preservation Overlay District which does not involve a significant change in design, material or outward appearance thereof. However, all such changes shall comply with the pertinent provision of this Section and Zoning Law Article XII.

§ 260-38 Standards for development within the Gateway Overlay (G-O) District.

The purpose of the Gateway Overlay District shall be as described in Zoning Law § 260-8D. All development within the Gateway Overlay District shall be subject to the special use permit procedures provided by Zoning Law § 260-67. The boundaries of the Gateway Overlay District shall be as defined in Zoning Law § 260-67H and as shown on the Zoning Maps.

§ 260-39 Standards for development within New York State and National Registered Historic Districts and for Structures on the Town Historic Register.

- A. In order to preserve, protect and enhance the existing character of the built environment in the Town of Woodstock and discourage new construction and alterations that may be architecturally incompatible (for example, of a "highway commercial" or "franchise modern" architectural style), development within State or National Register Districts and on structures

listed on the Town of Woodstock Local Historic Structures Register, shall be subject to design review by the Commission for Civic Design.

- B. Before either a building permit or certificate of occupancy or use may be issued for the following types of development, the Zoning Enforcement Officer shall refer the full application to the Commission for Civic Design for its review and recommendation.
- C. Whenever an application for site plan approval or for a special permit is located within a State or National Historic District, or involves a structure included on the Town of Woodstock Local Historic Structures Register, the application shall be referred to both the Planning Board and the Commission for Civic Design. The Planning Board shall not make any final decision on applications for site plan approval or for a special permit until the Commission for Civic Design has made a recommendation pursuant to Zoning Law Article XII.
 - (1) For individual structures or districts included within the New York State Register of Historic Places and/or the National Register of Historic Places, such review shall take into account the Secretary of the Interior's Standards for Rehabilitation.
 - (2) For any individual structure included within the Town of Woodstock Local Historic Structures Register, such review shall address methods for the preservation, protection and enhancement of significant exterior architectural and site features.

§ 260-40 Standards for development within Light Industrial (LI) Districts.

The Town Board may, after Planning Board review, public notice and hearing, approve the development of a parcel of land for light industrial use and establish a Special Light Industrial District for such development to be imposed on any R5, R3, or R1.5 District, subject to the following conditions:

- A. Location and minimum required acreage of site.
 - (1) R5 District: eight (8) acres.
 - (2) R3 District: five (5) acres.
 - (3) R1.5 District: three (3) acres.
- B. Individual uses and structures shall comply with the specific building location, height, and open space requirements for the appropriate Light Industrial District as specified in Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*.
- C. Permitted and prohibited uses.
 - (1) Permitted uses:

- (a) Any use permitted by right in Light Industrial Districts.
 - (b) Any use permitted by special permit in Light Industrial Districts subject to the favorable approval thereof by the Planning Board as specified in Zoning Law Article VI.
- (2) Prohibited industrial uses are delineated in Zoning Law § 260-15.
- D. Area and bulk regulations for Light Industrial Districts in existence prior to the adoption of this Zoning Law.
 - (1) Less than three (3) acres: use setbacks required for an LI District in an R1.5 District.
 - (2) Three to five (5) acres: use setbacks required for an LI District in an R3 District.
 - (3) Over five (5) acres: use setbacks required for an LI District in an R5 District.
- E. Minimum size for general or professional office uses in Light Industrial Districts. The first or single office occupancy on a light industrial parcel shall occupy a minimum of two thousand (2,000) square feet. Each additional occupant on said parcel shall occupy a minimum of one thousand five hundred (1,500) square feet.
- F. Performance standards for Light Industrial Districts. The general performance standards listed in Zoning Law § 260-29, as well as all standards listed below, shall apply to all Light Industrial Districts. Where any two (2) standards are at variance, the stricter standard shall apply.
 - (1) Smoke and particulate matter.
 - (a) Definitions. For the purposes of this subsection, the following terms are defined as follows:

PARTICULATE MATTER

Material, including smoke, discharged into or suspended in the atmosphere in finely divided form.

RINGELMANN CHART

The Ringelmann Chart described in United States Bureau of Mines Information Circular 6888 provides standards for estimating the light-obscuring capacity, and thus the density, of smoke. Ringelmann numbers are used for identifying the standardized elements of the Ringelmann Chart.

SMOKE

Particulate matter resulting from the process of combustion.

SMOKE UNITS

Numbers obtained by multiplying the number used to identify density on the Ringelmann Chart by time of emission in minutes of smoke at that density.

- (b) Method of smoke measurement. For the purpose of grading the density of emission of smoke, the Ringelmann Chart shall be employed. For the purpose of determining smoke units, the Ringelmann density reading shall be made at least once every minute during the period of observation. Each reading (Ringelmann number) shall be multiplied by the time in minutes for which it was observed during the total period of observation. This total shall then be converted into units per hour.
- (c) Maximum permitted emission of smoke. The emission of more than ten (10) smoke units per hour per stack, and smoke with a density in excess of Ringelmann No. 2, is prohibited, except as indicated below. For special operations, the following limitations apply:
 - [1] Maximum frequency permitted for special operations:
 - [a] For rebuilding fires within a twenty-four-hour period: once.
 - [b] For banking or cleaning fires, soot blowing, or process purging: once in six hours.
 - [2] Maximum smoke units permitted per hour per stack during special operations:
 - [a] Ringelmann No. 1: 20.
 - [b] Ringelmann No. 2: 10.
 - [c] Ringelmann No. 3: three.
- (d) Method of measuring emission of particulate matter from all sources.
 - [1] Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - [a] Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.
 - [b] Adding together individual gross rates of emission shall give the total net

rate of emission from all sources of emission within the boundaries of the lot.

- [2] In addition, the Town Board, in its review of the proposed Light Industrial District, may require any smoke emission standards which are accepted by the New York State Department of Environmental Conservation (DEC), the United States Environmental Protection Agency (EPA), or other appropriate governmental agency, which standards are of equal or greater restrictiveness with respect to the above list of standards.
- (2) Odorous matter. No discernible odor shall be permitted at the property line of the Light Industrial District from which the odor is emitted.
- (3) Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases, or other matter outside the structure in which the use is conducted.
- (4) Solid waste. Based on the solid waste study required under the provisions of this section, the Town Board shall set appropriate solid waste and recycling requirements. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street and from any adjoining property and in such manner as to discourage the breeding of rodents or insects.
- (5) Parking and loading, signs, fences and walls and screening. Regulations regarding parking and loading standards, signs, fences and walls, and screening are found in Zoning Law §§ 260-30, 260-31, 260-32 and 260-45.
- (6) Traffic. Based on the traffic study that may be required under Subsection **G(1)(d)** below, the Town Board may require appropriate traffic mitigation measures to be undertaken, such as requiring the applicant to provide traffic improvements as a condition for granting the Light Industrial District designation, or to reduce the size or density of the proposed Light Industrial District.
- (7) Access drive. No access drive for any Light Industrial District shall be within three hundred (300) feet of any school, public library, theater, church or other public gathering place, park, playground, or fire station unless the development proposed for such district would not generate in excess of sixty (60) vehicle trips using such access during the weekday p.m. peak hour, nor more than two hundred fifty (250) average vehicle trips per weekday, and further provided that the level of service (LOS) of such access roadway would not be changed by such traffic generation. Anticipated trip generation shall be determined by the use of the most recent ITE Trip Generation Rates for the particular use

proposed. In each instance, the Town Board shall make a specific finding that the traffic and trip generation from the particular use(s) proposed for the special Light Industrial District under consideration will not have a significant adverse impact upon traffic movement and safety.

- (8) Additional standards. The Town Board may establish any additional standards appropriate to the Light Industrial District or to the industry or industries that will be located there.

G. Procedure.

- (1) Application for light industrial classification of a site shall be filed by the owner or several owners jointly, or the holder of a written option to purchase the site, with the Town Clerk in writing in a form required by the Town Board and shall be accompanied by a certified check for \$1,500, to be applied toward the cost of advertising public hearings on said application and toward any consulting fees incurred by the Town Board and/or Planning Board with respect to the application. The applicant shall also submit the following:
 - (a) A plan of the entire proposed Light Industrial District drawn to scale and accurately dimensioned, showing the location of existing and proposed lots, buildings, internal roadways and structures, parking and loading areas, access roads and streets, community facilities and topography.
 - (b) The use and height of each proposed building or structure, the number of parking spaces in each parking area, and the expected flow of traffic in and out of the area.
 - (c) A comprehensive solid waste study and its impact on the Town of Woodstock landfill and recycling program shall be undertaken. The solid waste study shall identify the wastes to be created by the proposed Light Industrial District and relate the wastes to Woodstock's recycling and waste management programs.
 - (d) The Town Board or the Planning Board may require a traffic study to facilitate the mitigation of traffic impact on the neighborhood from the proposed Light Industrial District.
 - (e) Any additional data as may be requested by the Town Board or Planning Board in order to determine the suitability of the tract for the proposed development.
- (2) Each application for light industrial classification shall be referred to the Planning Board. The Planning Board shall report its recommendations prior to the public hearing. If the

Board shall not make its report within forty five (45) days of receiving all additional material requested by the Planning Board, the Town Board may act without such report.

- (3) The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:
 - (a) By publishing a notice of the application and the time and place of the public hearing in a newspaper of general circulation in the Town of Woodstock, as designated by the Town Board, not less than ten (10) days prior to the date of the public hearing.
 - (b) By giving notice of hearing to any required municipal, county, state, or federal agency in the manner prescribed by law. Upon approval of the proposed Light Industrial District, the new district established shall be excepted from the provisions and controls of this chapter only to the extent specified in the approval. Such new district shall become a part of the regulations established herein, which shall be enforced in the same manner, and shall be similarly subject to amendment as all other districts created herein. If construction of the proposed Light Industrial District is not commenced within twelve (12) months after approval by the Town Board, such approval shall be deemed to be revoked and such area shall be subject to the requirements of the prior district regulations.

§ 260-40.a Standards for development within the Water District Wellhead Protection Overlay (WDWP-O) District (Established by Local Law #6 of 2022).

A. Special use permit standards within the Water District Wellhead Protection Overlay (WDWP-O) District.

(1) Activities requiring special use permits in the WDWP-O District.

Within the Water District Wellhead Protection Overlay (WDWP-O) District, no building permit or certificate of occupancy or use shall be issued for any structure or use of land until a special use permit has been issued by the Planning Board, with the exception of the following uses or activities:

- (a) Residential: Interior or exterior improvements, renovations and/or structural alterations or additions to residential structures or their accessory structures that do not involve the creation of additional bedrooms, bathrooms, kitchens, or outdoor water usage such as outside showers, pools, or ponds.
- (b) Commercial: Interior or exterior improvements, renovations and/or alterations or additions to existing commercial or industrial uses provided that such improvements, renovations and/or alterations only affect the interior or exterior

appearance of the commercial or industrial use and do not result in a change of use, a modification to gross floor area, an increase of the number of people using the space, an increase in the number of vehicle trips, or an increase in the amount of wastewater designed to be disposed of on-site.

- (c) Residential and Commercial: Any emergency activity that is immediately necessary for protection of life, property, or natural resources.
- (d) Residential and Commercial: Necessary public water/wastewater improvements, including installation of water mains, sewer mains, construction of municipal treatment and pumping facilities, water supply development, etc., that do not include geothermal or hydropower systems.

(2) Criteria for special use permit issuance.

The Planning Board shall issue such special use permit only where it finds that the proposed use or activity is:

- (a) In accordance with the site use permit standards set forth in §260-62, §260-63, §260-68, and §260-69 as well as other pertinent provisions of this Chapter.
- (b) Not prohibited within the WDWP-O District and complies with all requirements and standards set forth in the WDWP-O District regulations, including those found in §260-40A-C below.

B. Special use permit application procedure.

An application for a special use permit under this Section shall follow the procedure and information requirements as set forth in § 260-68 of this Chapter and shall also include the following information where applicable:

- (1) A description of the existing and proposed conveyance, storage, distribution, use, treatment, and/or disposal of any stormwater, process wastes, wastewater, petroleum, hazardous substances and wastes, solid waste, radiological substances, pesticides, and herbicides.
- (2) An application for any proposed use not served by public sewer that will generate wastewater and has a projected maximum average daily water demand equaling or exceeding the threshold volume shall include a hydrogeologic evaluation of on-site wastewater disposal as defined in this Chapter to be prepared by a professional geologist or a professional engineer experienced in performing similar evaluations.
- (3) A description of the proposed means of water supply, including, if applicable, an estimate of the total daily ground water and/or surface water withdrawal rate. An application for any proposed use or activity that will extract ground water and/or

surface water and has a projected maximum average daily water demand equaling or exceeding the threshold volume shall include a water extraction impact evaluation as defined in this Chapter to be prepared by a professional geologist (see above) or a professional engineer experienced in performing similar evaluations.

- (4) A list of all petroleum, chemicals, fuels and other hazardous substances/wastes to be used, generated, stored, or disposed of on the premises, including quantities.
- (5) A description of the pollution control measures proposed to prevent ground water or surface water contamination.
- (6) Copies of any permits and/or applications made to any other governmental agencies.
- (7) Copies of all environmental assessment forms.
- (8) Additional information or material that may be requested by the Planning Board in order to evaluate the special use permit application, including but not limited to evaluations or reports prepared by professional engineers and/or geologists.

C. Additional standards within WDWP-O District.

Development within the Water District Wellhead Protection Overlay (WDWP-O) District shall conform to all Woodstock Town Laws, including Chapter 245 Wastewater District, and shall also conform to the following additional standards designed to prevent contamination of present and future private and public drinking-water wells:

- (1) The owner(s) of any existing structure proposing improvements, renovations, and/or structural alterations that will result in an increase in the amount of wastewater designed to be disposed of on-site shall obtain from the Ulster County Department of Health and/or the Town of Woodstock, as may be applicable, a certificate of approval for the on-site sewage disposal system, including a determination that the existing on-site sewage disposal facilities are sufficient to accommodate the additional proposed demand.
- (2) Replacement or repair of an existing on-site wastewater treatment system of any size shall require filing with the Zoning Enforcement Officer a design with an engineer's seal attached, and notification to the Ulster County Department of Health.
- (3) Any proposed use or activity not served by public sewer with a projected maximum average daily water demand equaling or exceeding the threshold volume shall not discharge nitrogen to groundwater at an average site-wide concentration beyond 5 mg/L. Note that such disposal requires the issuance of a permit by the New York State Department of Environmental Conservation (NYSDEC).

- (4) Any proposed use or activity that will withdraw ground water and has a projected maximum average daily water demand equaling or exceeding the threshold volume shall not decrease the projected aquifer saturated thickness at the project boundary by more than ten percent (10%) of the estimated pre-pumping aquifer saturated thickness at the site. Note that the Town of Woodstock has compiled estimated daily water use for various permitted land uses and this data is available upon request from the Zoning Enforcement Officer or Planning Board.

For a proposed subdivision, the threshold volume refers to the total amount to be used for the total of all of the dwelling units within the subdivision not individual dwelling units.

- (5) Adequate evidence has been provided that all applicable state and federal agency requirements for the storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances, hazardous waste, pesticides, and/or petroleum are being met.
- (6) All drainage from impermeable surfaces except driveways, walkways, parking areas and accessory structures for individual single-family dwellings and/or two-family dwellings shall require preparation of a stormwater pollution prevention plan (SWPPP) in accordance with the New York State Stormwater Management Design Manual, to be approved by the Woodstock Planning Board, that describes proposed structural and/or vegetative measures designed to prevent decreases in ground water recharge and degradation of ground water quality.

D. Permitted and prohibited uses and activities in the Water District Wellhead Protection (WDWP-O) Overlay District.

Any use and activity permitted in the underlying district shall be permitted in the Water District Wellhead Protection Overlay (WDWP-O) District except where the WDWP-O District prohibits such use.

In addition to uses prohibited in the underlying districts as specified in this Chapter, the following uses and activities are specifically prohibited in the WDWP-O District in order to safeguard ground water resources which serve as present or future public drinking water supplies:

Bottled water or bulk water facilities including supply sources
Car wash; equipment rental or sales yard
Cemetery or crematory
Chemical and/or biological testing laboratory
Commercial automobile storage, outdoor
Construction or installation of any of the following: commercial pipelines or piping systems that carry petroleum or liquid hazardous substances/waste; new facilities for the underground storage of petroleum, hazardous substances, hazardous waste, pesticides, or

fertilizers; municipal/industrial sewage treatment facilities with disposal of primary or secondary effluent; or on-site wastewater treatment systems designed for or capable of surface or subsurface discharges equaling or exceeding the threshold volume except for replacement of existing facilities and/or structures, unless a hydrogeologic evaluation projects that the discharge of nitrogen to groundwater will not result in an average site-wide concentration beyond 5 mg/L.

Contractor's yard

Disposal of snow containing deicing compounds removed from streets, roads, and parking areas.

Extractive operations and soil mining

Fuel oil distributor

Funeral home

Gasoline station, automobile repair facility, motor vehicle service station, or automobile body shop.

Golf course or country club (except miniature golf)

Land application of septage, sewage, sludge, or human excreta

Laundry or dry-cleaning plant

Metal fabricator, plater and/or finisher

Municipal garage or maintenance facility

Open loop geothermal systems

Open loop hydropower systems

Pesticide/herbicide store or commercial applicator service

Public utility or transportation use, including garage and maintenance facility

Self-service laundry

Solid waste management facility, hazardous waste treatment, storage, or disposal facility, radiological waste facility, pathological or medical waste facility.

Storage of coal, deicing compounds, fertilizers, hazardous substances, hazardous waste, herbicides, manure, and/or pesticides except in structure(s) that are designed to prevent contact with precipitation and constructed on impervious pads designed to control seepage and runoff.

Wood preserving and/or treating establishment

Any use not otherwise specifically mentioned above that involves on-site disposal of solid waste (except for household compost), medical waste, petroleum, radioactive material, hazardous or toxic substances, hazardous waste, process wastes, including wastewater (except for the disposal of sewage through an on-site wastewater treatment system).

E. Septic Tanks

Each lot owner within the Water District Wellhead Protection Overlay District that is not located within the Town of Woodstock Wastewater Disposal District shall arrange to have their septic tank pumped out and inspected at least every three to five years by a septage waste transporter that is licensed by the New York State Department of Environmental Conservation (NYSDEC). New York State Department of Health (NYSDOH) recommends a timeframe of every three years, but local circumstances may warrant a timeframe of every five years. Upon completion of a septic system pump out and inspection, each lot owner

shall within 30 days following such pump out, provide the Town of Woodstock Building Department with a paid receipt from the septic contractor that states:

- (1) The lot owner's name;
- (2) The street address of the lot;
- (3) The pump out date; and
- (4) Any functional irregularities and/or deficiencies observed by the contractor.

Duplicate copies of the receipt(s) specified above shall be maintained on site by the lot owner and shall be exhibited to the Town Zoning Enforcement Officer upon request.

- F. Definitions. In addition to the general definitions contained in §260-123 of this Chapter, the following definitions are specific to the Water District Wellhead Protection Overlay (WDWP-O) District.

AGRONOMIC RATE

The rate of nitrogen addition designed to provide the amount of nitrogen needed by the crop or vegetation grown on the land, and to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to ground water.

AQUIFER

A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield adequate quantities of ground water to wells. The local aquifer for the Woodstock Water District consists of glacially derived, unconsolidated, stratified sand and gravel deposits that have local accumulations of cobbles and boulders. These coarse-grained aquifer deposits are believed to be unconfined in nature and are underlain by finer-grained unconsolidated deposits at depth.

AQUIFER SATURATED THICKNESS

The vertical thickness of the locally defined unconsolidated sand and gravel aquifer in which the pore spaces are filled (saturated) with water as determined by a water extraction impact evaluation.

BOTTLED WATER

Any product, including natural spring or well water taken from municipal or private utility systems, or other water, distilled water, de-ionized water or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or other containers, to be sold for consumption or culinary use, including water likely to be ingested by human beings.

BULK WATER

Water intended for potable uses, which is transported by tank trucks.

CLOSED LOOP GEOTHERMAL SYSTEM

A geothermal system that continuously circulates water or a mixture of water and non-toxic, food-grade antifreeze through buried or submerged plastic pipes and passes the fluid through a heat exchange system. The loop is filled just once and the same water mixture is used again and again.

CONTAMINATION

The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.

DEICING COMPOUNDS

Any bulk quantities of chloride compounds and/or other deicing compounds (e.g., urea or calcium magnesium acetate) intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent (8%) of the mixture. Bulk quantity of deicing compounds means any quantity, but does not include any chloride compounds in a solid form, which are packaged in waterproof bags or containers which do not exceed eighty (80) pounds each.

FERTILIZER

Any commercially produced mixture generally containing phosphorous, nitrogen and potassium, which is applied to the ground to increase nutrients from plants.

GROUND WATER

Water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of ground water by an unsaturated zone.

HAZARDOUS SUBSTANCE

Any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (a) because of its quantity, concentration, or physical, chemical or infectious characteristics, poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (b) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed, (c) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

HAZARDOUS WASTE

A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include, but are not limited to, petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).

HERBICIDES

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any plant, being those substances defined as herbicides pursuant to New York State's Environmental Conservation Law (hereafter, "ECL") Section 33-0101.

HYDROGEOLOGIC EVALUATION OF ON-SITE WASTEWATER DISPOSAL

An evaluation that shall include: (a) the topographic location of the proposed wastewater disposal system in relation to inferred ground water and surface water flow directions; (b) the estimated wastewater dispersion plume based upon average daily flow(s); (c) an identification and location of existing and potential ground water uses in the estimated area of impacted ground water; and (d) a projection of post-development average site-wide nitrate-nitrogen ground water concentration (assuming sixty percent of annual average precipitation).

MAXIMUM AVERAGE DAILY WATER DEMAND

The largest daily water use averaged in any consecutive thirty-day period during the year.

OPEN LOOP GEOTHERMAL SYSTEM

A geothermal system that withdraws water from an extraction well or body of water, passes the water through a heat exchange system, and discharges the temperature-altered water either into the ground in a discharge or return well or to the ground surface or into surface water.

NON-PUTRESCIBLE WASTE:

Waste that contains no putrescible waste, is not putrid, rotten or odorous, and does not contain organic matter having the tendency to decompose and create odors. Most construction and demolition waste is considered non-putrescible. Other examples of non-putrescible waste include limbs, leaves, and pine straw.

PESTICIDES

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, being those substances refined as pesticides pursuant to ECL Section 33-0101 et seq.

PETROLEUM

Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure, and has been refined, re-refined, or otherwise processed for the purpose of: (1) being burned to produce heat or energy; (2) being used as a motor fuel or lubricant; or (3) being used in the operation of hydraulic equipment.

PROCESS WASTES

Any waste generated by industrial, commercial, or mining operations.

PUTRESCIBLE WASTE:

Waste that is liable to decay, capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions. Food wastes, offal and dead animals are examples of putrescible solid wastes.

RADIOLOGICAL SUBSTANCES

Any material in any form that emits radiation spontaneously.

REFUSE

Anything putrescible or non-putrescible that is discarded or rejected as useless or worthless.

SLUDGE

The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

SOLID WASTE

All putrescible and non-putrescible materials or substances that are discarded, abandoned, or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, except where exempt from compliance with 6 NYCRR Part 360 as described in 6 NYCRR §360-1.2(a)(4).

SPILL

Any escape of a substance from the containers employed in storage, transfer, processing, or use.

STORMWATER

Rainwater, surface runoff, snowmelt, ice-melt, drainage, and related naturally occurring surface water and accumulation(s).

SURFACE WATER

Water that is on the Earth's surface, such as in a water body, watercourse, or wetland as defined in this Chapter.

THRESHOLD VOLUME

The withdrawal or discharge of water of a volume of 1,000 gallons or more per day. A State Pollutant Discharge Elimination System (SPDES) permit is required for a facility whose treatment system has a design flow of total discharges to groundwater of 1,000 gallons per day or more of sewage-wastewater containing no industrial or other non-sewage wastes.

UNDERGROUND STORAGE

Storage within a tank or other container, which is completely covered with earth or other backfill material.

VEHICLE TRIPS

The number of vehicle trips that begin or end at a land use during a given period.

WASTEWATER

Aqueous carried waste including, but not limited to, dredge spoil, solid waste, hazardous waste, incinerator ash and residue, septage, garbage, refuse, sludge, chemical waste, infectious waste, biological material, radioactive material, heat, and commercial, industrial, municipal, and agricultural waste.

WATER EXTRACTION IMPACT EVALUATION

An evaluation that shall include: (a) the location of all existing and proposed water wells or water intakes at the site; (b) data on preexisting water conditions at the site including ground water and surface water flow directions and aquifer saturated thickness; (c) an inventory and map of all water wells, surface waters and wetlands within 1,500 feet of the site; (d) an inventory and map of known and potential contaminant sources within 1,500 feet of the site; (e) results of pumping tests on each well that are to be utilized by the proposed use (such tests must be of sufficient duration to evaluate the impact upon any off-site wells and water resources); and (f) the magnitude of ground water and surface water drawdowns that will result from withdrawals at the use (including a projection of drawdowns at the project site boundary and the extent of impacts upon other existing water users).

WATER, BOTTLED

See bottled water.

WATER, BULK

See bulk water.

WATER, GROUND

See ground water.

§ 260-41 Agriculture and keeping of farm animals.

- A. The growing of field or garden crops, vineyards, orchards and nurseries shall be allowed in all districts; the keeping of livestock on a lot of two acres or more and the keeping of fowl on a lot of one and a half (1 ½) acres or more shall be permitted in all districts, provided that:
- (1) Buildings or structures for such uses shall be located not less than fifty (50) feet from any side or rear lot line and shall additionally conform to the front yard requirements for their principal structure.
 - (2) The storage of manure or other dust- or odor-producing substances shall be adequately

screened from adjacent properties and located not less than one hundred (100) feet from any lot line, stream or other water body or well providing a source of potable water, nor within two hundred (200) feet of the nearest neighboring residential structure.

- (3) Where permitted, the aggregate number of adult horses, cows, beef cattle, sheep, goats or other four-legged domestic-type farm animals shall not exceed two per acre of land.
 - (4) In addition to four-legged domestic-type farm animals, where permitted, the aggregate number of fully grown chickens, ducks, geese or other fowl or farm birds shall not exceed 12 per acre of land.
 - (5) All animals shall be adequately housed, fenced, not permitted to leave the owner's property unattended, and otherwise maintained in a sanitary and safe manner so as not to create a nuisance, health or safety hazard to nearby property, property owners, or inhabitants of the neighborhood, or the animals themselves.
 - (6) Animals in greater numbers than those permitted above may be permitted by special use permit, provided that the Planning Board finds that the requirements of Subsection **A(1)** through **(5)** above and Article **VI** of this Zoning Law are satisfied.
- B. A roadside stand, as a seasonal home occupation, is permitted in the R5, R3 and R1.5 and NC Districts, provided that:
- (1) Such stand shall not exceed one hundred fifty (150) square feet in total area;
 - (2) Such stand is located a minimum of twenty five (25) feet from any street line;
 - (3) Such stand is used solely for display and sale of agricultural products grown exclusively by the operator of the roadside stand; and
 - (4) Signage is limited to twelve (12) square feet and is located not less than five (5) feet from any street line.

§ 260-42 Swimming pools.

Any outdoor swimming pool, whirlpool or hot tub, as defined in Zoning Law § 260-128, shall be subject to the following requirements:

- A. The outdoor swimming pool, whirlpool or hot tub shall be enclosed on all sides by a security fence not less than four (4) feet nor more than six (6) feet in height or, in the case of whirlpool or hot tub, a securely locked cover shall be provided.
- B. Such security fence, as may be applicable, shall be provided with a locking gate to prevent accidental entry or unauthorized use of the outdoor swimming pool, whirlpool or hot tub.

- C. All other requirements of the New York State Uniform Fire Prevention and Building Code, including any amendments or updates to such Code, shall be complied with.
- D. All pool chemicals shall be disposed-of in compliance with applicable state and federal regulations. The same shall be true for the disposal of pool water which has been treated with chlorine or other chemicals.

§ 260-43 Home occupations.

[Amended 7-3-2013 by L.L. No. 1-2013]

In any district, a home occupation, as defined in Zoning Law § 260-128, shall conform to the following use limitations:

- A. A home occupation shall only be conducted within a dwelling, which is a bona fide residence of the principal practitioner of the occupation, or in an accessory building thereto which is normally associated with the residential use. For purposes of this chapter, a home occupation occurring fully within the dwelling shall be considered a permitted Class A home occupation. A home occupation occurring in an accessory building shall be considered a permitted Class B home occupation, which shall require authorization by special use permit in accordance with Zoning Law § 260-63O.
- B. Not more than two home occupations in total, of whatever type, shall be permitted on a single residential premises, with Subsections C, E, G and H below applying to either a single home occupation or the aggregate of two (2) home occupations occurring on the premises.
- C. The home occupation activity or activities, whether located within a dwelling or in a customary accessory structure, shall occupy a maximum of twenty five percent (25%) of a structure's livable floor area, but in no case shall exceed eight hundred (800) square feet.
- D. Except for articles produced on the premises, no stock-in-trade shall be displayed or sold on the premises. Nothing in this section shall prevent the establishment of a mail order business.
- E. No alteration to the exterior of the principal residential building or customary accessory building used for the home occupation activity shall be made which changes the character thereof as a residential premises, except that a single sign not exceeding two square feet in area shall be permitted. Any new construction undertaken to accommodate the home occupation activity shall also be wholly consistent with the character of a residential premises.
- F. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be allowed, except as may be permitted for a Class B home occupation in accordance with the requirements of Zoning Law § 260-63O of this chapter.

- G. Not more than four persons, other than members of the household occupying such dwelling, shall be employed on site in the conduct of the home occupation, regardless of whether one or two home occupations are being conducted on the premises. Additional persons may be employed off site, provided that such employment does not require visitation to the home occupation for business purposes.
- H. There shall be permitted no sharing, letting or subletting of space for use by others in the conduct of their profession, trade, service or business.
- I. Sufficient off-street parking shall be provided as required in Zoning Law § 260-30.

§ 260-44 Outdoor storage of vehicles, trailers and boats on residential lots.
[Amended 7-3-2013 by L.L. No. 1-2013]

Not more than two vehicles in excess of twenty (20) feet in length, nor more than a total of two (2) camping trailers or boats may be stored outdoors on a lot in a residential district. All such outdoor storage shall occur as inconspicuously as practicable on the lot and shall not occur within the minimum required front yard. No commercial vehicle shall be stored within one hundred (100) feet of an adjoining residential lot, nor shall any trailer or boat be stored within twenty five (25) feet of an adjoining residential lot, unless a dense natural screen is planted and maintained, or an opaque fence, such as a stockade fence, is constructed and maintained, in which case the minimum distances specified above may be reduced to fifty (50) feet and fifteen (15) feet, respectively.

§ 260-45 Required screening.

Any enclosed or unenclosed use permitted by this Zoning Law, other than single- or two-family residential uses, may be required by the Planning Board to be enclosed by a fence, screen and/or landscaping sufficient to substantially obscure objectionable aspects of such use from view from adjoining properties and/or public rights-of-way.

- A. Any use which is not conducted within a completely enclosed building, including but not limited to junkyards, storage yards, and parking lots, and which use abuts, is adjacent to, or is located within a residential district or fronts a public right-of-way may be required by the Planning Board to be obscured from view from such residential districts and public rights-of-way in an effective manner.
- B. Adequate plans for the installation of required fences, screens and landscaping shall be reviewed by the Planning Board in accordance with the requirements of site plan review set forth in Zoning Law Article VII.
- C. Any required fences, screens and landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives stated herein.

§ 260-46 ~~Complete Streets~~Reserved

The Town of Woodstock Complete Streets Policy shall be integrated into the design and construction and maintenance of all streets, roads, including minor roads as defined in the Subdivision Law, driveways, trails, paths, and other pedestrian ways to the maximum extent possible in the earliest stages of project development of a project so that the design, construction, maintenance, and operation of all streets provide a comprehensive and integrated street network that is safe, accessible, and comfortable for all drivers, transit users, pedestrians and bicyclists.

§ 260-47 Sewage disposal facilities.

No person shall undertake to construct any new building or structure intended for human occupancy within the Town of Woodstock without first meeting the requirements for a system, or facilities, for the disposal of sewage or domestic or trade wastes in accordance with the applicable regulations of the Town of Woodstock, the Ulster County Health Department, and the New York State Department of Environmental Conservation (DEC). All such systems or facilities shall additionally be approved by the Zoning Enforcement Officer prior to their installation or construction.

§ 260-48 Solar access.

To the extent practicable, and in accordance with Chapter 742 of the Laws of 1979, the accommodation of solar energy systems and equipment, and the protection of access to sunlight for such equipment, shall be encouraged in the application of the various review and approval provisions of this chapter.

§ 260-49 Disposal areas.

No dump, landfill, septage disposal site, or other disposal area shall be permitted within the Town of Woodstock, except where owned or leased and operated by the Town of Woodstock, whether such operation is through the Town's own forces or on a contract basis.

§ 260-50 Yard and garage sales.

No person or persons shall conduct a yard sale, attic sale, barn sale, garage sale, tag sale, or similar event on a residential premises, regardless of how the event is described, except in accordance with the provisions of this chapter. Such event shall occur not more than four times per calendar year on any residential premises and shall not exceed three consecutive calendar days per occurrence. All such events shall be restricted to the hours of 8:00 a.m. to 8:00 p.m. Any sign associated with the event shall be installed not more than 48 hours prior to the start of the event and shall be removed within 12 hours of its close.

§ 260-51 Antennas.

- A. Antennas mounted at grade level, including dish receiving antennas for residential use, shall be classified as accessory structures and shall be limited to a maximum height of sixty five (65) feet.
- B. For antennas mounted on a building, see Zoning Law § 260-23A.

§ 260-52 Reserved

§ 260-53 Displays of merchandise.

Displays of merchandise, exhibits and/or similar advertising devices which are located between the face of a building or structure and the curb or edge of a public driveway or thoroughfare are not allowed.

§ 260-54 String, rope or similar low-voltage lighting products.

String, rope or similar low-voltage lighting shall be restricted as follows:

- A. String, rope or similar low-voltage lighting shall be prohibited on exterior surfaces and, where externally visible, from all commercial uses, with the exception of commercial uses in the Hamlet Commercial (HC) and Neighborhood Commercial (NC) Districts.
- B. In the Hamlet Commercial (HC) and Neighborhood Commercial (NC) Districts, no string, rope or similar low-voltage lighting fixtures, except seasonal and other temporary lighting, shall be erected or maintained unless a permit is issued prior to installation in accordance with Zoning Law § 260-31G.
- C. String, rope or similar low-voltage lighting manufactured for seasonal temporary use, or UL listed for installations not to exceed ninety (90) days, shall be prohibited for permanent year-round use.
- D. String, rope or similar low-voltage fixtures shall be installed in accordance with the National Electric Code and shall be UL listed for the intended purpose.
- E. String, rope or similar low-voltage lighting meant for year-round use must be single-colored mini lights emitting a constant intensity not to exceed twenty four (24) volts per bulb. These restrictions shall not apply to temporary Christmas, carnival or other temporary seasonal lighting.
- F. String, rope or similar low-voltage lighting shall not be placed on roofs or on exterior surfaces of buildings where there is no physical barrier, such as bollards or sidewalks, between the building and vehicular traffic.

§ 260-55 Artist studios.

An artist studio, as defined in Zoning Law § 260-128, shall conform to the following use limitations:

- A. The originators of works produced at the studio may offer these works for sale on site but may, in no case, exhibit or sell works produced by other artists and/or artisans.
- B. In the R8, R5, R3, R1.5 and HR Districts, studio space, whether located within a dwelling or

in an accessory structure, shall be restricted to not more than one thousand (1,000) square feet of floor area. Additionally, the number of artists and/or artisans working in any one (1) studio in the above-mentioned districts shall be limited to not more than five(5) persons.

- C. An artist studio may contain bathroom facilities and running water and must meet all requirements related to the provision of potable water supply and sewage disposal facilities.

§ 260-56 Bed-and-breakfasts and short-term rentals (STRs).
[Amended 5-21-2019 by L.L. No. 1-2019]

Bed-and-breakfast establishments, STR establishments, bed-and-breakfast homes, STR homes, and STR non-owner-occupied establishments, as defined in Zoning Law § 260-128, require property owner application for an annual operating permit from the Building Department, including any related permitting/inspection fees, submittals and compliance with the following:

A. Application process and required submittals:

- (1) Provide a completed annual permit application.
- (2) Provide a safety/egress plan, to be posted in the rental unit in a visible location and on the back of each bedroom door.
- (3) A parking layout plan identifying where parking is to be located, as required in accordance with standards set forth in Zoning Law § 260-30, is to be submitted.
- (4) Provide garbage-removal plan (garbage receptacles will not be left out for more than twenty four [24] hours).
- (5) For non-owner-occupied STRs, the name and contact information of the designated host shall be provided to the Building Department and shall be posted in the STR. Both the property owner and the host will be responsible for addressing renter issues and compliance with STR requirements within twenty four (24) hours. When host contact information changes, the Building Department will be notified and STR-posted renter notices shall be revised accordingly.
- (6) Occupancy shall be limited to two (2) guests per bedroom, and total maximum house occupancy shall be posted in the STR. Children twelve (12) years old and under are not counted as guests.

- B. STRs must register with Ulster County (per Ulster County Local Law No. 5 of 1991), and a copy of said registration is to accompany STR applications to the Town of Woodstock Building Department. Property owners in Woodstock that are listed on an Ulster County-maintained list of homes used for STRs shall receive notification by the Town of the

Woodstock STR law, including that law's registration and operational requirements.

- C. STRs must pass a yearly fire/safety inspection, and the report of said inspection is to be attached to STR annual renewal permit applications. All STR units must comply with New York State Building Code requirements.
- D. Non-owner-occupied STRs may be rented out a maximum of one hundred eighty (180) days per calendar year with no more than twenty six (26) weekends or parts of weekends included in that total. Weekends include any time between Friday evening and Monday morning.
- E. Only the property owner is permitted to register an STR. An individual property owner can register or have an interest in one non-owner-occupied STR unit. Registration by a corporation whose owners have an interest in more than one STR is prohibited in residential districts. Registrations are transferable with a new application. Transfer must be applied for within 30 days of sale.
- F. The Town Board will set caps on the number of both owner-occupied STRs and non-owner-occupied STRs permitted within the Town and the fee schedule on an annual basis.
- G. The host will provide guests with copies of local laws, especially the noise, fire, safety ordinances and requirements. The host will also provide emergency contact information as well as the address of the property and will ensure the property address is clearly identifiable from the street. The host will provide guests with a property map that shows the property boundaries.
- H. Approved STRs will be assigned a registration number that must be included in all rental listings, both in print and online and posted within the STR. On-site advertising is prohibited.
- I. Failure to comply with these standards will result in denial of STR applications.
- J. Three (3) or more violations of local laws may lead to revocation of an approved STR operation permit.

§ 260-57 Driveway standards for single-family and two-family dwellings.

- A. For existing lots which were not approved by the Woodstock Planning Board, or for lots approved by the Planning Board on which substantial improvements, such as the construction of a structure requiring a building permit or the installation of a driveway and septic system, have not been undertaken within sixty (60) months of Planning Board approval, the following standards shall be met in the construction of driveways:
 - (1) Curb cut approval shall be obtained from the Town of Woodstock Highway Department and, where appropriate, the County of Ulster Department of Highways and Bridges or

the New York State Department of Transportation (DOT).

- (2) Minimum sight distance.
 - (a) On private and Town roads, the following AASHTO standards for minimum sight distances from the center of the driveway in each direction shall be met:
 - [1] Thirty miles per hour: 200 feet to 250 feet.
 - [2] Forty miles per hour: two hundred seventy five (275) feet to three hundred twenty five (325) feet.
 - [3] Fifty miles per hour: four hundred (400) feet to four hundred seventy five (75) feet.
 - [4] Fifty-five miles per hour: four hundred fifty (450) feet to five hundred fifty (550) feet.
 - (b) If AASHTO standards cannot be met, then there shall be a minimum clearance of not less than one hundred fifty (150) feet of sight distance from the center of the driveway in each direction.
- (3) There shall be a minimum of one percent (1%) negative grade from the edge of pavement into the first ten (10) feet of driveway unless modified by the applicable county or state agency.
- (4) The average grade on the driveway shall be maintained at ten percent (10%) or lower, with the exception that there shall be allowed, on a driveway serving a single- or two-family dwelling, a maximum grade of fourteen percent (14%) for not more than five hundred (500) linear feet. The driveway grades shall not exceed twelve percent (12.5%) for the first fifty (50) feet from the edge of the street pavement.
- (5) The minimum radius on turns shall be fifty (50) feet.
- (6) All required drainage shall be included with the building permit application on the plot plan, as submitted, and subject to approval of the Town of Woodstock Zoning Enforcement Officer and the Town of Woodstock Superintendent of Highways unless modified by the applicable county or state agency.
- (7) If the driveway is one thousand two hundred (1,200) feet or longer, there shall be vehicle turnouts of twelve (12) feet by thirty (30) feet provided at eight-hundred-foot intervals or as site conditions may allow. On grades of twelve percent (12%) to fourteen percent

(14%), turnouts may be required at more frequent intervals.

- (8) Driveways shall consist of gravel, crushed stone, brick, asphalt, concrete or other acceptable stabilized ground surface.
- (9) The driveway's angle with the street shall be as close to ninety degrees (90°) as possible, but in no case shall a driveway's angle with the street be less than sixty degrees (60°) unless modified by the applicable county or state agency.
- (10) Driveways shall be twelve (12) feet wide and have a depth of up to twelve (12) inches of shale or run-of-bank gravel, as to be determined by the Town of Woodstock Zoning Enforcement Officer. On top of the twelve (12) inches there shall be a coat of four hundred (400) fines, or the equivalent, three (3) inches to four (4) inches deep.
- (11) Where permitted by county and state requirements, any waiver from these standards shall be at the discretion of the Town of Woodstock Building and Highway Departments.

B. For driveways constructed within sixty (60) months of Planning Board approval of a subdivision, the driveway standards listed in § 202-30 of Town of Woodstock Town Code, Chapter 202, Subdivision of Land, as amended, shall apply unless modified by the Planning Board during subdivision review and approval.

C. See §260-46 for incorporation of the Town of Woodstock Complete Street Policy standards to the maximum extent practical into driveway and curb cut designs.

§ 260-58 Development on steep slopes.

- A. Land disturbance activities on slopes 1:2 (50%) or greater shall be prohibited.
- B. Land disturbance activities on slopes 1:4 (25%) or greater with building site development soil limitations defined as "severe" or soils having "slow" or "very slow" infiltration rates/high runoff potential as defined and determined by the Soil Survey of Ulster County, United States Department of Agriculture Soil Conservation Service, in its most recent publication, shall be prohibited.
- C. Land disturbance activities on slopes 1:4 (25%) or greater shall be prohibited when any type of multifamily development is proposed.
- D. Exemptions from Subsections A and B above:
 - (1) Land disturbance activities on lots less than fifty (50) acres in size, provided that it can be shown there is no reasonable alternative to land disturbance activities that would

violate Subsections **A** and **B**. Development on said lots shall in no way create a nuisance for contiguous parcels, shall be sited on portions of the lot with the least gradient, and shall require the preparation of an erosion and sediment control plan.

- (2) Commercial logging activities as defined in Zoning Law § 260-128.
- (3) Emergency activities and measures necessary to protect human life and preserve property or as provided in Zoning Law § 260-99G.
- (4) Agricultural activities as defined in Zoning Law § 260-128.
- (5) Regulated activities on lands which are open to the public for a park, nature preserve or wildlife refuge, or for recreation or tourism.
- (6) Routine maintenance and repair, and/or expansion by up to twenty five percent (25%) of the original size, of any existing structure, accessory structure or site improvement, such as roads and drainage facilities, located on steep or very steep slopes.
- (7) Landscaping not involving clearing or regrading.

§ 260-59 Reserved

§ 260-60 Reserved

Article VI Special Permit Uses

§ 260-61 Applicability.

All special permit uses cited in Zoning Law § 260-14, the *Schedule of Use Regulations*, or any other section of this Zoning Law shall be subject to review and approval by the Planning Board in accordance with the standards and procedures included herein. In all cases where this chapter requires such special use permit authorization by the Planning Board, no building permit or certificate of occupancy or use shall be issued by the Zoning Enforcement Officer except upon authorization of and in full conformance with plans approved by the Planning Board.

§ 260-62 General standards.

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, and general welfare and the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the specific conditions set forth in this article for certain uses, applicable supplementary regulations stated in Zoning Law Article V, and the following general objectives for any use requiring Planning Board authorization:

- A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access shall be in harmony with the orderly development of the district.
- B. The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations, should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; sufficiently separated from street intersections or other places of public assembly; and meet similar safety considerations.
- D. Adequate provision for safe and accessible off-street parking and loading spaces shall be made.
- E. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees, particularly those over eight inches in diameter, to the maximum extent possible.
- F. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.

- G. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing lights than would the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the Town of Woodstock. To the extent permitted by law, the days and hours of operation may be limited by the Planning Board to minimize disturbance to neighbors.
- H. The Planning Board may issue a special use permit for a limited period of time and may place specific conditions for its renewal thereafter. The investment of an applicant shall have no bearing on the issuance or renewal of a special use permit.
- I. Where required in Zoning Law § 260-63, or wherever the Planning Board deems it appropriate for a special permit use, the following standards shall apply to all districts:
 - (1) Driveways shall be so located and, where possible, relocated as to minimize the impact of vehicular traffic on neighboring properties.
 - (2) All activities employing amplified sound shall take place fully within the structure or structures.
 - (3) Structures shall be designed to contain sound fully within the structure. This may require the installation of sound damping material and/or central air conditioning to permit the closing of windows in hot weather.
- J. Where required in Zoning Law § 260-63, or wherever the Planning Board deems it appropriate for a special permit use, the following standards shall apply to the R8, R5, R3, R1.5 and FRD Districts:
 - (1) No building shall be erected closer than one hundred (100) feet to any street or lot line.
 - (2) No parking area shall be closer than one hundred fifty (150) feet to any street or lot line. Where space permits, larger setbacks are encouraged to maximize the buffer to neighboring properties.
- K. The Planning Board may require all proposed elementary, middle and high schools to adhere to standards described in the 2006 edition or later editions of Planning and Urban Design Standards, John Wiley & Sons. **[Added 6-17-2014 by L.L. No. 1-2014]**
- L. Additional standards. The Planning Board may establish any additional standards appropriate to any special use permit in this article.

§ 260-63 Additional specific standards for certain uses.

In addition to the general standards set forth in Zoning Law § 260-62 above and the site plan review considerations set forth in § 260-77, the following specific standards shall be complied with for the particular special permit uses cited below.

- A. Mining and excavation, including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, or any aggregate material native to the site, in excess of three hundred (300) cubic yards or a disturbed area greater than one half (1/2) acre, provided that
- (1) All applicable provisions of the New York State Mined Land Reclamation Law and other state and federal regulations shall be fully complied with;
 - (2) A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval; no renewal of the special use permit shall be granted until the permit holder shall have complied with all provisions of the reclamation plan;
 - (3) An operations plan, including the number and type of trucks and other machinery to be used on the site, including their respective noise levels, shall be submitted for approval;
 - (4) A progressive restoration and rehabilitation plan showing both existing contours and proposed final contours after operations are completed shall be submitted for approval; such restoration and rehabilitation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightliness and noisome impact on neighboring properties, groundwater resources and aquifers;
 - (5) A performance guarantee (performance bond or escrow deposit) to assure rehabilitation shall be provided, upon recommendation of the Planning Board, in an amount and form satisfactory to the Town Board;
 - (6) A buffer area shall be established of not less than one hundred (100) feet between the operation and the nearest property line, and not less than one hundred (100) feet from the nearest road; for extraction operations in creek or stream beds which fall within what otherwise would be the buffer area, the Planning Board may reduce the buffer;
 - (7) Such special use permit, including renewals, shall be restricted to a disturbed area not to exceed five acres and to a time period not to exceed six (6) years in total, at which time all reclamation activities shall have been completed; and
 - (8) The number of mines in any area shall be limited to one (1) mine per geologic deposit or soil section as defined by the appropriate map contained in the Soil Survey of Ulster County issued by the United States Department of Agriculture in cooperation with the

Cornell University Agricultural Experiment Station. The total amount of land to be disturbed within any one geologic deposit shall be not greater than five (5) acres at any one time.

B. Motor vehicle service station or gasoline station, provided that:

- (1) The minimum lot area shall be thirty thousand (30,000) square feet and the minimum lot frontage shall be two hundred (200) feet;
- (2) No building shall be erected closer than twenty (20) feet to any street or lot line;
- (3) Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor shall they be located closer than ten (10) feet to any side or rear lot line;
- (4) No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
- (5) No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than fifty (50) persons, unless a street not less than fifty (50) feet in width lies between such service station and such building or use;
- (6) Gasoline or flammable oils in bulk shall be stored fully underground, in accordance with New York State Department of Environmental Conservation (DEC) Part 614 Regulations, and shall not be located closer than ten (10) feet to any street line or thirty (35) feet to any lot line; and
- (7) No gasoline pump shall be located closer than twenty five (25) feet to any property line.

C. Summer or vacation colony, including cabins and cottages available for rent during the nonwinter months, provided that:

- (1) Minimum lot area shall be ten (10) acres;
- (2) Such cabins or cottages shall be designed for one (1) family only, with not more than three (3) such dwelling units permitted per gross acre;
- (3) Central water supply and/or common sewage disposal facilities may be required by the Planning Board and, if so, shall be provided in accordance with the requirements of the Town of Woodstock and the Ulster County Health Department; and

- (4) A building or recreational facility shall not be located less than one hundred (100) feet from any lot line and shall be effectively screened from adjacent properties.

D. Camp, provided that:

- (1) Minimum lot area shall be twenty (20) acres;
- (2) No tent, activity area or recreational facility shall be closer than two hundred (200) feet to any lot line;
- (3) There shall be not more than three tents or cottages per gross acre; and
- (4) Central water supply and/or common sewage disposal facilities may be required by the Planning Board and, if so, shall be provided in accordance with the requirements of the Town of Woodstock and the Ulster County Health Department.

E. Day camp, provided that:

- (1) Minimum lot area shall be five (5) acres;
- (2) No activity area or recreational facility shall be closer than one hundred (100) feet to any residential property boundary;
- (3) There shall be not more than eight day campers accommodated per acre of available land area; and
- (4) Water supply and sewage disposal facilities shall satisfy all applicable requirements of the Ulster County Health Department and, to the extent applicable, the water, wastewater and sewer districts within the Town of Woodstock.

F. Membership club providing private social and recreational facilities, including swimming facilities, and hunting or fishing club, with accessory buildings for administration, operation and clubhouse purposes, provided that:

- (1) Minimum lot area shall be the minimum lot area as noted for the area and bulk regulations for the district in which the club is located;
- (2) Plans for all public address systems and lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board; and
- (3) Where it is determined that the club may cause a disturbance to neighboring residential properties, the Planning Board may require the standards described in Zoning Law §§ 260-62I and J.

G. Cemetery and human crematory, provided that:

- (1) No burial or memorial plats or buildings shall be located closer than fifty (50) feet to any residential lot line, except that, when a dense evergreen hedge or wall or landscaped strip not less than six (6) feet in height providing complete visual screening from all adjacent residential property is provided, burial or memorial plots of fewer than six (6) in number may be located as close as twenty (20) feet to any residential lot line; and
- (2) All burials shall be undertaken in strict accordance with applicable regulations of the New York State Department of State and the New York State Department of Health.

H. Hospital and sanitarium for general medical care and nursing home, provided that:

- (1) Minimum lot area shall be three (3) acres; and
- (2) Maximum structure coverage shall not exceed fifteen percent (15%) of lot area.

I. Public, denominational or private school, including playgrounds and accessory uses required for their operation, provided that:

- (1) No building shall be erected closer than fifty (50) feet to any street or lot line;
- (2) Maximum structure coverage shall not exceed fifteen percent (15%) of lot area;
- (3) No open space recreation use or facility shall occur within fifty (50) feet of a residential property boundary; and
- (4) Activities shall be limited to the regularly scheduled classes and recreational activities of the school unless the standards described in Zoning Law §§ **260-62I** and **J** are fully complied with.

J. Cultural facility (library, art gallery, museum, etc.), provided that:

- (1) No building or parking area shall be erected closer than fifty (50) feet to any street or lot line in the R8, R5, R3, R1.5 and FRD Districts;
- (2) Maximum structure coverage shall not exceed the allowed maximum in the district; and
- (3) No public assembly activities or activities which produce noise audible on neighboring properties shall be permitted, unless the standards described in Zoning Law §§ **260-62I** and **J** are fully complied with.

K. Commercial logging, provided that:

- (1) All parcels of five (5) or more acres of forest vegetation, whether on one lot or on two (2) or more contiguous lots to be harvested, shall be subject to a special use permit under these provisions.
- (2) A forest management plan shall be submitted prior to the beginning of any clearing or cutting. This plan shall include information pertaining to the following:
 - (a) Land area of parcel to be logged;
 - (b) Location of land area on tax maps;
 - (c) Approximate existing number of trees;
 - (d) Approximate number of trees to be harvested;
 - (e) Impact on all streams and waterways on the parcel;
 - (f) Site-specific measures for the prevention of erosion and preservation of wildlife habitats;
 - (g) Measures for the preservation of aesthetic values of the land;
 - (h) Maintenance and/or repair of roads, loading areas and access paths;
 - (i) Establishment of buffer zones to mitigate visual impact to roads, nearby elevations and neighboring parcels, and to protect watercourses and wetlands; **[Amended 7-3-2013 by L.L. No. 1-2013]**
 - (j) Cleanup and reclamation plans;
 - (k) Locations of major skid roads and landing areas; and
 - (l) A time schedule for all of the above activities.
- (3) The Planning Board may engage a forestry consultant to examine the commercial logging proposal.
- (4) The Planning Board shall receive and approve a signed contract between the logger and property owner or owners.
- (5) The Planning Board shall require a performance bond or equivalent security to ensure

proper cleanup and implementation of the forest management plan. In the case of a bond, the Town of Woodstock shall be named as an additional beneficiary insured. In the case of a security, the Town of Woodstock shall be named as a holder of the security.

- (6) All New York State Department of Environmental Conservation (DEC) regulations shall be strictly adhered to by the special use permit holder, and all required stream bank disturbance permits shall be secured and in effect before the commencement of logging.
- (7) An appropriate buffer of trees shall be maintained contiguous to any neighboring lot line or road.
- (8) No operations shall take place between 7:00 p.m. and 7:00 a.m.
- (9) Clear-cutting is prohibited in the Scenic Overlay (S-O) District and within wetlands, watercourses and their associated buffers. **[Amended 7-3-2013 by L.L. No. 1-2013]**
- (10) Excluded from special use permit shall be the harvesting of Christmas trees; the clearing of land for rights-of-way for utilities; reasonable site clearing preparatory to construction of a building for which a building permit has been issued; the clearing and maintenance of land for agricultural purposes; and the harvesting of trees and firewood for the personal use of the property owner not to exceed twenty (20) cords per year.

L. Contractor's yard, provided that:

- (1) The size of the contractor's yard shall be limited to one (1) acre, including any structures relating to the contractor's yard;
- (2) The owner and operator of the contractor's yard shall reside on the lot upon which the contractor's yard is located or upon an adjoining lot;
- (3) There shall be no commercial sale of equipment, parts, sand, gravel, pipe, aggregate, or any other building supplies, with the exception of building materials and supplies transported by the owner or an employee of the contractor's yard and delivered to a customer as part of his or her contracting business;
- (4) Materials used in association with the contractor's yard may be temporarily stored within the yard and only within the yard;
- (5) No rental of equipment shall occur from the contractor's yard or from the lot on which the contractor's yard is situated or from an adjoining lot; and
- (6) The contractor's yard may be required to be screened. The screening preference shall be

dense natural screening or compact evergreen screening with a recommended minimum height of six feet when planted or fencing, the type and height to be determined by the Planning Board.

M. Hotel or motel development, provided that:

- (1) Minimum residential lot area shown in Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*, for the zoning district in which the hotel or motel is proposed to be located shall be increased by one thousand five hundred (1,500) square feet for each guest room provided.
- (2) Minimum side and rear yard setback requirements shall be one hundred (100) feet if such yard abuts property in a residential district (R8, R5, R3, R1.5, HR or FRD).
- (3) Minimum front, side and rear yard setback requirements for off-street parking areas stated in Zoning Law § 260-30B(2) shall be increased to one hundred fifty (150) feet if such yard abuts property in a residential district (R8, R5, R3, R1.5, HR or FRD).
- (4) Accessory uses to a hotel or motel development shall be limited to the following:
 - (a) Conference, banquet or seminar rooms to accommodate a total of not more than one hundred twenty five (125) persons;
 - (b) Restaurant facilities;
 - (c) Swimming pool and racquet courts;
 - (d) Small personal service/retail shops fully within the hotel or motel facility and selling newspapers, magazines, tobacco, small gifts and similar items; and
 - (e) The hotel or motel service and maintenance facilities.
- (5) Each of the accessory uses, except those referenced in Subsection **M(4)(a)** above, shall be designed and provided for the exclusive use of those who are lodged at the hotel or motel development, except where the accessory use would be a permitted use or a special permit use within the zoning district in which the hotel or motel development is proposed, in which case all requirements from all sections of this chapter for such use or uses must be met.
- (6) Maximum structure coverage, including all principal and accessory structures, shall not exceed fifteen percent (15%) of lot area.

(7) There shall be not more than forty (40) guest rooms.

NO. Class B home occupation conducted either outside or wholly or in part in an accessory building on the residential premises, provided that:

- (1) While vehicles required to conduct the home occupation may be parked on the premises, such shall occur in accordance with the provisions of Zoning Law § 260-30A(3)(a).
- (2) Materials and equipment used in connection with the home occupation may be required to be screened from public rights-of-way and neighboring properties and stored in such a way that they do not pose a nuisance to adjacent property owners and shall not be less than fifty (50) feet from any property boundary, with no such storage permitted in the required front yard. Where required, the screening shall consist of a dense natural screen or other barrier so designed as to form an effective visual screen from the adjoining property.
- (3) No retail or wholesale sales shall take place in any Class B home occupation.
- (4) No general or professional office shall be permitted as a Class B home occupation.

§ 260-64 Personal wireless service facilities.

This Section §260-64 is intended to repeal and replace all previous versions of, and amendments to, Section §260-64 of Chapter 260 of the Zoning Law of the Town of Woodstock, all of which are hereby repealed and replaced in their entirety by this Section 260-64 et. seq., as of the effective date hereof.

No personal wireless service facility (PWSF) shall be sited, constructed, reconstructed, installed, materially changed or altered, expanded, or used unless in conformity with this section.

Prior to the installation, construction, erection, relocation, substantial expansion, or material alteration of any PWSF the Town shall require a Special Use Permit pursuant to the provisions of this section, which shall be applied for in accordance with the procedure set forth within §260-68, unless otherwise provided herein below.

The performance of maintenance, routine maintenance, in-kind replacement of components, and/or repairs (as defined herein) to an existing PWSF and/or existing personal wireless service equipment shall not require a Special Use Permit.

Each application for a Special Use Permit under this chapter and each individual PWSF for which an application for a Special Use Permit is submitted shall be considered based upon the individual characteristics of each respective installation at each proposed location as an individual case. In other words, each installation, at each proposed location, shall be reviewed and considered independently for its own characteristics and potential impacts, irrespective of

whether the proposed facility is designed and intended to operate independently or whether the installation is designed and/or intended to operate jointly as part of a Distributed Antenna System.

A. Purpose and Legislative Intent

The purpose of this section is to promote the health, safety, and general welfare of the residents of the Town of Woodstock and to preserve the scenic, historical, natural, and man-made character and appearance of the Town while simultaneously providing standards for the safe provision, monitoring, and removal of cell towers and other personal wireless service facilities consistent with applicable federal, state and local laws and regulations.

Consistent with the balancing of interests which the United States Congress intended to embed with the federal Telecommunications Act of 1996 (hereinafter “the TCA”), Section §260-64 is intended to serve as a *Smart Planning Provision*, designed to achieve the four (4) simultaneous objectives of: (a) enabling personal wireless service providers to provide adequate personal wireless services throughout the Town so that Town residents can enjoy the benefits of same, from any FCC-licensed wireless carrier from which they choose to obtain such services, while (b) minimizing the number of cell towers and/or other personal wireless service facilities needed to provide such coverage, (c) preventing, to the greatest extent reasonably practical, any unnecessary adverse impacts upon the Town’s communities, residential areas, and individual homes, and (d) complying with all of the legal requirements which the TCA imposes upon the Town, when the Town receives, processes and determines applications seeking approvals for the siting, construction and operation of cell towers and/or other personal wireless service facilities.

The Town seeks to minimize, to the greatest extent possible, any unnecessary adverse impacts caused by the siting, placement, physical size, and/or unnecessary proliferation of, personal wireless service facilities, including, but not limited to, adverse aesthetic impacts, adverse impacts upon property values, adverse impacts upon the character of any surrounding properties and communities, adverse impacts upon historical and/or scenic properties and districts, and the exposure of persons and property to potential dangers such as structural failures, ice fall, debris fall, and fire.

The Town also seeks to ensure that, in applying this section, the Planning Board is vested with sufficient authority to require applicants to provide sufficient, accurate, and truthful probative evidence, to enable the Board to render factual determinations consistent with both the provisions set forth herein below and the requirements of the TCA when rendering decisions upon such applications.

To achieve the objectives stated herein, the Town seeks to employ the “General Authority” preserved to it under Section 47 U.S.C.A. §332(c)(7)(A) of the TCA to the greatest extent which the United States Congress intended to preserve those powers to the Town, while simultaneously complying with each of the substantive and procedural requirements set forth within the subsection 47 U.S.C.A. §332(c)(7)(B) of the TCA.

B. Definitions; Word Usage

For purposes of this article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations, shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions set forth herein shall supersede any definitions set forth within the Zoning Law, and the definitions set forth herein below shall control and apply to §260-64 and all subparagraphs herein.

ACCESSORY FACILITY OR ACCESSORY STRUCTURE

A facility or structure serving or being used in conjunction with a personal wireless services facility or complex and located on the same property or lot as the personal wireless services facility or complex, or an immediately adjacent lot including, but not limited to, utility or transmission equipment storage sheds or cabinets.

ACHP

The federal Advisory Council on Historic Preservation.

ADEQUATE COVERAGE

As determined by the Planning Board, adequate coverage means that a specific wireless carrier’s personal wireless service coverage is such that the vast majority of its customers can successfully use the carrier’s personal wireless service the vast majority of the time, in the vast majority of the geographic locations within the Town, that the success rate of using their devices exceeds 97%, and that any geographic gaps in a carrier’s gaps in personal wireless services are not significant gaps, based upon such factors including, but not limited to, lack of significant physical size of the gap, whether the gap is located upon a lightly traveled or lightly occupied area, whether only a small number of customers are affected by the gap, and/or whether or not the carrier’s customers are affected for only limited periods of time. A wireless carrier’s coverage shall not be deemed inadequate simply because the frequency or frequencies at which its customers are using its services are not the most preferred frequency of the wireless carrier.

ANTENNA

An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location, for the provision of personal wireless service.

APPLICANT

Any individual, corporation, limited liability company, general partnership, limited partnership, estate, trust, joint-stock company, association of two or more persons having a joint common interest, or any other entity submitting an application for a Special Use Permit, site plan approval, variance, building permit, and/or any other related approval, for the installation, operation and/or maintaining of one or more personal wireless service facilities.

APPLICATION

Refers to all necessary and required documentation and evidence that an applicant must submit to receive a Special Use Permit, building permit, or other approval for personal wireless service facilities from the Town.

BOARD

The Planning Board of the Town of Woodstock.

CELL TOWER

A free-standing, guy-wired, or otherwise supported pole, tower, or other structure designed to support or employed to support, equipment and/or antennas used to provide personal wireless services, including, but not limited to, a pole, monopole, monopine, slim stick, lattice tower or other types of standing structures.

CEQ

The Council on Environmental Quality was established under NEPA.

CFR

The Code of Federal Regulations

COLOCATION and/or CO-LOCATE

To install, mount or add new or additional equipment to be used for the provision of personal wireless services to a pre-existing structure, facility, or complex which is already built and is currently being used to provide personal wireless services, by a different provider of such services, wireless carrier or site developer.

COMPLETE APPLICATION, COMPLETED APPLICATION

An application that contains all the necessary and required information, records, evidence, reports, and/or data necessary to enable an informed decision to be made with respect to an application. Where any information is provided pursuant to the terms of this Article and the ~~Building Inspector~~Zoning Enforcement Officer or the Town's expert or consultant or the Board determines, based upon information provided, that any additional, further or clarifying information is needed as to one or more aspects, then the application will be deemed incomplete until that further or clarifying information is provided to the satisfaction of the ~~Building Inspector~~Zoning Enforcement Officer, Planning Board or the Town's expert or consultant or the Board.

COMPLEX

The entire site or facility, including all structures and equipment, located at the site.

DBM (dBm)

DBM stands for decibel milliwatts, which is a concrete measurement of the wireless signal strength of wireless networks. Signal strengths are recorded in negative numbers, and can range from approximately -30 dBm to -110 dBm. The closer the number is to 0, the stronger the cell signal.

DEPLOYMENT

The placement, construction, or substantial modification of a personal wireless service facility.

DISTRIBUTED ANTENNA SYSTEM, DAS

A network of spatially separated antenna nodes connected to a common source via a transport medium that provides personal wireless service within a geographic area.

EFFECTIVE PROHIBITION

A finding by the Planning Board that, based upon an applicant's submission of sufficient probative, relevant, and sufficiently reliable evidence, and the appropriate weight which the Board deems appropriate to afford same, an applicant has established that an identified wireless carrier does not have adequate coverage as defined hereinabove, but suffers from a significant gap in its personal wireless services within the Town and that a proposed installation by that applicant would be the least intrusive means of remedying that gap, such that a denial of the application to install such facility would effectively prohibit the carrier from providing personal wireless services within the Town. Any determination of whether an applicant has established, or failed to establish, both the existence of a significant gap and whether its proposed installation is the least intrusive means of remedying such gap, shall be based upon substantial evidence, as is hereinafter defined.

ELEVENTH HOUR SUBMISSIONS

An applicant's submission of new and/or additional materials in support of an application within 48 hours of the expiration of an applicable shot clock, or at an otherwise unreasonably short period of time before the expiration of the shot clock, making it impracticable for the Planning Board to adequately review and consider such submissions due to their complexity, volume, or other factors, before the expiration of the shot clock.

ENURE

To operate or take effect. To serve to the use, benefit, or advantage of a person or party.

EPA

The United States Environmental Protection Agency.

FAA

The Federal Aviation Administration, or its duly designated and authorized successor agency.

FACILITY

A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

FCC

The Federal Communications Commission.

GENERAL POPULATION/UNCONTROLLED EXPOSURE LIMITS

The applicable radiofrequency radiation exposure limits set forth within 47 CFR §1.1310(e)(1), Table 1 Section (ii), made applicable pursuant to 47 CFR §1.1310(e)(3).

HEIGHT

When referring to a tower, personal wireless service facility, or personal wireless service facility structure, the height shall mean the distance measured from the pre-existing grade level to the highest point on the tower, facility, or structure, including, but not limited to, any accessory, fitting, fitment, extension, addition, add-on, antenna, whip antenna, lightning rod or other types of lightning-protection devices attached to the top of the structure.

HISTORIC STRUCTURE

Any structure that is either listed on the [State and](#) National Register of Historic Places, or is eligible for inclusion in the [State](#) ~~or~~[and](#) National Register of Historic Places under 36 CFR §63.1 [or structures on the Town Historic Register](#).

ILLEGALLY EXCESSIVE RF RADIATION or ILLEGALLY EXCESSIVE RADIATION

RF radiation emissions at levels that exceed the legally permissible limits set forth within 47 CFR §1.1310(e)(1), Table 1 Sections (i) and (ii), as made applicable pursuant to 47 CFR §1.1310(e)(3).

IN-KIND REPLACEMENT

The replacement of a malfunctioning component(s) with a properly functioning component of substantially the same weight, dimensions, and outward appearance.

MACROCELL

A cellular base station that typically sends and receives radio signals from large towers and antennas. These include traditionally recognized cell towers, which typically range from 50 to 199 feet in height.

MAINTENANCE or ROUTINE MAINTENANCE

Plumbing, electrical or mechanical work that may require a building permit but that does not constitute a modification to the personal wireless service facility. It is work necessary to assure that a wireless facility and/or telecommunications structure exists and operates reliably and in a safe manner, presents no threat to persons or property, and remains compliant with the provisions of this chapter and FCC requirements.

NECESSARY or NECESSITY or NEED

What is technologically required for the equipment to function as designed by the manufacturer, and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the application. “Necessary” or “need” does not mean what may be desired, preferred, or the most cost-efficient approach and is not related to an applicant’s specific chosen design standards. Any situation involving a workable choice between or among alternatives or options is not a need or a necessity.

NEPA

The National Environmental Policy Act, 42 U.S.C. §4321 et seq.

NHPA

The National Historic Preservation Act, 54 U.S.C. 300101 et seq, and 36 CFR Part 800 et seq.

NODE, DAS NODE

A fixed antenna and related equipment installation that operates as part of a system of spatially separated antennas, all of which are connected through a medium through which they work collectively to provide personal wireless services, as opposed to other types of personal wireless facilities, such as macrocells, which operate independently.

NOTICE ADDRESS

An address, which is required to be provided by an applicant at the time it submits an application for a Special Use Permit, at which the Town, Planning Board and/or ~~Building Inspector~~Zoning Enforcement Officer can mail notice, and the mailing of any notice to such address by first-class mail shall constitute sufficient notice to any and all applicants, co-applicants, and/or their attorneys, to satisfy any notice requirements under this Chapter, as well as any notice requirements of any other local, state and/or federal law.

NOTICE OF INCOMPLETENESS, NOTICE OF INCOMPLETE APPLICATION

A written notice, mailed by first class mail, to an applicant seeking an approval for the installation of a PWEF, wherein the sender advises the applicant that its application is either incomplete, the wrong type of application, or is otherwise defective, and setting for the reason or reasons why the application is incomplete and/or defective.

NOTICE OF EFFECTIVE PROHIBITION CONDITIONS

A written notice which is required to be provided to the Town at the time of the filing of any application, by all applicants seeking any approval, of any type, for the siting, installation and/or construction of a PWSF, wherein the respective applicant asserts, claims or intends to assert or claim, that a denial of their respective application, by any agent, employee, board or body of the Town, would constitute an “effective prohibition” within the meaning of the TCA, and concomitantly, that a denial of their respective application or request would violate Section 47 U.S.C. §332(c)(7)(B)(i)(II) of the TCA.

OCCUPATIONAL/CONTROLLED EXPOSURE LIMITS

The applicable radiofrequency radiation exposure limits set forth within 47 CFR §1.1310(e)(1), Table 1 Section (i), made applicable pursuant to 47 CFR §1.1310(e)(2).

PERSONAL WIRELESS SERVICE/PERSONAL WIRELESS SERVICES

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, within the meaning of 47 U.S.C. §332(c)(7)(c)(i), and as defined therein.

PERSONAL WIRELESS SERVICE FACILITY, PERSONAL WIRELESS SERVICES FACILITY or PWSF

A facility or facilities used for the provision of personal wireless services, within the meaning of

47 U.S.C. §332(c)(7)(c)(ii). It means a specific location at which a structure that is designed or intended to be used to house or accommodate antennas or other transmitting or receiving equipment is located. This includes, without limitation, towers of all types and all kinds of support structures, including but not limited to buildings, church steeples, silos, water towers, signs, utility poles, or any other structure that is used or is proposed to be used as a telecommunications structure for the placement, installation and/or attachment of antennas or the functional equivalent of such. It expressly includes all related facilities and equipment such as cabling, radios and other electronic equipment, equipment shelters and enclosures, cabinets, and other structures enabling the complex to provide personal wireless services.

PROBATIVE EVIDENCE

Evidence which tends to prove facts, and the more a piece of evidence or testimony proves a fact, the greater its probative value, as shall be determined by the Planning Board, as the finder-of-fact in determining whether to grant or deny applications for Special Use Permits under this provision of the Town Code.

REPAIRS

The replacement or repair of any components of a wireless facility or complex where the replacement is substantially identical to the component or components being replaced, or for any matters that involve the normal repair and maintenance of a wireless facility or complex without the addition, removal, or change of any of the physical or visually discernible components or aspects of a wireless facility or complex that will impose new visible intrusions of the facility or complex as originally permitted.

RF

Radiofrequency.

RF RADIATION

Radiofrequency radiation, that being electromagnetic radiation which is a combination of electric and magnetic fields that move through space as waves, and which can include both Non-Ionizing radiation and Ionizing radiation.

SECTION 106 REVIEW

A review under Section 106 of the National Historic Preservation Act.

SETBACK

For purposes of Special Use Permit applications, a setback shall mean the distance between (a) any portion of a personal wireless facility and/or complex, including but not limited to any and all accessory facilities and/or structures, and (b) the exterior line of any parcel of real property or part thereof which is owned by, or leased by, an applicant seeking a Special Use Permit to construct or install a personal wireless facility upon such real property or portion thereof. In the event that an applicant leases only a portion of real property owned by a landlord, the setback shall be measured from the facility to the line of that portion of the real property, which is actually leased by the applicant, as opposed to the exterior lot line of the non-leased portion of the property owned by the landlord.

SEQRA

The New York State Environmental Quality Review Act, 6 NYCRR Part 617 et seq.

SHOT CLOCK

The applicable period which is presumed to be a reasonable period within which the Town is generally required to issue a final decision upon an application seeking Special Use Permit approval for the installation or substantial modification of a personal wireless services facility or structure, to comply with Section 47 U.S.C. §332(c)(7)(B)(ii) of the TCA.

SHPO

The New York State Historic Preservation Office

SITE DEVELOPER or SITE DEVELOPERS

Individuals and/or entities engaged in the business of constructing wireless facilities and wireless facility infrastructure and leasing space and/or capacity upon, or use of, their facilities and/or infrastructure to *wireless carriers*. Unlike *wireless carriers*, site developers generally do not provide personal wireless services to end-use consumers.

SMALL CELL

A fixed cellular base station that typically sends and receives radio signals and which are mounted upon poles or support structures at substantially lower elevations than macrocell facilities.

SMALL WIRELESS FACILITY (SWF)

A personal wireless service facility that meets all of the following criteria

- (a) The facility does not extend the height of an existing structure to a total cumulative height of more than fifty (50) feet, from ground level to the top of the structure and any equipment affixed thereto;
- (b) Each antenna associated with the deployment is no more than three (3) cubic feet in volume;
- (c) All wireless equipment associated with the facility, including any pre-existing equipment and any proposed new equipment, cumulatively total no more than twenty-eight (28) cubic feet in volume;
- (d) The facility is not located on tribal land; and
- (e) The facility will not result in human exposure to radiofrequency radiation in excess of the applicable FCC safety standards set forth within Table 1 of 47 CFR §1.1310(E)(1).

Note that Strand Mounted antennae that meet these criteria are included in this definition of Small Wireless Facility.

SPECIAL USE PERMIT

The official document or permit granted by the Planning Board pursuant to which an applicant is allowed to file for and obtain a building permit to construct and use a personal wireless services facility, personal wireless service equipment, and/or any associated structures and/or equipment

which are used to house, or be a part of, any such facility or complex, or to be used to provide personal wireless services.

STATE

The State of New York.

STEALTH or STEALTH TECHNOLOGY

A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and generally in the same area as the requested location of such personal wireless service facilities. This shall mean building the least visually and physically intrusive facility and complex under the facts and circumstances.

STRAND MOUNTED ANTENNA or STRAND MOUNTED SMALL CELLS

Small wireless antenna(s) and equipment attached directly to the wire, that is, the metal strand, hanging between two utility poles. These are similar in size to cable operator's equipment that is placed on their aerial fiber.

STRUCTURE

A pole, tower, base station, or other building, physical support of any form used for, or to be used for, the provision of personal wireless service.

SUBSTANTIAL EVIDENCE

Substantial Evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It means less than a preponderance but more than a scintilla of evidence.

TCA

The Telecommunications Act of 1996, 47 U.S.C. §332(c)

TOLLING or TOLLED

The pausing of the running of the time period permitted under the applicable shot clock for the respective Type of application for a personal wireless services facility. Where a shot clock is tolled because an application has been deemed incomplete and timely notice of incompleteness was mailed to the applicant, the submission of additional materials by the applicant to complete the application will end the tolling, thus causing the shot clock period to *resume* running, as opposed to causing the shot clock to begin running *anew*, unless the filing of additional material(s) causes the shot clock to be reset and begin running *anew*, as for Type III applications.

TOWER, TELECOMMUNICATIONS TOWER

Any structure designed primarily to support one or more antennas and/or equipment used or designed for receiving and/or transmitting a wireless signal.

TOWN

The Incorporated Town of Woodstock.

TOWN CODE

The Code of the Town of Woodstock, as the term has been codified in Article I, §1-1.

UNDERTAKING

Any application for a Special Use Permit seeking Board approval for the installation of a personal wireless services facility licensed under the authority of the FCC shall constitute an undertaking within the meaning of NEPA, in accord with 42 CFR §137.289 and 36 CFR §800.16.

WIRELESS CARRIERS or CARRIER

Companies that provide Personal Wireless Services to end-use consumers.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Woodstock, established pursuant to Article VI, §82-19.

ZONING LAW, A/K/A THE ZONING ORDINANCE

The Zoning Law of the Town of Woodstock, Ulster County, New York, as entitled under Article I, §260-1.

(C) Application Types

There shall be four (4) specific types of applications for Special Use Permits under this section, which shall include Type I, Type II, Type III, and Type IV applications. It shall be the obligation of any applicant to explicitly and correctly identify which type of application they are filing.

1. Type I Applications Colocations of Small Wireless Facilities

Type I applications shall be limited to applications wherein an applicant seeks to co-locate a new small wireless facility, as defined in this chapter, by installing new personal wireless service equipment upon an already existing small personal wireless services facility structure.

If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.

Type I applications for co-location of a small wireless facility in all zoning districts delineated in Section §260-7 of the zoning law shall require an applicant to obtain a Special Use Permit, and site plan approval from the Planning Board.

2. Type II Applications Co-locations which do not meet the definition of a Small Wireless Facility.

Type II applications shall be limited to applications wherein an applicant is seeking to co-locate new personal wireless service equipment by installing such new wireless equipment upon an already existing personal wireless services facility structure, tower, or complex, which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure.

Type II applications for co-location of a wireless facility in all zoning districts delineated in Section §260-7 of the ~~zoning-law~~Zoning Law shall require an applicant to obtain a Special Use Permit, and site plan approval from the Planning Board.

3. Type III Applications New Small Wireless Facilities

Type III applications shall be limited to applications seeking to install and/or construct a new small wireless facility as defined in Section §260-64(B) hereinabove.

Type III applications shall require applicants to obtain a Special Use Permit and site plan approval from the Planning Board.

4. Type IV Applications New Towers and All Other Wireless Facilities

Type IV applications shall include applications for the installation of a new telecommunications tower, personal wireless service facility, complex, structure, or equipment, which does not meet the criteria for Type I, Type II, or Type III applications.

Type IV applications shall require applicants to obtain a Special Use Permit and site plan approval from the Planning Board.

D. Shot Clock Periods

To comply with the requirements of Section 47 U.S.C. 332(c)(7)(B)(ii) of the TCA, the following shot clock periods set forth herein below shall be presumed to be reasonable periods within which the Planning Board shall render determinations upon Special Use Permit applications for personal wireless service facilities.

The Planning Board shall render determinations upon such applications within the periods set forth hereinbelow, unless the applicable shot clock period listed below is tolled, extended by agreement or the processing of the application is delayed due to circumstances beyond the Board and/or Town's controls, as addressed within subsections §260.64(O), (P), (Q), and (R) herein below.

Table of Days Allowed for Response to Applicant – Details Follow

Respond to Applicant with:	Shot Clock starts when:	Response provided by:	Type I: Colocate SWF	Type II: Colocate non-SWF	Type III: New SWF	Type IV: New non-SWF
Notice of Incompleteness of Application	Application Received by the Town	Building Inspector <u>Zoning Enforcement Officer</u>	10 days	30 days	10 days	30 days
Notice of Incompleteness of Additional Materials	Additional Materials Received by the Town	Building Inspector <u>Zoning Enforcement Officer</u>	10 days	10 days	10 days	10 days
When missing required materials are provided by the Applicant, the Shot Clock:			Resumes	Resumes	Runs Anew	Resumes
Written Decision	Application Received by the Town	Planning Board	60 days	90 days	90 days	150 days
----- Shot Clock -----						

1. Type I Applications Colocations of Small Wireless Facilities
Sixty (60) Days

Unless extended by agreement, tolled, or subject to reasonable delays, the Planning Board shall issue a written decision upon a Type I application within **sixty (60) days** from the date when the Town receives a Type I application.

Upon receipt of a Type I application, the ~~Building Inspector~~Zoning Enforcement Officer shall review the application for completeness. If the ~~Building Inspector~~Zoning Enforcement Officer determines the application is: (a) incomplete, (b) missing required application materials, (c) is the wrong type of application, or (d) is otherwise defective, then, within **ten (10) days** of the Town's receipt of the application, the ~~Building Inspector~~Zoning Enforcement Officer, or his/her or their designee, shall mail the applicant a Notice of Incompleteness by first class mail, to the Notice Address provided by the applicant.

Within such Notice of Incompleteness, the ~~Building Inspector~~Zoning Enforcement Officer shall advise the applicant, with reasonable clarity, the defects within its application, including a description of such matters as what items are missing from the application and/or why the application is incomplete and/or defective.

The mailing of a Notice of Incomplete Application by the ~~Building Inspector~~Zoning Enforcement Officer shall toll the 60-day shot clock, which shall not thereafter resume running unless and until the applicant tenders an additional submission to the ~~Building Inspector~~Zoning Enforcement Officer to remedy the issues the ~~Building Inspector~~Zoning Enforcement Officer identified in the Notice of Incomplete Application, which he/she or they had mailed to the applicant.

The receipt by the ~~Building Inspector~~Zoning Enforcement Officer of any responsive materials from the applicant shall automatically cause the shot clock period to resume running.

If upon receipt of any additional materials from the applicant, the ~~Building Inspector~~Zoning Enforcement Officer determines that the application is still incomplete and/or defective, then the ~~Building Inspector~~Zoning Enforcement Officer shall, once again, mail a Notice of Incompleteness within **ten (10) days** of the applicant having filed its supplemental or corrected materials to the Town and the shot clock shall once again be tolled, and the same procedure provided for hereinabove shall be repeated.

2. Type II Applications Colocations on existing Towers, Structures or other Facilities which do not meet the definition of a Small Wireless Facility. Ninety (90) Days

Unless extended by agreement, tolled, or subject to reasonable delays, the Planning Board shall issue a written decision upon a Type II application within **ninety (90) days** from the date when the Town receives a Type II application.

Upon receipt of a Type II application, the ~~Building Inspector~~Zoning Enforcement Officer shall review the application for completeness. If the ~~Building Inspector~~Zoning Enforcement Officer determines the application is: (a) incomplete, (b) missing required application materials, (c) is the wrong type of application, or (d) is otherwise defective, then, within **thirty (30) days** of the Town's receipt of the application, the ~~Building Inspector~~Zoning Enforcement Officer, or his/her or their designee, shall mail the applicant a Notice of Incompleteness by first class mail, to the Notice Address provided by the applicant.

Within such Notice of Incompleteness, the ~~Building Inspector~~Zoning Enforcement Officer shall advise the applicant, with reasonable clarity of the defects within its application, including a description of such matters as what items are missing from the application and/or why the application is incomplete and/or defective.

The mailing of a Notice of Incomplete Application by the ~~Building Inspector~~Zoning Enforcement Officer shall toll the

90-day shot clock, which shall not thereafter resume running unless and until the applicant tenders an additional submission to the ~~Building Inspector~~Zoning Enforcement Officer to remedy the issues the ~~Building Inspector~~Zoning Enforcement Officer identified in the Notice of Incomplete Application, which he/she or they had mailed to the applicant.

The receipt by the ~~Building Inspector~~Zoning Enforcement Officer of any responsive materials from the applicant shall automatically cause the shot clock period to resume running.

If upon receipt of any additional materials from the applicant, the ~~Building Inspector~~Zoning Enforcement Officer determines that the application is still incomplete and/or defective, then the ~~Building Inspector~~Zoning Enforcement Officer shall, once again, mail a Notice of Incompleteness within **ten (10) days** of the applicant having filed its supplemental or corrected materials to the Town. The shot clock shall once again be tolled, and the same procedure provided hereinabove shall be repeated.

3. Type III Applications New Small Wireless Facilities Ninety (90) Days

Unless extended by agreement, tolled, or subject to reasonable delays, the Planning Board shall issue a written decision upon a Type III application within **ninety (90) days** from the date when the Town receives a Type III application.

Upon receipt of a Type III application, the ~~Building Inspector~~Zoning Enforcement Officer shall review the application for completeness. If the ~~Building Inspector~~Zoning Enforcement Officer determines the application is: (a) incomplete, (b) missing required application materials, (c) is the wrong type of application, or (d) is otherwise defective, then, within **ten (10) days** of the Town's receipt of the application, the ~~Building Inspector~~Zoning Enforcement Officer, or his/her or their designee, shall mail the applicant a Notice of Incompleteness by first class mail, to the Notice Address which the applicant has provided.

Within such Notice of Incompleteness, the ~~Building Inspector~~Zoning Enforcement Officer shall advise the applicant, with reasonable clarity, the defects within its application, including a description of such matters as what items are missing from the application and/or why the application is incomplete and/or defective.

The mailing of a Notice of Incomplete Application by the ~~Building Inspector~~Zoning Enforcement Officer shall *reset* the 90-day shot clock, *which shall start running anew*, if and when the applicant tenders an additional submission to the ~~Building Inspector~~Zoning Enforcement Officer to remedy the issues the ~~Building Inspector~~Zoning Enforcement Officer identified in the Notice of Incomplete Application, which he/she or they had mailed to the applicant.

If upon receipt of any additional materials from the applicant, the ~~Building~~

~~Inspector~~Zoning Enforcement Officer

determines that the application is still incomplete and/or defective, then the ~~Building Inspector~~Zoning Enforcement Officer shall, once again, mail a Notice of Incompleteness within **ten (10) days** of the applicant having filed its supplemental or corrected materials to the Town and the shot clock *shall be tolled*, and the same procedure provided for hereinabove shall be repeated.

4. Type IV Applications New Towers and All Other Wireless Facilities One Hundred Fifty (150) Days

Unless extended by agreement, tolled, or subject to reasonable delays, the Planning Board shall issue a written decision upon a Type IV application within **one hundred fifty (150) days** from the date when the Town receives a Type IV application.

Upon receipt of a Type IV application, the ~~Building Inspector~~Zoning Enforcement Officer shall review the application for completeness. If the ~~Building Inspector~~Zoning Enforcement Officer determines the application is: (a) incomplete, (b) missing required application materials, (c) is the wrong type of application, or (d) is otherwise defective, then, within **thirty (30) days** of the Town's receipt of the application, the ~~Building Inspector~~Zoning Enforcement Officer, or his/her or their designee, shall mail the applicant a Notice of Incompleteness by first class mail, to the Notice Address provided by the applicant.

Within such Notice of Incompleteness, the ~~Building Inspector~~Zoning Enforcement Officer shall advise the applicant, with reasonable clarity, the defects within its application, including a description of such matters as what items are missing from the application and/or why the application is incomplete and/or defective.

The mailing of a Notice of Incomplete Application by the ~~Building Inspector~~Zoning Enforcement Officer shall toll the 150-day shot clock, which shall not thereafter resume running unless and until the applicant tenders an additional submission to the ~~Building Inspector~~Zoning Enforcement Officer to remedy the issues the ~~Building Inspector~~Zoning Enforcement Officer identified in the Notice of Incomplete Application, which he/she or they had mailed to the applicant.

The receipt by the ~~Building Inspector~~Zoning Enforcement Officer of any responsive materials from the applicant shall automatically cause the shot clock period to resume running.

If upon receipt of any additional materials from the applicant, the ~~Building Inspector~~Zoning Enforcement Officer determines that the application is still incomplete and/or defective, then the ~~Building Inspector~~Zoning Enforcement Officer shall, once again, mail a Notice of Incompleteness within **ten (10) days** of the applicant having filed its supplemental or corrected materials to the town and the shot clock shall once again be tolled, and the same procedure provided for hereinabove shall be repeated.

E. Shot Clock Tolls, Extensions & Reasonable Delay Periods

Consistent with the letter and intent of Section 47 U.S.C. §332(c)(7)(B)(ii) of the TCA, each of the shot clock periods set forth within Section §260-64(D) hereinabove shall generally be presumed to be sufficient periods within which the Planning Board shall render decisions upon Special Use Permit applications.

Notwithstanding same, the applicable shot clock periods may be tolled, extended by mutual agreement between any applicant and/or its representative and the Planning Board, and the Planning Board shall not be required to render its determination within the shot clock period presumed to be reasonable for each type of application, where the processing of such application is reasonably delayed, as described hereinbelow.

1. Tolling of the Applicable Shot Clock Due to Incompleteness and/or Applicant Error

As provided for within Section §260-64(D) hereinabove, in the event that the ~~Building Inspector~~Zoning Enforcement Officer deems an application incomplete, the ~~Building Inspector~~Zoning Enforcement Officer shall send a Notice of Incompleteness to the applicant to notify the applicant that its application is incomplete and/or contains material errors, and shall reasonably identify the missing information and/or documents and/or the error(s) in the application.

If the ~~Building Inspector~~Zoning Enforcement Officer mails a Notice of Incompleteness as described hereinabove, the applicable shot clock shall automatically be tolled, meaning that the applicable shot clock period within which the Planning Board is required to render a final decision upon the application shall immediately cease running, and shall not resume running or start running anew, unless and until the Town receives a responsive submission from the applicant.

If and when the applicant thereafter submits additional information in an effort to complete its application, or cure any identified defect(s), then the shot clock shall automatically *resume* running once the additional information is received by the Town, but shall not be deemed to start running *anew*, except for Type III applications for new SWF's. For these Type III applications, the rejection of an application as incomplete or defective, and subsequent filing of information by an applicant to complete the application, or to cure any defect, shall cause the shot clock to run *anew* from the date of the filing of the new or correct information.

The applicable shot clock period shall, once again, be tolled if the ~~Building Inspector~~Zoning Enforcement Officer thereafter provides a second notice that the application is still incomplete or defective, despite any additional submissions which have been received by the Town, from the applicant, up to that point.

2. Shot Clock Extension by Mutual Agreement

The Planning Board, in its sole discretion, shall be free to extend any applicable shot clock period by mutual agreement with any respective applicant. This discretion on the part of the Board shall include the Board's authority to request, at any time, and for any period of time the Planning Board may deem reasonable or appropriate under the circumstances, consent from a respective applicant, to extend the applicable shot clock period, to enable the Board, the applicant, or any relevant third party, to complete any type of Undertaking or task related to the review, analysis, processing, and determination of the particular application, which is then pending before the Board, to the extent that any such Undertaking, task, or review is consistent with, or reasonably related to, compliance with any federal, state, or local law, and/or the requirements of any provision of the Town Code, including but not limited to this Article.

In response to any request by the Board, the applicant, by its principal, agent, attorney, site acquisition agent, or other authorized representative can consent to any extension of any applicable shot clock, by affirmatively indicating its consent either in writing or by affirmatively indicating its consent on the record at any public hearing or public meeting. The Planning Board shall be permitted to reasonably rely upon a representative of the applicant indicating that they are authorized to grant such consent on behalf of the respective applicant, on whose behalf they have been addressing the Board within the hearing process.

3. Reasonable Delay Extensions of Shot Clock Periods

The Town recognizes that there may be situations wherein, due to circumstances beyond the control of the Town and/or the Planning Board, the review and issuance of a final decision upon a Special Use Permit application for a personal wireless facility cannot reasonably be completed within the application shot clock periods delineated within Section §260-64(D) hereinabove.

If, despite the exercise of due diligence by the Town and the Planning Board, the determination regarding a specific application cannot reasonably be completed within the applicable shot clock period, the Board shall be permitted to continue and complete its review, and issue its determination at a date beyond the expiration of the applicable period, if the delay of such final decision is due to circumstances including, but not limited to, those enumerated hereinbelow, each of which shall serve as a reasonable basis for a reasonable delay of the applicable shot clock period.

Reasonable delays which may constitute proper grounds for extending the presumed sufficient periods for rendering determinations under the applicable shot clock periods may include, but are not necessarily limited to, those set forth within Sections §260-64(O), (P), (Q), and (R) herein below.

F. Application Requirements

Applications for Special Use Permits under this section shall be made to the ~~Building Inspector~~Zoning Enforcement Officer, who shall initially determine whether or not the application is complete and/or free of defects upon receipt of the same.

If the ~~Building Inspector~~Zoning Enforcement Officer determines that the application is defective or incomplete, they shall promptly mail a **Notice of Incompleteness** to the applicant, in accord with §260-64(D) to toll the applicable shot clock, to ensure that the Town and the Planning Board are afforded sufficient time to review and determine each respective application.

Each application shall include the following materials, the absence of any one of which listed hereinbelow, shall render the respective application incomplete:

1. Special Use Permit and Site Plan Applications

Completed applications for a Special Use Permit and site plan that shall identify all applicants, co-applicants, site developer(s), and wireless carrier(s) on whose behalf the application is being submitted, as well as the property owner of the proposed site.

2. Filing Fees

The appropriate filing fees then being charged by the Town for applications for Special Use Permit applications and other related applications.

3. A “Notice Address”

A “Notice Address,” that being a specific address to which the Town, Planning Board, and/or ~~Building Inspector~~Zoning Enforcement Officer may mail any type of notice, and that the mailing of same to such address shall constitute sufficient notice to any applicant, co-applicant, and/or their attorney, to comply with any requirement under this section as well as any local, state and/or federal law.

4. Proof of Authorization for Site Occupancy

Where an applicant is not the owner of the real property upon which it seeks to install its equipment or facility, they shall submit proof of authorization to occupy the site at issue. If the applicant is leasing all or a portion of real property upon which it intends to install its new facility or equipment, then the applicant shall provide a written copy of its lease with the owner of such property. The applicant may redact any financial terms contained within the lease, but it shall not redact any portion of the lease which details the amount of area leased nor the specific portion of the real property to which the applicant has obtained the right to occupy, access, or preclude others from entering.

Where an applicant is seeking to Co-Locate new equipment into an existing facility, it shall provide a copy of its written co-location agreement with the owner of such pre-existing facility, from which it may redact any financial terms.

5. A Drawn-To-Scale Depiction

The applicant shall submit drawn-to-scale depictions of its proposed wireless support structure and all associated equipment to be mounted thereon, or to be installed as part of such facility, which shall clearly and concisely depict all equipment and the measurements of same, to enable the ~~Building Inspector~~Zoning Enforcement Officer to ascertain whether the proposed facility would qualify as a small wireless facility as defined under this Article.

If the applicant claims that its proposed installation qualifies as a small wireless facility within this Article, the drawn-to-scale depiction shall include complete calculations for all of the antennas and equipment of which the facility will be comprised, depicting that, when completed, the installation and equipment will meet the physical size limitations which enable the facility to qualify as a small wireless facility.

6. Site plan

The applicant shall submit a site plan and site plan application in accordance with Article VII of the Town Code. The site plan shall show all existing and proposed structures and improvements, including antennas, roads, buildings, guy wires and anchors, parking, and landscaping, and shall include grading plans for new Facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.

7. Engineer's Report

For the construction of all new wireless facilities, the applicant shall provide an engineer's report certifying the integrity and safety of all proposed new towers and/or structures.

To the extent that an application proposes the co-location of new equipment onto an existing tower or facility, the applicant shall provide an engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing structure and explaining what modifications, if any, will be required in order to certify to the above.

8. Environmental Assessment Form

A completed environmental assessment form (EAF) and a completed visual EAF addendum.

9. Visual Impact Analysis

A completed visual impact analysis, which, at a minimum, shall include the following:

(a) Small Wireless Facilities

For applications seeking approval for the installation of a small wireless facility, the applicant shall provide a visual impact analysis which shall include photographic images taken from the perspectives of the properties situated in closest proximity to the location being proposed for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a “clear line of sight” between the tower location and their location.

(b) Telecommunications Towers and Personal Wireless Service Facilities which do not meet the definition of a Small Wireless Facility

For applications seeking approval for the installation of a telecommunications tower or a personal wireless service facility that does not meet the definition of a small wireless facility, the applicant shall provide:

- (i) A “Zone of Visibility Map” to determine locations from where the new facility will be seen.
- (ii) A visual impact analysis which shall include photographic images taken from the perspectives of the properties situated in closest proximity to the location being proposed for the siting of the facility, as well as those properties which would reasonably be expected to sustain the most significant adverse aesthetic impacts due to such factors as their close proximity to the site, their elevation relative to the site, the existence or absence of a “clear line of sight” between the tower location and their location.

The photographic images shall depict the height at which the proposed facility shall stand when completed, including all portions and proposed attachments to the facility, including, but not limited to, the main support structure, all antennas, transmitters, whip antennas, lightning rods, t-bars, crossbars, and cantilever attachments which shall, in whole or in part, be affixed to it, any and all surrounding equipment compound(s), fencing, cellular equipment cabinets, transformers, transformer vaults and/or cabinets, sector distribution boxes, ice bridges, backup generators, including but not limited to equipment boxes, switch boxes, backup generators, ice bridges, etc., to the extent that any of such compound and/or equipment will be visible from properties other than the property upon which the proposed tower and compound are to be installed.

The visual impact analysis shall include an assessment of alternative designs and

color schemes, as well as an assessment of the visual impact of the proposed facility, taking into consideration any supporting structure which is to be constructed, as well as its base, guy wires, accessory structures, buildings, and overhead utility lines from abutting properties and streets.

10. Alternative Site Analysis

A completed alternative site analysis of all potential less intrusive alternative sites which the applicant has considered, setting forth their respective locations, elevations, and suitability or unsuitability for remedying whatever specific wireless coverage needs the respective applicant or a specific Wireless Carrier is seeking to remedy by the installation of the new facility which is the subject of the respective application for a Special Use Permit.

If, and to the extent that an applicant claims that a particular alternative site is unavailable, in that the owner of an alternative site is unwilling or unable to accommodate a wireless facility upon such potential alternative site, the applicant shall provide probative evidence of such unavailability, whether in the form of communications or such other form of evidence that reasonably establishes same.

The alternative site analysis shall contain:

- (a) an inventory of all existing tall structures and existing or approved communications towers within a two-mile radius of the proposed site.
- (b) a map showing the exact location of each site inventoried, including latitude and longitude (degrees, minutes, seconds), ground elevation above sea level, the height of the structure and/or tower, and accessory buildings on the site of the inventoried location.
- (c) an outline of opportunities for shared use of an existing wireless facility as opposed to the installation of an entirely new facility.
- (d) a demonstration of good-faith efforts to secure shared use from the owner of each potential existing tall structure and existing or approved communications tower, as well as documentation of the physical, technical, and/or financial reasons why shared usage is not practical in each case.

11. FCC Compliance Report

An FCC compliance report, prepared by a licensed engineer, and certified under penalties of perjury, that the content thereof is true and accurate, wherein the licensed engineer shall certify that the proposed facility will be FCC compliant as of the time of its installation, meaning that the facility will not expose members of the general public to radiation levels that exceed the permissible radiation limits which the FCC has set.

The Town of Woodstock, at its own discretion, may hire a licensed engineer to cross check the FCC Compliance Report, with the cost borne by the applicant.

If it is anticipated that more than one carrier and/or user is to install transmitters into the facility that the FCC compliance report shall take into account anticipated exposure from all users on the facility and shall indicate whether or not the combined exposure levels will, or will not exceed the permissible General Population Exposure Limits, or alternatively, the Occupational Exposure Limits, where applicable.

Such FCC Compliance Report shall provide the calculation or calculations with which the engineer determined the levels of RF radiation and/or emissions to which the facility will expose members of the general public.

On the cover page of the report, the report shall explicitly specify: (a) Whether the applicant and their engineer are claiming that the applicable FCC limits based upon which they are claiming FCC compliance are the *General Population Exposure Limits* or the *Occupational Exposure Limits*. If the applicant and/or their engineer are asserting that the Occupational Exposure Limits apply to the proposed installation, they shall detail a factual basis as to why they claim that the higher set of limits is applicable, (b) The exact minimum distance factor, measured in feet, which the applicant's engineer used to calculate the level of radiation emissions to which the proposed facility will expose members of the general public. The minimum distance factor is the closest distance (i.e., the minimum distance) to which a member of the general public shall be able to gain access to the transmitting antennas mounted upon, or which shall be a part of, the proposed facility.

12. FCC License

A copy of any applicable Federal Communications Commission license possessed by any carrier named as an applicant, co-applicant, or whose equipment is proposed for installation as of the time the application is being filed with the Town.

13. Effective Prohibition Claims

The Town is aware that applicants seeking approvals for the installation of new wireless Facilities often assert that federal law, and more specifically the TCA, prohibits the local government from denying their respective applications.

In doing so, they assert that their desired facility is "necessary" to remedy one or more significant gaps in a carrier's personal wireless service, and they proffer computer-generated propagation maps to establish the existence of such purported gaps.

The Town is additionally aware that, in August 2020, driven by a concern that propagation maps created and submitted to the FCC by wireless carriers were inaccurate, the FCC caused its staff to perform actual drive tests, wherein the FCC staff performed 24,649 tests, driving nearly ten thousand (10,000) miles through nine (9) states, with an additional 5,916 stationary tests conducted at 42 locations situated in nine (9) states.

At the conclusion of such testing, the FCC Staff determined that the accuracy of the propagation maps submitted to the FCC by the wireless carriers had ranged from as little as 16.2% accuracy to a maximum of 64.3% accuracy.

As a result, the FCC Staff recommended that the FCC no longer accept propagation maps from wireless carriers without supporting drive test data to establish their accuracy. A copy of the FCC Staff's 66-page report is available in the Woodstock Town Clerk's office.

The Town considers it of critical import that applicants provide truthful, accurate, complete, and sufficiently reliable data to enable the Planning Board to render determinations upon applications for new wireless Facilities consistent with both the requirements of this Article and the statutory requirements of the TCA.

Consistent with same, if, at the time of filing an application under this Article, an applicant intends to assert before the Planning Board or the Town that: (a) an identified wireless carrier suffers from a significant gap in its personal wireless services within the Town, (b) that the applicant's proposed installation is the least intrusive means of remedying such gap in services, and/or (c) that under the circumstances pertaining to the application, a denial of the application by the Planning Board would constitute an "effective prohibition" under Section 47 U.S.C. §332 the TCA, then, at the time of filing such application, the applicant shall be required to file a written statement which shall be entitled:

"Notice of Effective Prohibition Conditions"

If an applicant files a Notice of Effective Prohibition Conditions, then the applicant shall be required to submit Probative Evidence to enable the Planning Board to reasonably determine: (a) whether or not the conditions alleged by the respective applicant exist, (b) whether there exists a significant gap or gaps in an identified wireless carrier's personal wireless services within the Town, (c) the geographic locations of any such gaps, and (d) the geographic boundaries of such gaps, to enable the Planning Board to determine whether granting the respective application would be consistent with the requirements of this Article and the legislative intent behind same, and whether or not federal law would require the Planning Board to grant the respective application, even if it would otherwise violate the Town's zoning Code, including, but not limited to, this Article.

The additional materials which the applicant shall then be required to provide shall include the following:

(a) Drive Test Data and Maps

If, and to the extent that an applicant claims that a specific wireless carrier suffers from a significant gap in its personal wireless services within the Town, the applicant shall conduct or cause to be conducted a drive test within the specific geographic areas within

which the applicant is claiming such gap or gaps exist, for each frequency at which the carrier provides personal wireless services. The applicant shall provide the Town and the Planning Board with the actual drive test data recorded during such drive test, in a simple format which shall include, in table format:

- (i) the date and time for the test or test,
- (ii) the location, in longitude and latitude of each point at which signal strength was recorded and
- (iii) each signal strength recorded, measured in DBM, for each frequency.

Such data is to be provided in a separate table for each frequency at which the respective carrier provides personal wireless services to any of its end-use customers.

- (iv) the applicant shall also submit drive test maps, depicting the actual signal strengths recorded during the actual drive test, for each frequency at which the carrier provides personal wireless services to its end-use customers.

If an applicant claims that it needs a “minimum” signal strength (measured in DBM) to remedy its gap or gaps in service, then for each frequency, the applicant shall provide three (3) signal strength coverage maps reflecting actual signal strengths in three (3) DBM bins, the first being at the alleged minimum signal strength, and two (2) additional three (3) DBM bin maps depicting signal strengths immediately below the alleged minimum signal strength claimed to be required.

By way of example, if the applicant claims that it needs a minimum signal strength of – 95 DBM to remedy its alleged gap in service, then the applicant shall provide maps depicting the geographic area where the gap is alleged to exist, showing the carrier’s coverage at – 95 to -98 DBM, -99 to -101 DBM and -102 to -104 DBM, for each frequency at which the carrier provides personal wireless services to its end-use customers.

(b) Denial of Service and/or Dropped Call Records

If and to the extent that an applicant claims that a specific wireless carrier suffers from a capacity deficiency, or a gap in service that renders the carrier incapable of providing adequate coverage of its personal wireless services within the Town, then the applicant shall provide dropped call records and denial of service records evidencing the number and percentage of calls within which the carrier’s customers were unable to initiate, maintain and conclude the use of the carrier’s personal wireless services without actual loss of service, or interruption of service.

14. Estimate for Cost of Removal of Facility

A written estimate for the cost of the decommissioning, removal of the facility, including all equipment that comprises any portion or part of the facility, compound, and/or complex, as well as any accessory facility or structure, including the cost of the full restoration and reclamation of the site, to the extent practicable, to its condition before development in accord with the decommissioning and reclamation plan required herein.

15. Property Owner Consent & Liability Acknowledgement

A signed written consent from each owner of the subject real property upon which the respective applicant is seeking installation of its proposed personal wireless service facility, wherein the owner or owners, both authorize the applicant to file and pursue its Special Use Permit application and acknowledge the potential landowner's responsibility, under section §260-64(K) for engineering, legal and other consulting fees incurred by the Town.

G. Design Standards

The following design standards shall apply to all applications for the siting, construction, maintenance, use, erection, movement, reconstruction, expansion, material change, or structural alteration of a personal wireless service facility.

1. Small Wireless Facilities

Small Wireless Facilities (SWF) shall be sited to inflict the minimum adverse impacts upon individual residential properties, and specifically, to minimize, to the greatest extent reasonably feasible, adverse aesthetic impacts upon residential homes or reductions in the property values of same.

SWFs attached to pre-existing wooden and non-wooden poles shall conform to the following criteria:

- (a) Proposed antenna and related equipment shall meet:
 - (i) design standards which the Town may maintain and update as needed, provided that the Town makes its designed standards publicly available for review by any potential applicant seeking approval for the installation of an SWF within the Town, and
 - (ii) National Electric Safety Code (NESC) standards; and
 - (iii) National Electrical Code (NEC) standards.
- (b) Antennas and antenna equipment, including but not limited to radios, cables, associated shrouding, disconnect boxes, meters, microwaves, and conduit, which are mounted on poles, shall be mounted as close to the pole as technically feasible. They shall not be illuminated except as required by municipal, federal, or state authority, provided this shall not preclude deployment on a new or

replacement street light.

(c) Antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible.

Conduits and cabinets shall cover all cables and wiring to the extent that it is technically feasible if allowed by the pole owner. The number of conduits shall be minimized to the extent technically feasible. To the extent technically feasible, antennas, equipment enclosures, and all ancillary equipment, boxes, and conduits shall match the approximate material and design of the surface of the pole or existing equipment on which they are attached.

SWFs attached to replacement poles and new poles shall conform to the criteria set forth herein above for SWF's attached to pre-existing wooden and non-wooden poles, but shall additionally conform to the following criteria:

- (a) The Town prefers that wireless providers and site developers install SWF's on existing or replacement poles instead of installing new poles, and accordingly, to obtain approval for the installation of a new pole, the provider shall be required to document that installation on an existing or replacement pole is not technically feasible.
- (b) To the extent technically feasible, all replacement poles and new poles and pole-mounted antennas and equipment shall substantially conform to the material and design of the pole being replaced, or in the case of a new pole, it shall conform to the nearest adjacent pole or poles.
- (c) The height of replacement poles and new poles shall conform with the height limitations applicable to the district within which the applicant seeks to install their proposed SWF unless the applicant obtains a variance to obtain relief from any such limitation(s).

2. Telecommunications Towers and Personal Wireless Service Facilities which do not meet the definition of a Small Wireless Facility

The design of a proposed new telecommunications tower or personal wireless service facility shall comply with the following:

- (a) The choice of design for installing a new personal wireless service facility or the substantial modification of an existing personal wireless service facility shall be chosen to minimize the potential adverse impacts that the new or expanded facility may, or is likely to, inflict upon nearby properties.
- (b) Any new telecommunications tower shall be designed to accommodate future shared use by other communications providers.
- (c) Unless specifically required by other regulations, a telecommunications tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.

- (d) Notwithstanding the height restrictions listed elsewhere in this chapter, the maximum height of any new telecommunications tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulation.
- (e) Accessory Structures
 - (i) Accessory structures shall maximize the use of building materials, colors, and textures designed to blend with the natural surroundings. The use of camouflage communications towers may be required by the Planning Board to blend the communications tower and/or its accessory structures further into the natural surroundings. "Camouflage" is defined as the use of materials incorporated into the communications tower design that give communications towers the appearance of tree branches and bark coatings, church steeples and crosses, sign structures, lighting structures, or other similar structures.
 - (ii) Accessory structures shall be designed to be architecturally similar and compatible with each other and shall be no more than 12 feet high. The buildings shall be used only for housing equipment related to the particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
- (f) Towers must be placed to minimize visual impacts. Applicants shall place towers on the side slope of the terrain so that, as much as possible, the top of the tower does not protrude over the ridgeline, as seen from public ways.
- (g) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees shall take place on a site connected with an application made under this article prior to the approval of the Special Use Permit use. Any tree cutting after approval of the Special Use Permit use must be in accordance with the approved site plan.
- (h) Screening.
 - (i) Deciduous or evergreen tree plantings may be required to screen portions of the telecommunications tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas.
 - (ii) Where a site adjoins a residential property or public property, including streets, screening suitable in type, size and quantity shall be required by the Planning Board.
 - (iii) The applicant shall demonstrate to the approving board that adequate measures have been taken to screen and abate site noises such as heating and ventilating units, air conditioners, and emergency power generators. Telecommunications towers shall comply with all applicable sections of this chapter as it pertains to noise control and abatement.
- (i) Lighting. Telecommunications towers shall not be lighted except where FAA/FCC required lighting of the telecommunications towers is necessary. No exterior lighting shall spill from the site in an unnecessary manner.
- (j) Access.
 - (i) Adequate emergency and service access shall be provided and maintained. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and

vegetation cutting to the top of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

- (ii) To the extent feasible, all network interconnections to and from the telecommunications site and all power to the site shall be installed underground. At the initial construction of the access road to the site, sufficient conduit shall be laid to accommodate the maximum possible number of telecommunications providers that might use the facility.
- (k) Parking. Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces, but in no case shall the number of parking spaces be less than two spaces.
- (l) Fencing. The telecommunications tower and any accessory structures shall be adequately enclosed by a fence, the design of which shall be approved by the Planning Board. The Planning Board may waive this requirement if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

H. Planning Board Initial Review

1. Initial Review

Upon their acceptance of an application that appears to be complete, the Building Inspector shall transmit the application to the Planning Board for initial review.

The Planning Board shall then conduct an initial review to consider whether or not to establish itself as Lead Agency pursuant to SEQRA and/or NEPA and whether or not a use or area variance is required for the proposed application such that a referral for an application to the ZBA will be required to be made after the Planning Board has declared itself to serve as Lead Agency and during the process of the Planning Board considering a SEQRA determination of environmental significance. That consideration of granting any required variances by the ZBA is done concurrently with the Planning Board's review and consideration of Special Use Permit and site plan approval. The Planning Board shall then conduct a public hearing upon each application, and render its determinations in accord with Sections §260-64(I) and §260-64(J) herein below, and shall ultimately determine whether or not to grant each applicant a Special Use Permit and/or site plan approval.

§260-64(I) Hearings and Public Notice

1. Public Hearings

The Planning Board shall conduct a public hearing upon each Special Use Permit application, consistent with the procedures in Article VI §260-68, except the Planning Board shall have authority to schedule such additional or more frequent public hearings as may be necessary to comply with the applicable shot clocks imposed upon the Town

and the Planning Board under the requirements of the TCA.

2. Required Public Notices

The Planning Board shall ensure that both the public and property owners whose properties might be adversely impacted by the installation of a wireless facility receive Notice of any public hearing pertaining to same and shall ensure that they are afforded an opportunity to be heard concerning same.

Before the date scheduled for the public hearing, the Planning Board shall cause to be published a

“NOTICE OF PUBLIC HEARING FOR NEW WIRELESS FACILITY”

Each “Notice of Public Hearing for New Wireless Facility shall state the name or names of the respective applicant or co-applicants, provide a brief description of the personal wireless facility for which the applicant seeks a Special Use Permit, and the date, time, and location of the hearing.

Each “Notice of Public Hearing for New Wireless Facility” shall be published both: (a) in one or more newspapers in the manner set forth within, and consistent with Article VI, 260-68(B)(1) and (b) by mailing copies of such notice to property owners, as provided for herein below.

The face of each envelope containing the notices of the public hearing shall state, in all bold typeface, in all capital letters, in a font size no smaller than 12 point, the words:

“NOTICE OF PUBLIC HEARING FOR NEW WIRELESS FACILITY”

For Type I and Type III applications, notices of public hearing shall be mailed to all property owners whose real properties are situated within 300 feet of any property line of the real property upon which the applicant seeks to install its new wireless facility. If the site for the proposed facility is situated on, or adjacent to, a residential street containing twelve (12) houses or less, the Planning Board shall additionally mail a copy of such notices to all homeowners on that street, even if their home is situated more than 300 feet from any property line of the property upon which the applicant proposes to install its facility.

For Type II and Type IV applications, the applicant shall mail such notices of public hearing to all property owners whose real properties are situated within 1,500 feet of any property line of the real property upon which the applicant seeks to install its new wireless facility.

The applicant shall additionally post a notice upon the proposed site advising the public of the public hearing.

Prior to the date of the hearing, the respective applicant shall file an Affidavit of Mailing, attesting to whom such notices were mailed by the applicant, the date of the mailing(s), and the content of the notices which were mailed to such recipients.

J. Factual Determinations to be Rendered by the Planning Board

1. Evidentiary Standards

In determining Special Use Permit applications for personal wireless service facilities, the Planning Board shall have sole discretion to determine what probative evidence it shall require each applicant to produce in support of its application to enable the Board to make each of the factual determinations enumerated below.

By way of common examples of the types of evidence which the Board may require an applicant to produce, are the following:

- (a) where an applicant is not the owner of the real property upon which it proposes to install a new wireless facility, the Board can require the applicant to provide a copy of the applicant's lease with the property owner (including any schedules, property descriptions, appendices or other attachments), from which the applicant may censor or delete any financial terms which would be irrelevant to the factual issues which the Board is required to determine;
- (b) where the Board deems it appropriate, the Board can require the applicant to perform what is commonly known as a "balloon test" and to require the applicant to publish reasonably sufficient advance public notice of same, to enable the Board, property owners, and the community, an opportunity to assess the actual adverse aesthetic impact which the proposed facility is likely to inflict upon the nearby properties and surrounding community;
- (c) where the applicant asserts a claim that a proposed facility is necessary to remedy one or more existing significant gaps in an identified wireless carrier's personal wireless services, the Board may require the applicant to provide drive-test generated coverage maps, as opposed to computer-generated coverage maps, for each frequency at which the carrier provides personal wireless services, to show signal strengths in bins of three (3) DBM each, to enable the Board to assess the existence of such significant gaps accurately, and/or whether the carrier possesses adequate coverage within the geographic area which is the subject of the respective application.
- (d) where the applicant asserts that a potential less intrusive alternative location for a proposed facility is unavailable because the owner of the potential alternative site is incapable or unwilling to lease space upon such site to the applicant, the Board may require the applicant to provide proof of such unwillingness in the form of

communications to and from such property owner, and/or a sworn affidavit wherein a representative of the applicant affirms, under penalty of perjury, that they attempted to negotiate a lease with the property owner, what the material terms of any such offer to the property owner were, when the offer was tendered, and how, if at all, the property owner responded to such offer.

The Board shall have sole discretion to determine, among other things, the relevance of any evidence presented, the probative value of any evidence presented, the credibility of any testimony provided, whether expert or otherwise, and the adequacy of any evidence presented.

The Board shall not be required to accept, at face value, any unsupported factual claims asserted by an applicant but may require the production of evidence reasonably necessary to enable the Board to determine the accuracy of any factual allegations asserted by each respective applicant.

Conclusory factual assertions by an applicant shall not be accepted as evidence by the Board.

2. Factual Determinations

To decide applications for Special Use Permits under this section, the Planning Board shall render factual determinations, which shall include two (2) specific types of factual determinations, as applicable.

First, the Board shall render local zoning determinations according to Section (a) hereinbelow.

Then, if, and only if, an applicant asserts claims that: (a) its proposed wireless facility or installation *is necessary to remedy a significant gap in personal wireless services for an explicitly identified wireless carrier*, and (b) that its proposed installation *is the least intrusive means of remedying a specifically identified significant gap or gaps*, the Board shall *additionally* render TCA determinations, in accord with Section (b) hereinbelow.

The Board shall separately record each factual determination it makes in a written decision and shall reference, or make note of, the evidence based upon which it rendered each of its factual determinations.

Each factual determination made by the Board shall be based upon Substantial Evidence.

For purposes of this provision, “Substantial Evidence” shall mean such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It means less than a preponderance but more than a scintilla of evidence.

Evidence which the Board may consider shall include any evidence submitted in support

of an application, and any evidence submitted by anyone opposing a respective application, whether such evidence is in written or photographic form, or whether it is in the form of testimony by any expert, or any person who has personal knowledge of the subject of their testimony. The Board may, of course, additionally consider as evidence any information or knowledge which they, themselves, personally possess, and any documents, records or other evidence which is a matter of public record, irrespective of whether such public record is a record of the Town, or is a record of or is maintained by, another federal, state and/or other governmental entity and/or agency which maintains records which are available for, or subject to, public review.

The requirements for specific factual determinations set forth below are intended to enure to the benefit of the Town, its residents, and property owners, and not applicants.

If, and to the extent that the Planning Board fails to render one or more of such determinations, that omission shall not constitute grounds upon which the respective applicant can seek to annul, reverse or modify any decision of the Planning Board.

(a) Local Zoning Determinations

The Board shall make the following factual determinations as to whether the application meets the requirements for granting a Special Use Permit under this Article.

(i) Compliance with Article VI, §260-62

Whether the proposed installation will meet each of the conditions and standards set forth within §260-62 in the absence of which the Planning Board is not authorized to grant a Special Use Permit.

(ii) Potential Adverse Aesthetic Impacts

Whether the proposed installation will inflict a significant adverse aesthetic impact upon properties that are located adjacent to, or in close proximity to, the proposed site, or any other properties situated in a manner that would sustain significant adverse aesthetic impacts by the installation of the proposed facility.

(iii) Potential Adverse Impacts Upon Real Estate Values

Whether the proposed installation will inflict a significant adverse impact upon the property values of properties that are located adjacent to, or in close proximity to the proposed site, or properties that are otherwise situated in a manner that would cause the proposed installation to inflict a significant adverse impact upon their value.

(iv) Potential Adverse Impact Upon the Character of the Surrounding Community

Whether the proposed installation will be incompatible with the use and/or character of properties located adjacent to or in close proximity to the proposed site or other properties situated in a manner that would cause the proposed installation to be incompatible with their respective use.

(v) Potential Adverse Impacts Upon Historic Properties or Historic Districts

Whether the proposed installation will be incompatible with and/or would have an adverse impact upon, or detract from the use and enjoyment of, and/or character of a historic property, historic site, and/or historic district, including but not limited to historic structures, properties and/or districts which are listed on, or are eligible for listing on, the National Register of Historic Places.

(vi) Potential Adverse Impacts Upon Ridgelines or Other Aesthetic Resources of The Town

Whether the proposed installation will be incompatible with and/or would have an adverse aesthetic impact upon or detract from the use and enjoyment of, and/or character of, recognized aesthetic assets of the Town including, but not limited to, scenic areas and/or scenic ridgelines, scenic areas, public parks, and/or any other traditionally or historically recognized valuable scenic assets of the Town.

(vii) Sufficient Fall Zones

Whether the proposed installation shall have a sufficient fall zone and/or safe zone around the facility to afford the general public safety against the potential dangers of structural failure, icefall, debris fall, and fire.

(viii) Mitigation

Whether the applicant has mitigated the potential adverse impacts of the proposed facility to the greatest extent reasonably feasible. To determine mitigation efforts on the part of the applicant, the mere fact that a less intrusive site, location, or design would cause an applicant to incur additional expense is not a reasonable justification for an application to have failed to propose reasonable mitigation measures.

If when applying the evidentiary standards set forth in hereinabove, the Planning Board determines that the proposed facility would not meet the standards set forth within §260-62, or that the proposed facility would inflict one or more of the adverse impacts described hereinabove to such a substantial extent that granting the respective application would inflict upon the Town and/or its citizens and/or property owners the types of adverse impacts which this provision was enacted to prevent, the Planning Board shall

deny the respective application for a Special Use Permit unless the Board additionally finds that a denial of the application would constitute an Effective Prohibition, as provided for in Sections (b) and (c) immediately hereinbelow.

(b) TCA Determinations

In cases within which an applicant has filed a “Notice of Effective Prohibition Conditions,” the Planning Board shall make three (3) additional factual determinations, as listed herein below:

(i) Adequate Personal Wireless Services Coverage

Whether the specific wireless carrier has adequate personal wireless services coverage within the geographic areas for which the applicant claims a significant gap exists in such coverage.

(ii) Significant Gap in Personal Wireless Services of an Identified Carrier

Whether the applicant has established, based upon probative evidence provided by the applicant and/or its representative, that a specific wireless carrier suffers from a significant gap in its personal wireless services within the Town.

In rendering such determination, the Board shall consider factors including, but not necessarily limited to (a) whether the identified wireless carrier which is alleged to suffer from any significant gap in their personal wireless services has adequate service in its personal wireless services at any frequency being used by the carrier to provide personal wireless services to its end-use customers, (b) whether any such alleged gap is relatively large or small in geographic size, (c) whether the number of the carrier’s customers affected by the gap is relatively small or large, (d) whether or not the location of the gap is situated on a lightly traveled road, or sparsely or densely occupied area, and/or (d) overall, whether the gap is relatively insignificant or otherwise relatively *de minimis*.

A significant gap cannot be established simply because the carrier’s customers are currently using the carrier’s personal wireless services, but the frequency at which the customers are using such services is not the frequency most desired by the carrier.

(iii) Least Intrusive Means of Remediating Gap(s) in Service

Whether the applicant has established based upon probative evidence provided by the applicant and/or its representative, that the installation of the proposed facility, at the specific site proposed by the applicant, and the specific portion of the site proposed by the applicant, and at the specific height proposed by the applicant is the least intrusive means of remediating whatever significant gap or gaps which the applicant has contemporaneously proved to exist as determined by the Planning

Board based upon any evidence in support of, and/or in opposition to, the subject application.

In rendering such determination, the Board shall consider factors including, but not necessarily limited to: (a) whether the proposed site is the least intrusive location at which a facility to remedy an identified significant gap may be located, and the applicant has reasonably established a lack of potential alternative less intrusive sites and lack of sites available for co-location, (b) whether the specific location on the proposed portion of the selected site is the least intrusive portion of the site for the proposed installation (c) whether the height proposed for the facility is the minimum height actually necessary to remedy an established significant gap in service, (d) whether or not a pre-existing structure can be used to camouflage the facility and/or its antennas, (e) whether or not, as proposed, the installation mitigates adverse impacts to the greatest extent reasonably feasible, through the employ of Stealth design, screening, use of color, noise mitigation measures, etc., and/or (f) overall whether or not there is a feasible alternative to remedy the gap through alternative, less intrusive substitute installations, such as the installation of multiple shorter installations, instead of a single microcell facility.

(c) Finding of Effective Prohibition or Lack of Effective Prohibition

If when applying the evidentiary standards set forth in subparagraph (a) hereinabove, the Planning Board affirmatively determines that the applicant has failed to establish either: (i) that an identified wireless carrier suffers from a significant gap(s) in its personal wireless services within the Town, and/or (ii) that the applicant has failed to establish that the proposed installation is the least intrusive means of remedying any such gap or gaps, then the Planning Board may deny the application pursuant to Section (b) hereinabove, and such denial shall not constitute an “Effective Prohibition.”

If when applying the evidentiary standards set forth in subparagraph (a) hereinabove, the Planning Board affirmatively determines that the applicant has established both: (i) that an identified wireless carrier suffers from a significant gap in personal wireless services within the Town, and (ii) that the proposed installation is the least intrusive means of remedying such significant gap or gaps, then the Planning Board shall grant the application, irrespective of any determinations the Board may make pursuant to Section (b) hereinabove, because any such denial would constitute an “effective prohibition.”

K. Retention of Consultants

1. Use of Consultants

Where deemed reasonably necessary by the Planning Board and/or the Town, the Planning Board and/or the Town may retain the services of professional consultants to assist the Planning Board in carrying out its duties in deciding Special Use Permit

applications for personal wireless service facilities. Where the Planning Board uses the services of private engineers, attorneys, or other consultants for purposes of engineering, scientific, land use planning, environmental, legal, or similar professional reviews of the adequacy or substantive aspects of applications, or of issues raised during the course of review of applications for Special Use Permit approvals of personal wireless service facilities, the applicant and landowner, if different, shall be jointly and severally responsible for payment of all the reasonable and necessary costs incurred by the Town for such services. In no event shall that responsibility be greater than the actual cost to the Town of such engineering, legal, or other consulting services.

2. Advance Deposits for Consultant Costs

The Town and/or Planning Board may require advance periodic monetary deposits held by the Town on account of the applicant or landowner to secure the reimbursement of the Town's consultant expenses. The Town Board shall establish policies and procedures for the fixing of escrow deposits and the management of payment from them. After review and approval of itemized vouchers by the Town Board as to reasonableness and necessity of the consultant charges, the Town may make payments from the deposited funds for engineering, legal or consultant services. Upon receiving a request by the applicant or landowner, the Town shall supply copies of such vouchers to the applicant and/or landowner reasonably in advance of audit and approval, appropriately redacted where necessary to shield legally privileged communications between Town officers or employees and the Town's consultant. When it appears that there may be insufficient funds in the account established for the applicant or landowner by the Town to pay current or anticipated vouchers, the Town shall cause the applicant or landowner to deposit additional sums to meet such expenses or anticipated expenses in accordance with policies and procedures established by the Town Board. Consultants shall undertake no review on any matter scheduled before the Planning Board until the initial escrow deposit has been made or requested replenishment of the escrow deposit has been made. No reviewing agency shall be obligated to proceed unless the applicant complies with escrow deposit requirements.

3. Reasonable Limit Upon Consultant Expenses

A consultant expense or part thereof is reasonable in amount if it bears a reasonable relationship to the customary fee charged by engineers, attorneys, or planners within the region for services performed on behalf of applicants or reviewing boards in connection with comparable applications for land use or development.

The Town may also take into account any special conditions for considerations as it may deem relevant, including but not limited to the quality and timeliness of submissions on behalf of the applicant and the cooperation of the applicant and agents during the review process.

A consultant expense or part thereof is necessarily incurred if it was charged by the

engineer, attorney or planner, or other consultants, for a service which was rendered to assist the Planning Board in: (a) making factual determinations consistent with the goals of protecting or promoting of the health, safety or welfare of the Town or its residents; (b) assessing potential adverse environmental impacts such as those identified within a SEQRA process; (c) accessing potential adverse impacts to historic properties, structures and/or districts, and/or (d) assessing and determining factual issues relevant to Effective Prohibition claims, as addressed herein, to enable the Board to best comply with the letter and intent of the provision of the TCA which is relevant thereto.

4. Audits Upon the Request of an Applicant

Upon request of the applicant or landowner, the Town Board shall review and audit all vouchers and determine whether such engineering, legal and consulting expenses are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of a Special Use Permit application for personal wireless service facility. In the event of such a request, the applicant or landowner shall be entitled to be heard by the Town Board on reasonable advance notice.

5. Liability for Consultant Expenses

For a land-use application to be complete, the applicant shall provide the written consent of all owners of the subject real property, both authorizing the applicant to file and pursue land development proposals and acknowledging potential landowner responsibility, under this section, for engineering, legal, and other consulting fees incurred by the Town. If different from the applicant, the owner(s) of the subject real property shall be jointly and severally responsible for reimbursing the Town for funds expended to compensate services rendered to the Town under this section by private engineers, attorneys, or other consultants. The applicant and the owner shall remain responsible for reimbursing the Town for its consulting expenses, notwithstanding that the escrow account may be insufficient to cover such expenses. No building permit or other permit shall be issued until reimbursement of costs and expenses determined by the Town to be due. In the event of failure to reimburse the Town for such fees, the following shall apply:

The Town may seek recovery of unreimbursed engineering, legal, and consulting fees by court action in an appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.

Alternatively, and at the sole discretion of the Town, a default in reimbursement of such engineering, legal and consulting fees expended by the Town shall be remedied by charging such sums against the real property that is the subject of the Special Use Permit application, by adding that charge to and making it a part of the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected simultaneously and in the same manner as Town-assessed taxes and applied in reimbursing the fund from which the costs were defrayed for the engineering, legal and

consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

L. Setback Requirements

1. Small Wireless Facilities

- (a) All small wireless facilities shall be set back a minimum of 300 feet from any residential dwelling or structure, unless the small wireless facilities are being co-located upon a pre-existing personal wireless service facility.
- (b) Small Wireless Facilities shall not be built within 300 feet of the boundaries of the Byrdcliffe Historic District, included in the National Registry of Historic Places; nor within the Hamlet Preservation District (as delineated in the Woodstock Zoning Law.)

2. Cell Towers and all Personal Wireless Service Facilities that do not meet the definition of a Small Wireless Facility

- (a) Each proposed personal wireless service facility and personal wireless service facility structure, compound, and complex shall be located on a single lot and comply with applicable setback requirements. Adequate measures shall be taken to contain on-site all icefall or debris from tower failure and preserve the privacy of any adjoining residential properties.
- (b) Each lot containing a personal wireless service facility and personal wireless service facility structure, compound, and complex shall have the minimum area, shape, and frontage requirements generally prevailing for the zoning district where located, in the Schedules of Regulations for Nonresidential and Residential Districts of this chapter, and such additional land if necessary to meet the setback requirements of this section.
- (c) Cell towers and personal wireless service facilities that do not meet the definition of a small wireless facility, shall maintain a minimum setback of a distance equal to one hundred ten (110%) percent of the height of the facility, for front yard setbacks, rear yard setbacks and side yard setbacks, in all zoning districts.

M. Height Restrictions

1. Small Wireless Facilities

Personal Wireless Service Facilities which meet the definition of a small wireless facility shall not exceed a maximum height of **60** feet within all zoning districts.

2. Non-Small Wireless Facilities

Personal Wireless Service Facilities which do not meet the definition of a small wireless

facility shall not exceed a maximum height of 100 feet above ground level in all zoning districts.

N. Use Restrictions and Variances

1. Use Restrictions by Application Type and Zoning District

Type I applications No Use Variance Required

Type I applications for co-location of a small wireless facility shall be a Special Use Permit use, requiring an applicant to obtain a Special Use Permit from the Planning Board.

Type II applications No Use Variance Required Unless Determined Otherwise

Applications for colocations of a wireless personal services facility, which do not meet the definition of a small wireless facility, shall be considered a Special Use Permit in all Districts and shall require a Special Use Permit and a building permit, but shall not require a use variance, unless the Planning Board, in its sole discretion, determines that the proposed colocation will increase the overall intrusiveness of the site to a sufficient extent that its presence would no longer be compatible with the surrounding properties and/or surrounding community, in which case the Planning Board shall issue a decision determining that the applicant shall be required to obtain a variance from the Zoning Board of Appeals in accord with Article VI of the Town Code.

In rendering a determination of whether or not a variance shall be required, the Planning Board shall consider, among other things: (a) the physical size, number, and potential intrusiveness of each new item of equipment to be installed as part of the proposed colocation, (b) the extent to which the installation of such equipment is to require or effectuate a significant physical expansion of the size or area of the facility or complex, (c) the extent to which the addition of such additional equipment will likely increase the adverse aesthetic impact of the facility, and/or any other potentially significant adverse impacts which are likely to cause a significant increase in the overall intrusiveness of the wireless facility, and/or its compound or complex, such that it will no longer be reasonably compatible with the use of nearby or surrounding properties and/or that its presence would be incompatible with the character and use of the nearby properties and/or surrounding community.

If the Planning Board determines that a variance is required for a specific proposed facility, then the applicant shall be required to file an application for a variance to the Zoning Board of Appeals. The ZBA shall thereafter have the authority to (a) determine that no variance is necessary, (b) grant the application for a variance, or (c) deny the application for a variance.

Type III Applications No Use Variance Required

Applications for installing new Small Wireless Facilities that meet the criteria for Type III applications shall be considered a Special Use Permit use in all Districts. They shall require a Special Use Permit and building permit but shall not require a variance unless they do not meet the applicable setback requirements or height limitation.

Type IV Applications Variance Requirements

Type IV applications seeking approval for the installation of a new cell tower and/or all other wireless facilities that are not a small wireless facility shall require a Special Use Permit and building permit to be permitted only in those portions of the HC, NC, R3, R5 or R8 District outside of the Scenic Overlay District, and provided that the proposed facility will not have an undue adverse impact on historic resources, scenic views, environmentally preserved or protected areas, residential property values and/or natural or man-made resources, and provided that any personal wireless service facility proposed for the Hamlet Commercial (HC) or Neighborhood Commercial (NC) District shall not include the construction of a tower.

O. Environmental Impacts

If, and to the extent that, the Planning Board determines a proposed installation bears the potential for a significant adverse impact upon the environment within the meaning of SEQRA and/or the NEPA, then the Board shall be expected to comply with the requirements of SEQRA in determining both (a) the extent of adverse impacts upon the environment and/or historic properties and (b) what mitigation measures the applicant should be required to undertake to minimize the adverse environmental impacts and/or adverse impacts upon historic sites, structures and/or districts.

If a respective applicant fails to obtain a review from the NYSDEC and/or NEPA and opinion letters from the NYSDEC and the FCC pertaining to its proposed installation prior to a first public hearing before the Planning Board for the respective application, then the Planning Board may make direct requests to the NYSDEC and the FCC for their review of the application. The Planning Board may request SHPO and the FCC's review and input in completing the statutorily-required environmental impact analysis pursuant to SEQRA and NEPA.

In addition, the Planning Board shall comply with the statutory requirements of SEQRA to complete a SEQRA review, make determinations of significance, and where appropriate, require the applicant to complete a draft environmental impact statement, and if additionally appropriate, to thereafter complete a final environmental impact statement and analysis.

So long as the Planning Board acts with reasonable diligence in completing its SEQRA and NEPA review, if compliance with the statutory requirements for environmental review requires a period of effort that extends beyond the expiration of the applicable shot clock period, the delays beyond such period shall be deemed reasonable.

P. Historic Site Impacts

The Planning Board shall consider the potential adverse impacts of any proposed facility upon any historic site, district, or structure, including the Town's Byrdcliffe Historic District and Hamlet Preservation District, consistent with the requirements of the Town's comprehensive plan and SEQRA.

If, and to the extent that, the Planning Board determines that a proposed installation bears the potential for a significant adverse impact upon a historic site or a historic district within the meaning of SEQRA and/or the NHPA (especially if the historic site at issue is listed upon the national register of historic places), then the Board shall comply with the requirements of both SEQRA and Town law in determining both: (a) the extent of adverse impacts upon the historic properties, and (b) what mitigation measure might the applicant be required to undertake to minimize the adverse environmental impacts and/or adverse impacts upon historic sites, structures and/or district.

Should a respective applicant fail to obtain a SHPO and/or a Section 106 review under NHPA, and opinion letters from SHPO and the FCC pertaining to its proposed installation prior to a first public hearing before the Planning Board for the respective application, then the Planning Board shall make direct requests to SHPO and the FCC for their review of the application. They shall request SHPO and the FCC's review and input in completing the statutorily-required environmental/historic impact analysis pursuant to SEQRA and NHPA.

This request shall include, but not be limited to, a request to the FCC for a Section 106 review, as defined in this Article, as the Town recognizes each application for a Special Use Permit for the installation of a personal wireless services facility shall constitute "an undertaking" for purposes of compliance with the National Historic Preservation Act.

In addition, the Planning Board shall comply with the statutory requirements of SEQRA to complete a SEQRA review, make determinations of significance, and where appropriate, require the applicant to complete a draft environmental impact statement, and if additionally appropriate, to thereafter complete a final environmental impact statement and analysis.

So long as the Planning Board acts with reasonable diligence in completing its SEQRA and NHPA review, if compliance with the statutory requirements for historic preservation review requires a period of effort that extends beyond the expiration of the applicable shot clock period, the delays beyond such period shall be deemed reasonable and shall be recognized as acceptable grounds for extending the period for review and the rendering of final determinations beyond the period allotted under the applicable shot clock.

Q. Force Majeure

In the event that the rendering of a final decision upon a Special Use Permit application under this section is delayed due to natural and/or unnatural events and/or forces which are not within

the control of the Town or the Planning Board, such as the unavoidable delays experienced in government processes due to the COVID 19 pandemic, and/or mandatory compliance with any related federal or state government orders issued in relation thereto, such delays shall constitute reasonable delays which shall be recognized as acceptable grounds for extending the period for review and the rendering of final determinations beyond the period allotted under the applicable shot clock.

R. *Eleventh Hour Submissions*

In the event that an applicant tenders eleventh-hour submissions to the Town and/or the Planning Board in the form of (a) expert reports, (b) expert materials, and/or (c) materials which require a significant period for review due either to their complexity or the sheer volume of materials which an applicant has chosen to provide to the Board at such late point in the proceedings, the Planning Board shall be afforded a reasonable time to review such late-submitted materials.

If reasonably necessary, the Planning Board shall be permitted to retain the services of an expert consultant to review any late-submitted expert reports which were provided to the Board, even if such review or services extend beyond the applicable shot clock period, so long as the Board completes such review and retains and secures such expert services within a reasonable period of time thereafter, and otherwise acts with reasonable diligence in completing its review and rendering its final decision.

S. *Prohibition Against Illegally Excessive Emissions and RF Radiation Testing*

As disclosed upon the FCC's public internet website, personal wireless services facilities erected at any height under 200 feet are not required to be registered with the FCC.

Of even greater potential concern to the Town is the fact that the FCC does not enforce the RF radiation limits codified within the CFR by either: (a) testing the actual radiation emissions of wireless Facilities either at the time of their installation or at any time thereafter, or (b) requiring their owners to test them. Relevant excerpts from the FCC's public internet website are in a document available in the Woodstock Town Clerk's office.

This means that when wireless Facilities are constructed and operated within the Town, the FCC will have no idea where they are located and no means of determining, much less ensuring, that they are not exposing residents within the Town and/or the general public to Illegally Excessive levels of RF Radiation.

The Town deems it to be of critical importance to the health, safety, and welfare of the Town, its residents, and the public at large that personal wireless service facilities do not expose members of the general public to levels of RF radiation that exceed the limits which have been deemed safe by the FCC, and/or are imposed under CFR.

In accord with the same, the Town enacts the following RF Radiation testing requirements and provisions set forth herein below.

No wireless telecommunications facility shall at any time be permitted to emit illegally excessive RF Radiation as defined in §260-64(B), or to produce power densities that exceed the legally permissible limits for electric and magnetic field strength and power density for transmitters, as codified within 47 CFR §1.1310(e)(1), Table 1 Sections (i) and (ii), as made applicable pursuant to 47 CFR §1.1310(e)(3).

To ensure continuing compliance with such limits by all owners and/or operators of personal wireless service facilities within the Town, all owners, and operators of personal wireless service facilities shall submit reports as required by this section.

As set forth hereinbelow, the Town may additionally require, at the owner and/or operator's expense, independent verification of the results of any analysis set forth within any reports submitted to the Town by an owner and/or operator.

If an operator of a personal wireless service facility fails to supply the required reports or fails to correct a violation of the legally permissible limits described hereinabove, following notification that their respective facility is believed to be exceeding such limits, any Special Use Permit or other zoning approval granted by the Planning Board or any other Board or representative of the Town is subject to modification or revocation by the Planning Board following a public hearing.

1. Initial Certification of Compliance with Applicable RF Radiation Limits

Within forty-five (45) days of initial operation or a substantial modification of a personal wireless service facility, the owner and/or operator of each Telecommunications antenna shall submit to the ~~Building Inspector~~Zoning Enforcement Officer a written certification by a licensed professional engineer, sworn to under penalties of perjury, that the facility's radio frequency emissions comply with the limits codified within 47 CFR §1.1310(e)(1), Table 1 Sections (i) and (ii), as made applicable pursuant to 47 CFR §1.1310(e)(3).

The engineer shall measure the emissions of the approved facility, including the cumulative impact from other nearby Facilities, and determine if such emissions are within the limits described hereinabove.

A report of these measurements and the engineer's findings with respect to compliance with the FCC's Maximum Permissible Exposure (MPE) limits shall be submitted to the ~~Building Inspector~~Zoning Enforcement Officer.

If the report shows that the facility does not comply with applicable limits, then the owner and/or operator shall cease operation of the facility until the facility is brought into compliance with such limits. Proof of compliance shall be a certification provided by the engineer who prepared the original report. The Town may require, at the applicant's expense, independent verification of the results of the analysis.

2. Random RF Radiofrequency Testing

At the operator's expense, the Town may retain an engineer to conduct random

unannounced RF Radiation testing of such Facilities to ensure the facility's compliance with the limits codified within 47 CFR §1.1310(e)(1) et seq.

The Town may cause such random testing to be conducted as often as the Town may deem appropriate. However, the Town may not require the owner and/or operator to pay for more than one test per facility per calendar year unless such testing reveals that one or more of the owner and/or operator's facilities are exceeding the limits codified within 47 CFR §1.1310(e)(1) et seq., in which case the Town shall be permitted to demand that the facility be brought into compliance with such limits, and to conduct additional tests to determine if, and when, the owner and/or operator thereafter brings the respective facility and/or facilities into compliance.

If the Town at any time finds that there is good cause to believe that a personal wireless service facility and/or one or more of its antennas are emitting RF radiation at levels in excess of the legal limits permitted under 47 CFR §1.1310(e)(1) et seq., then a hearing shall be scheduled before the Planning Board at which the owner and/or operator of such facility shall be required to show cause why any and all permits and/or approvals issued by the Town for such facility and/or facilities should not be revoked, and a fine should not be assessed against such owner and/or operator.

Such hearing shall be duly noticed to both the public and the owner and/or operator of the respective facility or facilities at issue. The owner and/or operator shall be afforded not less than two (2) weeks written notice by first-class mail to its Notice Address.

At such hearing, the burden shall be on the Town to show that, by a preponderance of the evidence, the Facilities emissions exceeded the permissible limits under 47 CFR §1.1310(e)(1) et seq.

In the event that the Town establishes same, the owner and/or operator shall then be required to establish, by clear and convincing evidence, that a malfunction of equipment caused their failure to comply with the applicable limits through no fault on the part of the owner/operator.

If the owner and/or operator fails to establish same, the Planning Board shall have the power to, and shall revoke any Special Use Permit, variance, building permit, and/or any other form of zoning-related approval(s) which the Planning Board, Zoning Board of Appeals, ~~Building Inspector~~Zoning Enforcement Officer and/or any other representative of the Town may have then issued to the owner and/or operator, for the respective facility.

In addition, the Planning Board shall impose a fine of not less than \$1,000, nor more than \$5,000 for such violation of subparagraph 1. hereinabove, or, in the case of a second offense within less than five (5) years, a minimum fine of \$5,000, nor more than \$25,000.

In the event that an owner or operator of one or more personal wireless service facilities is found to violate subparagraph 1. hereinabove, three or more times within any five (5) year period, then in addition to revoking any zoning approvals for the facilities which were

violating the limits codified in 47 CFR §1.1310(e)(1) et seq., the Planning Board shall render a determination within which it shall deem the owner/operator prohibited from filing any applications for any new wireless personal services facilities within the Town for a period of five (5) years.

T. Bond Requirements, Removal of Abandoned Facilities and Reclamation

1. Bond Requirement

At, or prior to the filing of an application for a Special Use Permit for the installation of a new personal wireless service facility, each respective applicant shall provide a written estimate for the cost of the decommissioning and removal of the facility, including all equipment that comprises any portion or part of the facility, compound and/or complex, as well as any accessory facility or structure, including the cost of the full restoration and reclamation of the site, to the extent practicable, to its condition before development in accord with the decommissioning and reclamation plan required herein. The Planning Board's engineer shall review this estimate.

Upon receiving a Special Use Permit approval from the Planning Board, and a building permit, prior to the commencement of installation and/or construction of such facility or any part thereof, the applicant shall file with the Town a bond for a length of no less than three years in an amount equal to or exceeding the estimate of the cost of removal of the facility and all associated structures, fencing, power supply, and other appurtenances connected with the facility. The bond must be provided within thirty (30) days of the approval date and before any installation or construction begins.

Replacement bonds must be provided ninety (90) days prior to the expiration of any previous bond.

At any time the Town has good cause to question the sufficiency of the bond at the end of any three-year period, the owner and/or operator of the facility, upon request by the Town, shall provide an updated estimate and bond in the appropriate amount.

Failure to keep the bonds in effect is cause for removal of the facility at the owner's expense. A separate bond will be required for each facility, regardless of the number of owners or the location.

2. Removal of Abandoned Facilities

Any personal wireless service facility that is not operated or used for a continuous period of twelve (12) consecutive months shall be considered abandoned. At the owner's expense, the owner of said facility shall be required to remove the facility and all associated equipment buildings, power supply, fence, and other items associated with such facility, compound and/or complex, and permitted with, the facility.

If the facility is not removed within ninety (90) days, the bond secured by the facility owner shall be used to remove the facility and any accessory equipment and structures.

U. ADA Accommodations

The Town of Woodstock seeks to comply with the Americans With Disabilities Act, and shall comply with same in the event that any person who is disabled within the meaning of the Act seeks a reasonable accommodation, to the extent that they are entitled to same under the Act.

V. Signs

Except as provided herein below, no portion of any personal wireless service facility, telecommunications tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to the company name, phone numbers, banners, and streamers.

Notwithstanding standing the forgoing, the owner or operator of any such facility may post the following signs on their facilities, subject to the requirement that all such signs shall conform to the sign requirements of the Town:

- (1) any signs required under federal law, but which shall be no larger than required by any such federal law or laws;
- (2) A sign of no greater than two square feet indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone shall be posted adjacent to any entry gate.
- (3) "no trespassing" or other warning signs may be posted on a fence enclosing a wireless facility and/or or wireless compound.

General Provisions

1. Balancing of Interests

The Town formally recognizes that, as has been interpreted by federal courts within the Second Circuit, when it enacted the TCA, Congress chose to preserve local zoning authority over decisions regarding the placement, construction, and modification of personal wireless facilities (47 U.S.C. §332(c)(7)(A)) subject only to the limitations set forth in subsection §332(c)(7)(b), consistent with the holding of the United States Court of Appeals in Sprint Spectrum L.P. v. Willoth, 176 F3d 630 (2nd Cir.1999) and its progeny, and the Town has relied upon such federal courts' interpretations of the TCA in enacting Chapter §260-64 et seq.

The Town similarly embraces the federal courts' determinations that the TCA was created to effectuate a balancing between the interests of facilitating the growth of wireless telephone service nationally and maintaining local control over the siting of wireless personal services facilities, as the Court additionally articulated in Omnipoint Communications Inc. v. The City of White Plains, 430 F3d. 529 (2nd Cir. 2005). This includes preserving to local governments, including the Town of Woodstock, the power

to deny applications for the installation of wireless personal services facilities, based upon traditional grounds of zoning denials, including, but not limited to, the potential adverse aesthetic impacts or a reduction in property values which the construction of any proposed structure may inflict upon nearby properties or the surrounding community.

This additionally includes the recognition that, under this balancing of interest test, “once an area is sufficiently serviced by a wireless service provider, the right to deny applications (for new wireless facilities) becomes broader” Crown Castle NG East LLC v. The Town of Hempstead, 2018 WL 6605857.

It is the intent of the Town that Article VI of the Town Code be applied in a manner consistent with the balancing of interests codified within the TCA.

Consistent with same, the Town rejects and shall reject any current and/or future FCC interpretations of any provision of the TCA which are clearly inconsistent with, and/or are clearly contrary to, both the language of the TCA and binding decisions of the United States Court of Appeals for the Second Circuit and United States District Courts within the Second Circuit.

This includes a rejection of any FCC interpretations inconsistent with Willloth and any claims that the FCA legally prohibits the Planning Board from denying a Special Use Permit application, based solely upon a claim that an applicant desires the installation of its new facility for “densification” of its existing personal wireless services, or to offer a new service, irrespective of whether or not the carrier already possesses adequate coverage within the Town, and irrespective of the potential adverse impact which the installation of such new facility or facilities would inflict upon the Town, its property owners, citizens and/or communities.

2. Conflict With Federal or State Laws

To the extent that any provision of this Article is found to conflict with any applicable federal or State law, it is the intent of the Town that the remaining portion of this Article which has not been found to conflict with such law be deemed to remain valid and in full force and effect.

§ 260-65 Repeaters.

- A. Repeaters may be installed at all locations within the Town of Woodstock.
- B. A repeater special use permit (RSUP) shall be required for any (all) repeater(s) to be mounted on an existing or newly permitted tower or non-tower structure, or major modification of an existing structure.
- C. A repeater special use permit may be applied for by an applicant who is currently applying for a special use permit under this chapter, or by an applicant who has previously received a special use permit under this chapter, or by an entity which is providing personal wireless

services to the Town of Woodstock from a base station outside the Town. The applicant must submit all information required in Subsection **D** below, as well as all other required information.

D. Application requirements.

- (1) The use of repeaters to assure adequate coverage or to fill holes within areas of otherwise adequate coverage while minimizing the number of required towers is permitted and encouraged. An applicant who is currently applying for a repeater special use permit under this chapter or who has received and is in compliance with a current special use permit under this chapter or an entity which is providing personal wireless services to the Town of Woodstock from a base station outside the Town may apply for a special use permit.
- (2) Applicants shall provide the following information:
 - (a) Exact location in longitude and latitude, to degrees, minutes and seconds, as well as by street address or pole number (if applicable).
 - (b) Ground elevation.
 - (c) Height of proposed repeater above ground.
 - (d) Type, manufacturer and model number of proposed repeater.
 - (e) Proposed output frequency.
 - (f) Proposed number of channels.
 - (g) Proposed power input.
 - (h) Proposed maximum power output per channel.
 - (i) Radial plots from any proposed repeater(s) configured as documented above.
 - (j) Name, address, phone number and written consent to apply for this repeater special use permit of the owner(s) of the property on which the proposed repeater shall be located and of the owner(s) of the tower or structure on which the proposed repeater shall be located.
 - (k) Proposed repeater site layout, grading and utilities at a scale not smaller than one inch equals 40 feet (1:40 or metric equivalent 1:500) showing the entire vicinity within a three-hundred-foot radius of the repeater site with topography drawn with

a minimum of two-foot (0.6 meter) contour interval, including:

- [1] Proposed repeater location and appurtenances, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries of abutters within 300 feet of the repeater and dimensions of all proposed improvements.
- [2] Limits of areas where vegetation is to be cleared or altered and justification for any such clearing or alteration.
- [3] Plans of any proposed access driveway or roadway and parking area at the repeater site. Include grading, drainage, traveled width, and a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.

E. General requirements.

- (1) No repeater shall be located closer than 50 feet to an existing dwelling unit or residential structure nor less than 25 feet above ground.
- (2) The Planning Board may require the use of screening, painting or camouflage to reduce the visual impact(s) of the repeater(s).
- (3) Repeaters shall be located so as to have the least possible impact on the views of the residents of the Town of Woodstock.
- (4) The provisions of § 260-64I through M of this chapter, as applicable, shall govern the Planning Board's actions with respect to repeaters and special use permits.

§ 260-66 Standards within Scenic Overlay (S-O) District.

- A. Prior to the issuance of a building permit for the construction of a new house, house addition exceeding three hundred (300) square feet in floor area, or accessory structure exceeding three hundred (300) square feet in floor area, or any addition or accessory structure of any size not complying with the standards of § 260-66(1)(a) through (g) below in this section, or creation of a driveway, or prior to the creation of a cleared right-of-way or any other cleared access greater than six (6) feet in width, or cleared right-of-way or access less than six (6) feet in width where the grading or earthmoving is proposed, the Planning Board shall undertake special use permit review. This special use permit review shall be in accordance with the general standards set forth in Zoning Law § 260-62 above and in accordance with the additional standard that the visual impact of the proposed development shall be mitigated both within its immediate environs and as viewed from a distance through the measures listed

below. Excluded from said review are decks and pools. [Amended 11-18-2008 by L.L. No. 2-2008; 7-3-2013 by L.L. No. 1-2013]

(1) The proposed development shall include the following measures:

- (a) The minimization of cut and fill activity and the effective vegetative restoration of all disturbed areas.
- (b) The use of building materials, colors and textures designed to blend with the natural environment and the avoidance of highly reflective materials such as uncoated metal siding or trim. Windows shall be minimized. Where window coverage exceeds twenty five percent (25%) of any one side of the proposed building, tints, coatings, screens or films designed to reduce exterior glare shall be utilized on the elevation exceeding the standard. The Planning Board reserves the right to require glare-reduction materials where window coverage is less than or equal to twenty five percent (25%) and may also determine that the application of antiglare material is unnecessary when there is no potential for the elevation in question to be seen from anywhere beyond the boundaries of the subject property.
- (c) Respect for natural drainageways, contours and landforms.
- (d) The prohibition of development along and/or projecting above ridge lines, and the discouragement of development at other visually prominent locations, so that development is as visually inconspicuous as possible when seen from a distance and from lower altitudes.
- (e) The encouragement of natural buffers and other vegetative screening between land uses, as well as between developed areas and public roadways, including the use of conservation easements and similar devices to preserve and protect visually prominent open spaces.
- (f) The shielding of all outdoor lighting fixtures, including those with incandescent light sources, in the manner described in Zoning Law § 260-29C.
- (g) The minimizing of tree cutting.

(2) It shall be made part of the special use permit that all future changes to the exterior of any structure shall adhere to the above measures.

B. The Planning Board may waive the special use permit required for exterior building permits in the Scenic Overlay District provided that the Planning Board finds that the work to be done is of a minor nature and is consistent with the standards set forth in Subsection A above and,

due to the elevation and depression of the land, meets either of the following circumstances:

- (1) The structure or area within the Scenic Overlay District is situated so that it cannot be seen from neighboring escarpments, scenic elevations, roadways, and other aesthetically sensitive areas; and/or
- (2) The modification for which a building permit is requested will not be seen from neighboring escarpments, scenic elevations, roadways, and other aesthetically sensitive areas.

C. The following uses and activities are prohibited in the Scenic Overlay District:

- (1) Clear-cutting as part of a commercial logging operation except as provided in Zoning Law § 260-63K(10); and
- (2) Personal wireless service facility.

§ 260-67 Standards within Gateway Overlay (G-O) District.

- A. Findings and purpose. As outlined in the Town of Woodstock Comprehensive Plan, Woodstock has been long established as a community of the arts and desires to preserve and encourage that character. In addition, it is found that the protection of particular buildings and other improvements of special character or cultural, recreational, historic or aesthetic value, the enhancement of traffic and pedestrian safety along heavily traveled routes, and the protection of scenic and open space vistas within the Town are of public concern and are required for the protection of the people and the economic base of Woodstock. It is further found that these features at, about, and visible from the intersection of State Routes 375 and 212, which constitute the critical gateway to Woodstock and primary access to its commercial center, are particularly important as a reflection of the Town's character and are so located that appropriate property use and development within that area is a public necessity. Accordingly, the purpose of the Gateway Overlay District is to preserve and promote the cultural and aesthetic heritage of the Town's entrance, to enhance traffic safety for vehicles and pedestrians, and to mitigate traffic congestion at a critical intersection.
- B. Within the Gateway Overlay District, no building, structure or improvement which is visible from a public highway shall be demolished or construction undertaken except pursuant to a special use permit issued by the Planning Board. Nothing herein shall prevent the demolition and clearance of any building which the Zoning Enforcement Officer determines in writing poses a clear and present danger to health and safety or internal renovations or improvements which do not substantially change the use or external appearance of existing or permitted structures.

C. Planning Board finding.

- (1) The Planning Board shall issue such special use permit only where it finds that:
 - (a) The project is located and designed in a manner such that it will have no significant adverse impact on the cultural, aesthetic and historic character of the Gateway Overlay District and will be consistent with the objectives thereof as herein defined;
 - (b) The project will have no significant adverse impact on the environment, public health or safety; and
 - (c) Any demolition will not have a significant adverse impact on the character of the district.
- (2) Adverse impact for the purposes of this part of this chapter shall be evaluated with reference to the following:
 - (a) Impact on vehicular and pedestrian traffic on adjacent roadways;
 - (b) Building location, configuration and scale, including height, roofline and setbacks in the context of existing adjacent or connected structures and lot lines;
 - (c) Facades, including fenestration, materials, transparency, and porches;
 - (d) Character and location of uses;
 - (e) Preservation of landmark or historic structures;
 - (f) Preservation of views and open spaces;
 - (g) Road extensions and access safety for vehicles and pedestrians;
 - (h) Relationship to other existing Gateway Overlay District properties;
 - (i) Street and sidewalk improvements;
 - (j) Adequate on-site parking; and
 - (k) Signage and lighting.

D. Application procedure.

- (1) Contents of application.

- (a) An application for a special use permit under this section shall be filed in five copies with the Zoning Enforcement Officer and shall include:

- [1] The name and address of the applicant.
- [2] One (1) or more photographs and a site plan of the property showing the relationship to neighboring properties, existing structures and natural features.
- [3] Any available information, drawings or photographs which describe the history and prior appearance of the property.
- [4] In the case of proposed construction or alteration, the application shall include a full description of the work proposed, including the scale, color, materials, general design and architectural detailing and elevations, intended use and other features of any proposed improvement.
- [5] Where appropriate, information supplied shall include color or material samples.
- [6] In the case of a proposed demolition, the effect of such proposed demolition in light of the individual history, style and prior use of the land or building in question and other information supporting a finding of no adverse impact for demolition pursuant to Subsections **C** and **E**.

- (2) All information shall be in sufficient detail to enable the Planning Board to consider the findings required by Subsection **C** above.

E. Procedure and required finding.

- (1) Upon receipt of an application, the Zoning Enforcement Officer shall refer the application to the Planning Board. The Planning Board may require the applicant to furnish additional material or information, and the application shall not be deemed complete until such additional information has been furnished. The Planning Board shall evaluate the appropriateness of the proposed work or demolition in light of the objectives and findings required by this section.
 - (a) In the case of a proposed demolition, the Planning Board shall also evaluate the proposal in light of the demolition finding in Subsection **D** above.
 - (b) In the case of proposed construction or alteration, the Planning Board shall make a written finding as to the conformity of such project with the required findings for

the proposed work.

- (c) In the case of a proposal deemed nonconforming, the Planning Board shall supply general recommendations in writing as to how the proposed work could be modified to warrant issuance of a special use permit, assuming that such modification is possible.
 - (2) In order to grant a special use permit under this section, the Planning Board shall explicitly set forth the basis of conformity or nonconformity with the required findings and objectives hereunder.
- F. Uses permitted in the Gateway Overlay District which are not otherwise permitted in R5, R3 and R1.5 and HR Districts:
 - (1) Uses permitted:
 - (a) Cultural facilities, such as performance and rehearsal facilities, theaters not to exceed 300 seats, museums, archives, art galleries and libraries.
 - (b) Retail and/or restaurant uses directly related to, incidental to, and in support of a cultural facility, but not including sales of food to be consumed off the premises. The total of such retail and/or restaurant uses shall be no larger than the cultural facility in total floor area.
 - (c) Motels or hotels having not more than forty (40) sleeping rooms, which may have restaurants seating not more than one hundred (100) diners, provided that such hotel, motel or restaurant is situated on the same lot with a cultural facility, which facility shall consist of not less than fifty percent (50%) of the project's lot coverage.
 - (2) Any of the foregoing uses shall comply with and be governed by the provisions regulating the Hamlet Commercial (HC) District and shall be subject to the same accessory requirements and allowances as provided therein.
- G. Gateway Overlay District bonuses. In the event that the proposed project is a cultural center and qualifies as a use permitted pursuant to this section, the Planning Board may, at its discretion, grant the developer thereof certain bonuses and relief from other provisions of this chapter, as follows:
 - (1) Lot coverage restrictions shall be modified, provided that in no event shall the aggregate lot coverage of all structures on a lot exceed forty percent (40%), and provided that on-site parking complies fully with § 260-30 of this chapter.

- (2) Setback requirements may be modified, but in no event shall they be less restrictive than those which are listed for the R1.5 District as listed in Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*.
- (3) Accessory uses otherwise limited to residents or occupants of a hotel or motel pursuant to Zoning Law § 260-63M may be made available to the general public.

H. Gateway Overlay (G-O) District description. The Gateway Overlay District is bounded and described as follows: beginning at the intersection of Riseley Lane and Route 375; south along the center line of Route 375 to the northerly intersection of Birch Lane with Route 375; east along the center of Birch Lane to a sharp bend to the south; northeast from the bend in Birch Lane to the center of the Chestnut Hill Road Bridge crossing Sawkill Creek; north along the center of Chestnut Hill Road to the center line of Route 212; west along the center line of Route 212 to its intersection with Plochmann Lane; north along the center line of Plochmann Lane 300 feet; west along a line parallel to and 300 feet to the north of Route 212 to the intersection of Ferguson Creek passing under Route 212 to the intersection of Ferguson Creek with Sawkill Creek; east along the center of Sawkill Creek to a point 300 feet to the west of Route 375; south along a line parallel to and 300 feet west of Route 375 to Riseley Lane; and east along the center of Riseley Lane to the point of beginning. If any property is partially within and partially without the Gateway Overlay District, the property shall be deemed entirely within the Gateway Overlay District if more than fifty percent (50%) of such property falls within the Gateway Overlay District. If less than fifty percent (50%) of such property falls within the Gateway Overlay District, only such portion thereof as falls within the Gateway Overlay District shall be subject to its provisions.

§ 260-68 Permit procedure.

The Planning Board shall review and act on all special permit uses in accordance with the procedure specified herein.

- A. Application and fee. All applications made to the Planning Board shall be in writing, on forms prescribed by said Board, and shall be accompanied by the following:
- (1) A sketch site plan as required in Zoning Law § 260-75. Site plan approval by the Planning Board, as per Article VII, shall be required as part of the special use permit review process;
 - (2) A list of all contiguous landowners;
 - (3) Such additional information as is required for certain uses under Zoning Law § 260-63 above; and
 - (4) Payment of the applicable fee in accordance with the fee schedule established and

annually reviewed by the Town Board.

- (5) Attend a preapplication conference pursuant to Zoning Law § 260-75. The preapplication conference is an informal meeting between the applicant and members of the Planning Board to discuss and understand the proposed project and determine what information will be required for submitting an application.

B. Public notice and hearing.

- (1) The Planning Board shall fix a time and place for a public hearing on any such special use permit application and shall provide public notice which shall appear at least five days prior to the public hearing in the official newspaper or newspapers of the Town, as designated by the Town Board. A copy of said public notice shall be mailed by the Planning Board to the applicant, the Ulster County Planning Board and all contiguous property owners at least ten (10) days before the opening of the public hearing.
- (2) A public hearing on an application for special use permit shall be scheduled and conducted by the Planning Board within sixty two (62) days of the date of the Planning Board meeting at which, pursuant to SEQRA, a negative declaration has been adopted or a draft environmental impact statement (DEIS) has been accepted as being sufficient to commence the public comment period.

C. Decisions. Within sixty two (62) days of the date of completion of the hearing, the Planning Board shall approve, disapprove or approve with modifications the special use permit application and shall specify what modifications, if any, are necessary.

D. When an application for a special use permit involves property that is within five hundred (500) feet of an adjacent municipality, as defined in § 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjacent municipality at least ten (10) days prior to any hearing.

§ 260-69 Effect of permit approval.

- A. No building permit shall be issued for any structure regulated by this article until such special use permit has received Planning Board approval and a copy of a resolution to that effect has been presented to the Zoning Enforcement Officer.
- B. No certificate of occupancy or use shall be issued for any structure or use of land covered by this article until the structure is completed or the land developed in strict accordance with the Planning Board resolution of special use permit approval and applicable requirements of this chapter.

- C. Any use for which a special use permit may be granted shall be deemed a conforming use in the district in which it is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit has been granted.
- D. The Planning Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon specific determination by the Planning Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such cases, a period of sixty (60) days shall be granted for full compliance by the applicant prior to denying the renewal of the special use permit.
- E. The granting of a special use permit in a Flood-Fringe Overlay (FF-O) District shall not be held to constitute a representation, guarantee or warranty of any kind by the Town of Woodstock or by any official or employee thereof regarding the practicability or safety of any structure or use or the proper functioning of the proposed facilities and plans and shall not be held to create a liability upon, or cause of action against, such public body, official or employee for any damage or injury that may result pursuant to such development or use.

§ 260-70 Reimbursable costs.

- A. Reasonable costs incurred by the Planning Board for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with the review of a proposed special use permit shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in § 260-68A(4) above. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for a special use permit. The amount so determined by the Planning Board shall be deposited by the applicant in escrow with the Town Clerk prior to the Planning Board's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Planning Board determines that the remaining amount will not be sufficient to complete the review of the application, the Planning Board shall notify the applicant of the additional amount that must be deposited with the Town Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this provision, the Planning Board, at its discretion, may:
 - (1) Cease review of the application until such amounts are paid; or
 - (2) Deny the application.
- B. In no event, however, shall any special use permit be issued until all such sums have been paid in full.

§ 260-71 Expiration of permit.

- A. A special use permit shall be deemed to authorize only one particular special use and shall expire if the activity is not commenced and diligently pursued within twelve (12) months of the date of issuance of the special use permit or if the special use ceases for more than twelve (12) months for any reason. Where the special use permit activity has not commenced within twelve (12) months of the date of issuance of the special use permit, a twelve-month extension of the approval may be granted prior to the expiration date by a majority vote of the Planning Board upon written request by the applicant.
- B. If a condition of approval states that the special use permit must be renewed periodically, the holder of the special use permit shall submit to the Planning Board a written request that the special use permit be renewed. Such request must be submitted prior to the expiration date of the special use permit. The Planning Board may renew the permit only upon the completion of a public hearing.

§ 260-72 Revocation of permit.

A use authorized by special use permit may be revoked by the Planning Board if it is found and determined after notice and a public hearing, held in a manner as provided for by law, that there has been a failure to comply with any of the terms, conditions, or requirements imposed by said special use permit.

§ 260-73 Relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Planning Board under this article may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as provided therein within thirty (30) days after the filing of the Planning Board's decision in the office of the Town Clerk.

Article VII Site Plan Review and Approval

§ 260-74 When required.

- A. Prior to the issuance of a building permit or a certificate of occupancy or use in any district, except for a one-family or two-family dwelling and related accessory or general agricultural uses permitted by right, the Zoning Enforcement Officer shall require the preparation of a site plan. The site plan ~~may be a sketch plan but~~ shall contain all the items listed in § 260-76A below necessary to reasonably depict what is being proposed. The Zoning Enforcement Officer shall refer the site plan to the Planning Board for its review and approval in accordance with § 274-a of the New York State Town Law and the standards and procedures more particularly set forth in this article of this chapter. Excluded are interior changes which may require a building permit but, in the opinion of the Zoning Enforcement Officer, neither change the use nor make the use more intensive.

- B. Site plans shall not be required for the change of use or occupancy of an existing building, or portion of a building, to another use permitted in the same zoning district upon a determination by the Zoning Enforcement Officer that: **[Added 10-11-2011 by L.L. No. 6-2011; amended 7-3-2013 by L.L. No. 1-2013]**
- (1) The number of parking spaces required under Zoning Law § 260-30 shall not be increased.
 - (2) The number of vehicle trips generated during the p.m. peak hour, based on the most recent edition of Trip Generation Manual, published by the Institute of Transportation Engineers, shall not be increased.
 - (3) The number of gallons of water used daily, based on New York State Department of Environmental Conservation (NYSDEC) for Wastewater Treatment Works, 1988, Table 3 - Expected Hydraulic Loading Rates, shall not be increased.
 - (4) There shall be no alteration of existing parking layout, driveways, landscaping or other site features.
- C. Excluded from site plan review are Town of Woodstock municipal uses, provided that: **[Added 7-3-2013 by L.L. No. 1-2013]**
- (1) The function and intensity of the proposed use is comparable to similar uses permitted in the district;
 - (2) The proposed structure or land use complies with the applicable provisions of Article IV, Area and Bulk Regulations, and Article V, Supplemental Regulations, contained in this chapter;
 - (3) No reasonable alternative location is available in a less-restrictive zoning district and in which the municipality has a legal or equitable interest;
 - (4) The proposed use serves a legitimate government interest;
 - (5) An alternative method for the public and interested parties to be heard is available and has been provided.

§ 260-75 Pre-application and Sketch plan conference.

- A. A preapplication and sketch plan conference between the Planning Board and the applicant shall be held to discuss the applicability of the site plan review and approval procedure to the intended development for which the building or use permit is sought.

- B. The Planning Board shall make its determination based upon review of the project's scope and the basic land use and site design concept, as shown by the applicant on a sketch plan drawn to scale and depicting all the items listed in § 260-76A below necessary to illustrate what is being proposed. The sketch plan shall also be accompanied by written documentation describing at a reasonable level of detail what is proposed. Publicly available maps from the Town, County, State or federal resources are encouraged to be used to identify natural resources that may be located on the site for the sketch phase.
- C. At the sketch plan conference, the Planning Board shall take one of three actions:
- (1) Determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this article, with such determination restricted to applications involving the establishment of permitted uses within existing complying structures or the limited modification of existing conforming uses and complying structures, wherein no substantial site improvements and no building additions are either required or proposed;
 - (2) Determine that the project does require full review under this article, based upon its scope and/or land use, site and building design characteristics, and advise the applicant of preliminary site plan submission requirements in accordance with § 260-76 below; or
 - (3) Require additional sketch plan information from the applicant prior to making a determination regarding the extent to which the site plan review and approval procedure shall be applicable to the intended action.

§ 260-76 Application for preliminary site plan approval.

An application for preliminary site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Planning Board at the sketch plan conference. The Planning Board may require that the site plan be certified by a licensed design professional. The applicant may request waivers of any information required in the site plan checklist, and the Planning Board may grant or deny such waivers.

- A. Preliminary site plan checklist:
- (1) Title of drawing, including name and address of applicant and person(s) responsible for preparation of such drawing;
 - (2) Key map or area map oriented to the nearest street or road intersection showing the parcel under consideration for site plan review, its zoning district classification, and all properties, subdivisions, streets and easements within two hundred (200) feet of the

boundaries thereof;

- (3) North arrow, map scale and date;
- (4) Boundaries of the property plotted to scale based upon actual survey or similarly accurate data;
- (5) Existing watercourses, wetlands, flood hazard areas, existing natural and built features, and other natural resources. The Town's Natural Resource Inventory should be used to identify such natural resources on site. Publicly available maps from the Town, County, State or federal resources may be used to identify natural resources that may be located on the site but the Planning Board may require more site specific information.;
- (6) Grading and drainage plan showing existing and proposed contours at an appropriate interval, as specified by the Planning Board at the sketch plan conference, with two-foot contours and soils data required on that portion of any site proposed for development where general site grades exceed five percent (5%) or where there may be susceptibility to erosion, flooding or ponding;
- (7) Location, proposed use and height of all buildings;
- (8) Location, design and construction materials of all parking and loading areas, with access and egress drives thereto;
- (9) Provision for pedestrian access;
- (10) Location of outdoor storage, if any;
- (11) Location, design and construction materials of all existing and proposed site improvements, including drains, culverts, stormwater treatment facilities, bioretention areas, retaining walls and fences;
- (12) Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
- (13) Description of the method of securing water supply and the location, design and construction materials of such facilities;
- (14) Location of fire and other emergency zones, including the location of fire hydrants;
- (15) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;

- (16) Location, size, design and construction materials of all proposed signage;
- (17) Location and proposed development of all buffer areas, including indication of existing trees and other vegetative cover;
- (18) Location and design of all outdoor lighting fixtures and facilities, including data regarding lighting levels both within the site and at the site's boundaries, fixture mounting heights and glare control options for each lighting source. Illuminance may be platted using manufacturer's photometric charts or the Planning Board may require iso-footcandle specifications. The lighting plan must be in conformance with Zoning Law § 260-29C;
- (19) Designation of the amount of building area proposed for retail sales, office use or similar commercial activity, including, where applicable, the type and number of seats provided, so that the adequacy of parking and other factors may be reviewed;
- (20) General landscaping plan and detailed planting schedule;
- (21) Building elevations describing the design and construction materials of both the principal structure and all accessory structures and related site elements;
- (22) Each site plan submitted to the Planning Board for signature shall contain a statement in form and substance satisfactory to the Planning Board that has been signed by all the applicants stating that they will comply with all conditions shown on the site plan;
- (23) All revisions that are made to a preliminary site plan shall be listed and dated on the site plan;

(24) Additional Requirements for Site Plans.

If, upon a review of the materials submitted by the applicant, the Planning Board determines that a proposed commercial project could have traffic, visual, or water impacts, the Planning Board may require the applicant to prepare and submit, traffic impact analysis, a visual impact assessment, or a hydrology study as follows. Costs for all reports, assessments, or plans required by the Planning Board shall be borne by the applicant.

a. Traffic Report. Traffic Reports shall include the following for the study area:

- 1. Internal traffic flow analysis.
- 2. Existing and projected average daily traffic and peak hour levels.
- 3. Existing and projected intersection levels of service (LOS).

4. Directional vehicular flows resulting from the proposed project.
5. Proposed methods to mitigate the estimated traffic impact.
6. Identification of any pedestrian crossing issues.
7. The methodology and sources used to derive existing data and estimations.

b. Visual Impact Report. The Visual Impact Assessment shall be prepared by a registered Landscape Architect or other qualified professional and shall include:

1. A report that visually illustrates and evaluates the relationship of proposed new structures or alterations to nearby natural landscapes and to pre-existing structures in terms of visual character and intensity/scale of use (e.g. scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements).
2. An analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes.
3. The Planning Board may require use of photo-simulations or balloon tests as part of the visual impact assessment.

c. Hydrology Study. The applicant may be required to cConduct onsite well yield pump tests for on-site wells, and further evaluate potential impacts to adjoining wells, verified via a 72-hour pump test. Further,

- The test should be completed with constant, uninterrupted flow rate monitoring of the onsite well(s) in question.
- Two or more adjoining landowner wells should be under constant, uninterrupted monitoring during the pump tests as well. Adjoining landowners should be contacted about monitoring via a certified letter.
- If adjoining landowners will not allow access and monitoring, then the next best procedure would be to install two wells on the project site, located at opposite sides of the site and monitor one while pumping the other.
- The testing should ~~mirror~~ follow as closely as is practical the NYS DEC Pump test procedure for water withdrawal Permit Applications.
- The applicant shall provide a list of all locations and landowners they propose to be part of the well test/pump tests for review by the Planning Board prior to initiating any such study.

and

- (254) Any other element integral to the proposed development, as considered necessary by the Planning Board, including the identification of any state or county permits

required for the project's execution.

- B. Tabular summary required. In addition to the data specified above, all preliminary site plans shall include a tabular summary relating the site plan to the specific dimensional requirements of this chapter, including the following:
 - (1) Lot area in square feet;
 - (2) Building area in square feet;
 - (3) Calculation of structure coverage and open space in square feet and as a percentage of lot area;
 - (4) Indication of all front, rear and side yard setbacks to the principal structure and to all accessory structures and other site elements; and
 - (5) Compliance with parking requirements.
- C. Required fee. An application for preliminary site plan review and approval shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.
- D. An application for preliminary site plan review and approval shall be accompanied by a list of all contiguous landowners.

§ 260-77 Planning Board review of preliminary site plan.

The Planning Board's review of a preliminary site plan shall include, as appropriate, but not be limited to, the following:

- A. General considerations:
 - (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls;
 - (2) Adequacy and arrangement of pedestrian and bicycle traffic access and circulation, including separation of pedestrian from vehicular traffic, and overall pedestrian convenience and safety;
 - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading;
 - (4) Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage;

- (5) Adequacy of stormwater treatment and drainage facilities in maintaining pre- and post-development runoff rates, treating pollutants, recharging groundwater and/or correcting existing or potential ponding, flooding and/or erosion problems;
 - (6) Adequacy of water supply and sewage disposal facilities;
 - (7) Adequacy, type and arrangement of trees, shrubs and other landscaping which constitute a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation, and use of native or resilient/hardy hybrid species;
 - (8) Creation or preservation of open spaces;
 - (9) Protection of adjacent properties from noise, glare, unsightly conditions, or other objectionable features, as described in Zoning Law § 260-29;
 - (10) Adequacy of fire lanes and other emergency zones and the overall sufficiency of the site to be protected by police, fire and other emergency services; and
 - (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- B. Consultant review. In its review of a preliminary site plan, the Planning Board shall consult with the Zoning Enforcement Officer. The Planning Board may further seek the advice of the Fire Inspector, the Woodstock Environmental Commission (WEC), the Commission for Civic Design (CCD), the Tree Committee, the Housing Committee, the Complete Streets Committee or other similar committees as may be appointed by the Town Board, the Superintendent of Highways, ~~the Commission for Civic Design (CCD),~~ other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation (DOT) and the New York State Department of Environmental Conservation (DEC).
- C. Public hearing. A public hearing on an application for site plan review shall be scheduled and conducted by the Planning Board within 62 days of the date of the Planning Board meeting at which, pursuant to SEQRA, a negative declaration has been adopted or a draft environmental impact statement (DEIS) has been accepted as being sufficient to commence the public comment period. The public hearing shall be advertised in the official Town newspaper or newspapers of general circulation in the Town, as designated by the Town Board, at least five days prior to the public hearing. A copy of said public notice shall be mailed to the applicant and all contiguous property owners by the Planning Board at least ten (10) days before the

opening of the public hearing. **[Amended 11-18-2008 by L.L. No. 2-2008]**

- D. Required referral. Prior to taking action on the preliminary site plan, the Planning Board shall refer the site plan, when applicable, to the Ulster County Planning Board for advisory review and a report in accordance with § 239-m of the New York State General Municipal Law except as detailed in any Memorandum of Agreement between Ulster County and the Town of Woodstock that may exist.
- E. Additional requirements. The Planning Board may require such additional provisions and conditions that appear necessary to protect and advance the public health, safety and welfare, as well as the enhancement of the general environment. Where public assembly activities are to be conducted in a residential district, the Planning Board may require compliance with the standards set forth in Zoning Law §§ 260-62I and J.
- F. Notice to adjacent municipality. When an application for site plan approval involves property that is within 500 feet of an adjacent municipality, as defined in § 239-nn of the New York State General Municipal Law, the Planning Board shall give notice to the adjacent municipality by mail or electronic transmission to the clerk of the adjacent municipality at least ten (10) days prior to any hearing. **[Amended 11-18-2008 by L.L. No. 2-2008]**

§ 260-78 Planning Board action on preliminary site plan.

- A. Within sixty two (62) days of the completion of a public hearing, the Planning Board shall act on the preliminary site plan. The Planning Board shall send a written statement to the applicant stating whether the preliminary site plan is approved, disapproved, or approved with conditions or modifications. A copy of the appropriate Planning Board minutes shall be considered a sufficient statement. **[Added 11-18-2008 by L.L. No. 2-2008]**
- B. The Planning Board's decision may include conditions to be incorporated in the final site plan. Conformance with said conditions shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's decision shall contain specific reasons for such action. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised.

§ 260-79 Procedure for final site plan approval.

- A. After receiving approval, with or without modification, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months have elapsed since the time of the Planning Board's action on the preliminary site plan, or if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. In this event, a second public hearing may be conducted.

- B. The final detailed site plan shall conform substantially to the approved preliminary site plan. It should incorporate any revisions or other modifications that may have been recommended by the Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- C. The following additional information shall accompany the application for final detailed site plan approval:
 - (1) Record of application for, and approval status of, all necessary permits from federal, state and county officials and agencies;
 - (2) Detailed sizing and final material specification of all required site improvements; and
 - (3) An estimated project construction schedule.
 - (4) A performance guarantee. **[Added 11-6-2012 by L.L. No. 4-2012]**

§ 260-80 Planning Board action on final site plan.
[Amended 11-18-2008 by L.L. No. 2-2008]

Within sixty two (62) days of receipt of the complete application for final site plan approval, the Planning Board shall render a decision. If deemed advisable, the Planning Board may again seek consultant review at this stage in the review process.

- A. Upon approval of the final site plan and payment by the applicant of all fees, performance guarantees and reimbursable costs payable to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Zoning Enforcement Officer. The Planning Board shall also notify the Zoning Enforcement Officer in writing of any conditions of approval not on the site plan. The Zoning Enforcement Officer may then issue a building permit or certificate of occupancy or use if the project conforms to all these and other applicable requirements. **[Amended 7-3-2013 by L.L. No. 1-2013]**
- B. Upon disapproval of a final site plan, the Planning Board shall so inform the applicant and the Zoning Enforcement Officer in writing of its decision and its reason(s) for disapproval. The Zoning Enforcement Officer shall deny a building permit or certificate of occupancy or use to the applicant.

§ 260-81 Reimbursable costs.

Reasonable costs incurred by the Planning Board for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in § 260-76C above. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for site plan review. The

amount so determined by the Planning Board shall be deposited by the applicant in escrow with the Town Clerk prior to the Planning Board's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Planning Board determines that the remaining amount will not be sufficient to complete the review of the application, then the Planning Board shall notify the applicant of the additional amount that must be deposited with the Town Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this provision, the Planning Board, at its discretion, may cease review of the application until such amounts are paid or deny the application. In no event, however, shall any site plan approval be made until all such sums have been paid in full.

§ 260-82 Performance guarantee.

No certificate of occupancy shall be issued until all improvements shown on the final site plan are installed to the satisfaction of the Zoning Enforcement Officer or a sufficient performance guarantee has been provided for improvements not yet completed. Such performance guarantee, which shall be in the form of either a bond or an escrow deposit, shall be posted in accordance with § 274-a, Subdivision 7 of the New York State Town Law. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Town Attorney, the Zoning Enforcement Officer, other local officials, or its designated consultants.

**§ 260-83 Inspection of improvements; issuance of certificate of occupancy.
[Amended 7-3-2013 by L.L. No. 1-2013]**

- A. The Zoning Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Town's private consultants and other local officials and agencies, as may be appropriate, on multifamily residential, commercial and light industrial projects.
- B. Prior to the issuance of a certificate of occupancy, an "as-built" plan, if required, showing the installed and completed improvements and certified by a licensed professional engineer, shall be submitted to the Zoning Enforcement Officer. Copies of the as-built plan may be forwarded to the Planning Board for review. The Zoning Enforcement Officer shall not issue a certificate of occupancy until all improvements shown on the final site plan have been installed and completed in accordance with the final site plan. The Zoning Enforcement Officer may issue a temporary certificate of occupancy, provided that a performance guarantee sufficient to cover the cost of any outstanding site improvements has been posted in accordance with § 274-a, Subdivision 7, and § 277, Subdivision 9, of the New York State Town Law.

§ 260-84 Integration of procedures.

Whenever the particular circumstances of a proposed development require compliance with another procedure in this chapter, the requirements of the Town's Land Subdivision Regulations, or the requirements of the New York State Environmental Quality Review Act (SEQRA), the

Planning Board may integrate, if it deems appropriate, site plan review as required by this article with the procedural and submission requirements for such other compliance. Such integration of procedures may require, upon mutual consent of the Planning Board and the applicant, reasonable modification of the time requirements otherwise stated in this article. This section shall not apply to a Type 1 action under SEQRA which requires an environmental impact statement (EIS).

§ 260-85 Proposed amendments to approved site plan.

Any proposed amendments to a previously approved site plan shall require Planning Board review and approval. A letter of request, describing at a reasonable level of detail what is being modified, along with an updated site plan depicting all proposed amendments, may be submitted to the Zoning Enforcement Officer within ninety (90) calendar days of the original site plan approval. The Zoning Enforcement Officer shall then forward the letter and plans to the Planning Board. The Planning Board shall then determine whether the proposed amendments may be reviewed without full compliance with the procedural requirements of this article or whether compliance is necessary. This determination shall be based on the scope of the proposed amendments. Amendments proposed after the ninety-calendar-day period shall comply with the requirements of this article.

§ 260-86 Expiration of site plan approval.

A site plan approval shall expire if the building permit is not requested within twelve (12) months of the date of approval or if a certificate of occupancy is not obtained within twenty four (24) months from the date of approval. An extension of the site plan approval may be granted by a majority vote of the Planning Board.

§ 260-87 Relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Planning Board under this article may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated, as therein provided, within 30 days after the filing of the Planning Board's decision in the office of the Town Clerk.

Article VIII Housing

This Article is established to promote and recognize that Woodstock is proud of its history as a diverse small town that has adapted to major population changes over many decades. This Article reflects the citizens' values that, as captured in the 2018 Comprehensive Plan, include: appreciation of open space and environmental responsibility; concern for maintaining the artistic identity of the Town in the face of economic pressures; and the desire to retain a population which reflects varied economic status, age, family groupings and lifestyles. The intention of this Article is to provide for planning processes and development standards which encourage a wide range of high quality housing choices throughout the Town to meet existing and anticipated future housing needs in a manner that is also consistent with the Town's desire to protect the environment and maintain Woodstock's rural and small-town character as such term is defined in Article XVI. Above all, the intention of this Article is to support the goals of Woodstock's 2018 Comprehensive Plan which affirms Woodstock's commitment to promote a diverse community, where equity is valued and where all residents care about the quality of life we share.

To address these interests, a variety of housing types are encouraged. This section is established to enhance health, safety and welfare by promoting housing that is available ~~to be inclusionary to~~ a diversity of people, to enhance opportunities for accessory dwelling units (ADUs), to promote three and four-plex dwelling units, and to allow for carefully planned multifamily, clustered, co-housing, and other housing styles to meet the housing needs of Woodstock. To ensure that the important environmental and cultural resources of the Town are preserved whenever any type of housing is proposed, this Article establishes additional processes designed specifically to balance housing needs with natural and cultural resources. It does so by requiring protection of environmental features, a conservation subdivision process for major subdivisions to preserve open space, and establishing procedures and strict development standards to create a floating residential district to allow for different styles and sizes of housing developments that promote affordable housing opportunities in Woodstock. Subdivision, site plan and special use processes used to review and permit certain housing types and developments all will require careful environmental review and application of environmental protection methods. Review processes and development standards for housing are specifically designed to be fully consistent with preserving the built and unbuilt environment so cherished by members of the Woodstock community.

Reader's Aid Box. Housing Options, ~~Continued~~

Housing Type	Review Process (All required design and siting standards must be met)
Single-Family Dwelling (See Attachments § 260 attachment 1 and 2)	Permitted with a Building Permit, except in the LI/SLI and FW districts, where it is not allowed.
Single-Family Dwelling, Semidetached, and Row or Attached Dwelling (See § 260 Attachments 1 and 2)	Permitted with a Building Permit, except in the LI/SLI and FW districts, where it is not allowed.
Two-Family Dwelling (See § 260 Attachments 1 and 2)	Permitted with a Building Permit, Except except in the LI/SLI and FW districts, where it is not allowed.
A Single One Detached Accessory Dwelling Unit, Detached Pursuant to § 260-88, as Accessory to Single-Family Dwelling (260-88 (C))	Permitted with a Building Permit. Not allowed in the Except in the LI/SLI, and FW districts, where it is not allowed, and not allowed to be a s Short t Term r Rental .
A Single One Accessory Dwelling Unit, Interior or Attached to a Principal Dwelling Pursuant To § 260-88 (B), As Accessory to Single-Family Dwelling	Permitted with a Building Permit, e Except in the LI/SLI, and FW districts, where it is not allowed, and not allowed to be a short term rental.
A Second Accessory Dwelling Unit, detached or interior/attached Pursuant to § 260-88 (A)	Permitted with a Special Use Permit (Article VI) can -only when the <u>first ADU unit on the parcel</u> is deed restricted to be an affordable unit, or Affordable Housing Fee paid in lieu of, A second ADU is allowed to be used for a short term rental.
Manufactured Home on individual lot (See § 260-92.3 and § 260 Attachments 1 and 2)	Permitted with a Building Permit in the R5, R3, R1.5 districts.
Tiny House on individual lot (See § 260-92.2 and § 260 Attachments 1 and 2)	Permitted with a Building Permit in the R5, R3, R1.5 districts.
Three or Four-Plex Dwelling Units Reviewed and Approved of through the Modified Site Plan Process (See § 260 Attachments 1 and 2 and § 260-89)	Permitted with Modified Site Plan Review (§ 260-89). Not allowed in the, Except in the LI/SLI, R8 and FW, districts, or in the Scenic Overlay District where it is not allowed. No short term rentals permitted. One unit shall be deed restricted for an affordable unit, or Affordable Housing Fee paid in lieu of the unit.
Boarding And Rooming House (See § 260 Attachments 1 and 2) when a principal use.	Permitted with a Special Permit (Article VI) in R5, R3, R1.5, HR, HC and NC districts.
Multifamily Dwelling, Greater Than 4 units but with a maximum 8 Units, in One Single Structure on one Parcel (See § 260-90)	Not permitted in the R8, LI/SLI, FW, or Scenic Overlay districts; All other districts, permitted with Special Permit (Article VI); No short term rental allowed.
Clustered Lot Development (See § 260-92.4)	Not permitted in the R8, LI/SLI, FW, or Scenic Overlay districts; All other districts, permitted with Special Permit (Article VI) up to 40 Units; More than 40 Units permitted only as FRD (§ 260-92.1) with Maximum set by Table 2 of Attachment 2; FRD is not allowed in R-8 or Scenic Overlay.
Multifamily Dwelling, Greater Than 4 Units but with a	Not permitted in the R8, LI/SLI, FW, or in Scenic

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maximum 8 Units, with Multiple Such Structures on One Parcel (See § 260 Attachments 1 and 2, § 260-90, and § 260-92.4)	Overlay district; Permitted with Special Permit (Article VI) up to 40 Units in all other districts; More than 40 Units permitted only as FRD (§ 260-92.1) with Maximum <u>maximum</u> set by Table 2 of Attachment 2; FRD not allowed in Scenic Overlay. <u>No short term rental allowed.</u>
Co-Housing (See §260-90)	Not permitted in R8 or in Scenic Overlay; Special Permit (Article VI) up to 40 Units in all other districts; More than 40 Units permitted only as FRD (§ 260-92.1) with Maximum set by Table 2 of Attachment 2; FRD is not allowed in R-8 or Scenic Overlay
Floating Residential District	(See § 260-92.1); Not permitted in the R8 or Scenic Overlay districts.
Conservation Subdivision <u>required</u> for All Major Subdivision (5 Lots or More) and for Minor Subdivisions of 3-4 lots on properties larger than 15 acres, where deemed appropriate by Planning Board.	(See § 260-91 and Subdivision Regulations, Article IX of Chapter 202); which requires 50% open space.
Continuing Care Facility (See § 260-92.5)	Only allowed via the FRD process (§ 260-92.1)

§ 260-88 Accessory Dwelling Units (ADUs).

A. General.

- (1) An ADU shall only be permitted on a parcel where the principal dwelling is a single-family dwelling.
- (2) The floor area of a proposed ADU, whether attached/interior or detached, shall be a minimum of three hundred (300) square feet and a maximum of one thousand (1,000) square feet and in all instances, shall be subordinate, as defined in this Local Law, to the principal dwelling. Other than in a preexisting structure being converted to an ADU, any exceptions to the subordinate requirements shall be made only upon approval of an area variance by the Zoning Board of Appeals. A single story building being converted to two stories for purposes of an ADU shall also require approval from the Planning Board.
- (3) No ADU shall be allowed within, attached to, or detached from two-family duplexes dwellings, three and four-plex dwellings, townhomes, any form of multifamily dwelling, or associated with a continuing care facility, or in a Floating Residential District (§ 260-92.1) unless placed on an individual lot created within a Floating Residential District.
- (4) The principal dwelling on the property need not be owner-occupied in order to also have ADUs associated with it.
- (5) Up to two ADUs are permitted per lot, of which no more than one ADU shall be a unit interior/attached to the principal dwelling pursuant to the following:-
 - (a) The first A single ADU shall be allowed as-of-right pursuant to Attachment A (Schedule of Uses) and can either be an interior/attached ADU to the principal dwelling, or a detached ADU. All other requirements for ADUs shall be met. The first ADU, whether attached or detached, shall not be used for any short-term rental use.
 - (b) A second detached ADU, on the same property as the principal dwelling and the first ADU may be added to the parcel only upon issuance of a special use permit approved by the Planning Board pursuant to Zoning Law Article VI and only when the first ADU on the parcel is deed restricted as an affordable, long-term rental pursuant to §260-92.7. All other requirements for ADUs shall be met for a second ADU. deed restricted and all other provisions of STR regulations pursuant to § 260-56 (Short Term Rentals) and all other requirements of this Zoning Law are met- See also, §260-88 (B). The second ADU may be used for a short-term rental pursuant to §260-56 and all regulations for short term rentals are met.
- (6) A maximum of one (1) short-term rental use per parcel shall be allowed, whether in the



principal dwelling or in the second one of the ADUs, provided all provisions of § 260-56 (Short Term Rentals) and all other requirements of this Zoning Law are met. No short-term rental shall be allowed in an ADU when only one ADU is present on a parcel, regardless of whether it is a detached or attached ADU.

(7) Total building coverage for the primary dwelling and all ADUs shall not exceed the allowable lot coverage. All front, side and rear yard setbacks shall be met for all ADUs.

(8) Detached ADUs shall not be sold separately from the primary dwelling unless the land is subdivided in accordance with the Woodstock Subdivision ~~R~~regulations and the applicable provisions of the Zoning Law, and the Subdivision Regulations results in the principal residence and the former ADU being located on separate parcels.

~~(98)~~ All ADU(s) must meet the minimum requirements of the Uniform Fire Prevention and Building Code.

~~(109)~~ All ADUs shall be a dwelling that is self-contained, with separate sleeping accommodations, cooking and sanitary facilities for use by the occupant(s).

~~(119)~~ A certificate of approval shall be obtained from the Ulster County Health Department and/or the Town of Woodstock, as may be applicable, for any required on-site sanitary or water supply system. As applicable, this may include a determination that the existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands of the ADU on any premises where such ADU is proposed. This provision shall not be construed as superseding any requirement of the New York State Sanitary Code or the Ulster County Health Department regulations applicable to water supply and wastewater disposal systems for residential structures.

~~(3)~~

~~(4)~~ ~~(121)~~ Parking required for an ADU shall be a minimum of two (2) spaces per unit on site. The Planning Board shall have the discretion to reduce the number of required parking spaces to one and a half (1.5) spaces per dwelling unit on site when it can be demonstrated by the applicant that the parcel's configuration, size, or location is such that fewer parking spaces will meet the parking needs on site. All parking shall be designed and located to be convenient without encroaching on any required setback. Parking requirements for the principal residence and the ADU shall be met by creation of a parking area not located on the driveway or by allowing parking in tandem (one car in front of the other) parking in the driveway. The Planning Board shall have the discretion to determine which parking is appropriate for a particular parcel. Sufficient parking for both ADUs and the principal residence shall be provided off-street. No parking shall be allowed on-street.

~~(132)~~ All ADUs shall receive a valid Certificate of Occupancy prior to occupancy.

(14) Shared driveways may be permitted to serve no more than two lots. Each property

utilizing a shared driveway shall be permitted to have only one ADU, and only if the other landowner using that shared driveway agrees in writing to such additional use of the road or driveway, and the shared driveway maintenance agreement (See Subdivision §202-24) is updated to reflect that allowance.

(15) The ADU application may be required to undergo review by the Commission for Civic Design pursuant to Zoning Law § 260-109.

B. When two ADUs permitted on one parcel.

(1) Two ADUs may be located on a single-family home parcel subject to compliance with the following conditions:

(a) The principal dwelling may have one interior/attached ADU and one detached ADU, or a principal dwelling may have two detached ADUs and no interior/attached ADUs.

(b) Two ADUs may be contained within one detached structure provided the detached structure is secondary and subordinate to the principal dwelling unit on the parcel, except that two ADUs may be contained in an existing structure on the lot only when that existing structure is larger than the principal dwelling, for example such as, but not limited to, a barn.

~~(c2) When the first ADU is A second ADU must either be~~ deed-restricted for income-eligible persons pursuant to §260-92.7; or the Affordable Housing Fee, as may be established by the Town Board, must be fully paid to the Town in lieu of providing a deed-restricted unit pursuant to Zoning Law § 260-92.7.

~~(1a)~~ No preferences based on race, color, national origin, sex, religion or age shall be utilized to prioritize the selection of income-eligible tenants or purchasers for any ~~second~~ ADU created under this subsection.

~~(2b)~~ As a condition of any Planning Board approval, the applicant shall supply necessary information on an annual basis to the Town or its designated agency on forms to be prescribed by the Town to adequately monitor maintenance of affordable conditions. The Town Board shall designate a Town of Woodstock municipal office or department, or a local non-profit agency or qualified non-profit organizations such as a housing trust, to review and administer the requirements of this Section. The designated office, department or agency will be responsible for monitoring continued compliance with affordability requirements of such dedicated dwellings during the units' established periods of affordability.

~~(5)(3)~~ A second ADU shall meet all requirements of Zoning Law § 260-88 and all

development standards and criteria set forth in Zoning Law Article VI (Special Use Permits).

~~(6)(2) The ADU application may be required to undergo review by the Commission for Civic Design pursuant to Zoning Law § 260-109.~~

C. Accessory Dwelling Units (ADUs) within or attached to a single-family dwelling.

(1) The single-family dwelling to which the ADU is to be attached shall be on a single lot with setbacks of not less than the minimum specified in Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*, except in the Hamlet Commercial (HC), Hamlet Residential (HR) and R1.5 Districts, where a preexisting, noncomplying building may be modified to hold an ADU. ADUs within or attached to a primary dwelling that is a pre-existing nonconforming lot or structure shall not increase the nonconforming nature of that lot or structure.

(2) An ADU within or attached to a single-family dwelling may be created by the conversion of an existing structure, as an addition to an existing structure, or as part of the construction of a new primary dwelling on the site.

(3) The ADU must meet all lot coverage, setbacks, and other siting criteria, along with the well and septic requirements specified in Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*.

(4) (~~5~~) The ADU shall be secondary and subordinate in size to the principal residence.

(5) ~~(56)~~ The ADU shall be a self-contained dwelling unit, with separate sleeping accommodations, cooking and sanitary facilities for use by the occupant(s). The use and safety standards for an ADU shall be the same as that apply to the primary dwelling.

(6) ~~(67)~~ The architectural design of the ADU structure shall be such as to maintain the existing architectural character of the single-family dwelling unit. Only one main entrance shall be permitted on the front of the principal dwelling and all other entrances shall be at the side or in the rear. For a corner lots, there may be a single main entrance on that side of the building which has been established as the front, and all other entrances are to be at the rear of the building, if possible. The ADU application may be required to undergo review by the Commission for Civic Design pursuant to Zoning Law § 260-109.

(7) ~~(78)~~ Prior to construction of an interior or attached ADU, a building permit shall be obtained from the Zoning Enforcement Officer. Where an ADU is proposed to be constructed within an existing principal residence structure a building permit shall not

be issued without a prior written determination by the Zoning Enforcement Officer that the existing principal residence structure is sound.

D. Accessory Dwelling Units (ADUs) in a Detached Structure.

- (1) A detached ADU must be on the same parcel upon which the existing principal ~~s~~-single-family dwelling is located. A detached ADU shall not be allowed on parcels occupied by residential structures other than a single-family dwelling, in other words, a detached ADU may not be located on parcels having two-family dwelling, three and four-plex dwellings, townhomes, or any form of multifamily dwelling~~occupied by duplexes, townhomes, or any form of multifamily dwelling.~~
- (2) Tiny homes, as defined in this Zoning Law, shall be allowed to be used as a detached ADU.
- (3) Detached ADUs may only be constructed on parcels which comply with all applicable Woodstock Zoning Law area and bulk regulations, including but not limited to, lot coverage and setback requirements.
- (4) A detached ADU may not be constructed on any portion of a parcel: (a) having steep slopes greater than twenty five percent (25%); (b) within any wetland or wetland buffer, (c) in the Floodway District; or (d) within any watercourse buffer area. All other Zoning Law siting requirements shall be met when siting a detached ADU. ADUs to be located in the Scenic Overlay District shall also comply with the applicable requirements of that District.
- (5) Conversion of an existing accessory structure that was not previously used as a residence.
 - (a) Conversion of an existing noncomplying detached accessory structure into an ADU pursuant to this Zoning Law Article VIII shall be permitted, provided that the noncomplying accessory structure was constructed prior to the enactment of this Zoning Law.
 - (b) Conversion of an existing conforming detached structure to create an ADU as defined herein and in Zoning Law § 260-128 shall be permitted.
- (6) A detached ADU shall be subordinate in size and floor area to the principal residence. If two detached ADUs are proposed, the floor areas of both ADUs in the aggregate shall together be subordinate in floor area to the principal residence.



- (7) The architectural design of a detached ADU structure shall complement the existing architectural character of the principal single-family dwelling unit. In instances where the detached structure in which the ADU will be located is a barn or an agricultural building, the design characteristics and outer appearance of the barn or agricultural building shall be maintained or shall be consistent with the architecture of the principal dwelling unit. The ADU application may be required to undergo review by the Commission for Civic Design pursuant to Zoning Law § 260-109.
- (8) All newly constructed detached ADUs shall be placed behind the primary dwelling. The ADU shall not be located in any side yard or rear yard setback.
- (9) ~~The Planning Board shall ensure that the site plan for a~~ detached ADU shall provides for:
 - (a) adequate access to both the principal residence structure and the ADU(s);
 - (b) an adequate driveway serving both the principal residence structure and the ADU(s); and
 - (c) adequate lighting for the detached ADU which complies with the Zoning Law's provisions applicable to lighting. ~~The Planning Board may also require the site plan to~~When existing conditions such as but not limited to hedgerows, wooded areas, other existing buildings, or topography do not exist to screen a detached ADU, include fencing or landscaped screening shall be provided to mitigate any potential adverse impacts of the detached ADUs on adjacent properties.
- (10) A certificate of approval shall be obtained from the Ulster County Health Department and/or the Town of Woodstock, as may be applicable, for any required on-site sanitary or water supply system. As applicable, this may include a determination that an existing on-site water supply and sewage disposal facilities are sufficient to accommodate the additional demands the detached ADU will place on the system. This provision shall not be construed as superseding any requirement of the New York State Sanitary Code or the Ulster County Health Department regulations applicable to water supply and wastewater disposal systems for residential structures.

§ 260-89 Three and Four-Plex Dwellings - Development Standards and Modified Site Plan Review.

- A. Purposes. The Modified Site Plan Review (MSPR) process has been established to ~~allow~~ promote three and four-plex style dwellings that will provide more affordable housing opportunities in Woodstock and at the same time, enhance protection of the natural and scenic

resources of the Town when such development occurs.¹ MSPR is a review process specifically designed for the review of three and four-plex structures. It is designed to allow for a streamlined and more efficient project review in a manner that still minimizes or avoids adverse impacts to environmental resources. MSPR is a simplified process that promotes maximum efficiency and timeliness through an abbreviated review process. This process is specifically designed so that the Town can more efficiently review siting of the building envelope for these housing types.

- B. Applicability. This section applies when one multifamily structure containing a three or four-plex dwelling unit is proposed. These uses are listed in 260 Attachment 1 of this Zoning Law as requiring Modified Site Plan Review (MSPR) and three or four-plex dwelling units shall be reviewed and approved by the Planning Board using the process established in § 260-89 prior to any issuance of a building permit. Three and four-plex dwelling units shall not be permitted anywhere within the Scenic Overlay District. The MSPR process shall not be applicable for any proposal that includes more than one such multifamily structure.



- C. Affordable Housing Requirement. All three or four-plex structures shall have at least one unit dedicated as an ~~an~~below-market rate, affordable unit.
- D. Application. The applicant shall provide seven (7) copies of the following information to the Planning Board at least ten (10) days prior to a regularly scheduled Planning Board meeting. Applications not received on or before this deadline shall be placed on the subsequent Planning Board agenda.
- (1) As part of this application, the Planning Board shall accept maps included in the Town of Woodstock Comprehensive Plan, Natural Resource Inventory, or other State, County and Municipal maps, including the NYS DEC Natural Resource Mapper or the EAF Mapper, showing the natural resources that may be present on the site in order to show existing environmental features to be considered in placement of the building envelope. Such maps shall be provided in the application.
 - (2) The application for a MSPR shall include:
 - (a) A showing of where limits of New York State and federal jurisdictional wetlands, watercourses and all floodplains and their buffers are located on the site or nearby sites;
 - (b) Identification and location of steep slopes greater than twenty five percent (25%),

¹ One and two-family units on an approved lot are allowed by right so would not require further review under this provision.

unique habitats, important areas and significant natural communities identified by the New York Natural Heritage Program, significant biodiversity areas identified by DEC, high ranking forest patches identified by DEC, important bird areas, and vernal pools on the site.

- (c) A statement that describes, and a map that shows, the locations and dimensions of the building envelope(s) planned, and which shall include all principal and accessory structures, driveways and curb cuts, parking areas, if any, applicable setbacks and markings to show compliance with all other applicable required dimensions and area and bulk regulations.
- (d) A description and map of anticipated changes in the existing topography, natural features, the percent of the total lot area that will be covered in impermeable surfaces; the location of the proposed water well, septic tank and the primary, and secondary (if required), leach field; and the location of all other land disturbances.
- (e) The MSPR application shall also include permit application(s) or other information required by the Town of Woodstock Building Department.
- (f) Applications for MSPR shall meet all State Environmental Quality Review Act (SEQRA) requirements pursuant to 6 NYCRR Part 617.
- (g) All protective covenants and/or deed-restrictions pursuant to Zoning Law § 260-92.7 establishing one ~~below-market rate~~, affordable unit dedicated for income-eligible persons, ~~or in lieu of providing one such unit, an Affordable Housing fee, as may established by the Town Board to be used to support off-site housing programs.~~

E. Planning Board Action on Modified Site Plan

- (1) The Planning Board shall, at the first regularly scheduled meeting held after submission of the modified site plan application, begin the review process. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating application deficiencies. No modified site plan application shall be deemed complete until the application form, fee, , and site plan information described in this Sub-Section have been accepted by the Planning Board. The Planning Board may require escrow be established pursuant to § 260-81.
- (2) Once a complete application has been received, the Planning Board shall conduct its abbreviated review and may hold a public hearing, to be held within sixty two (62) days of receipt of a complete application, as deemed by the Planning Board. In determining whether a public hearing shall be held or not, the Planning Board shall consider the lot size, setbacks, and other site - specific characteristics, as well as whether potential off-site impacts are such that comments from neighbors and community members would be useful in conducting the review. If the Planning Board chooses to hold a public hearing, the public hearing shall be advertised in the officially designated Town

newspaper or newspapers of general circulation in the Town, as designated by the Town Board, at least five (5) days prior to the public hearing. A copy of said public notice shall be mailed to the applicant and all contiguous property owners by the Planning Board at least ten (10) days before the opening of the public hearing.

- (3) Required referral. Within ten (10) days of any scheduled public hearing, and prior to taking action on the modified site plan, the Planning Board shall refer the modified site plan, when applicable, to the Ulster County Planning Board for advisory review and a report in accordance with 239-m of the New York State General Municipal Law except as detailed in any Memorandum of Agreement between Ulster County and the Town of Woodstock that may exist. No final decision on the modified site plan review shall be made until the County Planning Board has submitted its decision, or thirty (30) days have passed since referral.
- (4) If no hearing is required, the Planning Board shall render a decision on the modified site plan within sixty two (62) days from being deemed a complete application, or, if a hearing is required, within sixty two (62) days from the close of any public hearing that has been held. The Planning Board's action shall be in the form of a resolution stating whether the modified site plan is approved, disapproved, or approved conditionally with modifications, along with a reasoned elaboration of the basis for their decision. Any modification required by the Planning Board shall be considered a condition for issuance of a building permit. If the modified site plan is disapproved, the Planning Board's written resolution will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

F. Development Standards for Three and Four-Plex Dwelling Units.

- (1) A building envelope for three or four-plex dwelling units shall be established and sited to preserve significant natural, ecological, cultural, and historical features on the site to the maximum extent practical. The Planning Board shall apply specific standards deemed necessary as follows to mitigate impacts of the proposed project to the Town's natural resources.
 - (a) The location of the building envelope shall be such that pollution of air and water (surface and ground water) is avoided or mitigated to the maximum extent practicable. The development shall protect all wetlands, floodplains, and steep slopes greater than twenty five (25%) from clearing, grading, filling, and/or construction, except as may be approved by the Town for essential infrastructures or passive recreation amenities. All requirements of Zoning Law § 260-34 (Wetlands and Watercourse Protection) shall be met.
 - (b) The building envelope shall also be sited outside watercourse buffer areas and mapped floodplains to avoid impacting stream and streamside vegetation to the

greatest extent practical. The proposed development shall not create new or increase existing flooding hazards in flood hazard zones.

- (c) The location of the building envelope shall ensure adequate water supply and sewage disposal.
- (d) The lot for a three or four-plex dwelling unit shall meet all minimum lot size, setbacks, and other area and bulk requirements as per the Town of Woodstock *Schedule of Area and Bulk Regulations*.
- (2) The minimum size of each unit within a three or four-plex dwelling shall be four hundred (400) square feet and the maximum size shall be one thousand (1,000) square feet.
- (3) No short-term rental use shall be allowed in any three or four-plex unit.
- (4) No ~~Accessory Dwelling Units (ADUs)~~, either internal, detached, or attached shall be allowed on the same parcel as any three and four-plex structure.
- (5) The number of dwelling units allowed on a single parcel shall be calculated based on the net acreage of the total parcel and pursuant to Zoning Law 260 Attachment 2.
- (6) The proposed development shall provide proper surface water management that preserves existing drainage patterns, protects other properties and public roadways, and mitigates water quality impacts to the greatest extent practical.
- (7) All proposed development of three or four-plex dwelling units shall comply with all Town, County, and State Stormwater Management and Erosion and Sediment Control requirements including the New York State Environmental Conservation Law, the New York State Public Health Law, and the regulations promulgated thereunder at Titles 6 and 10 of the New York Code of Rules and Regulations (NYCRR) , with regard to the design, construction and maintenance of wastewater treatment systems.
- (8) All on-site lighting shall be fully shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. The light level at the lot line shall not exceed 0.2-foot candles, measured at ground level.
- (9) The development should minimize disturbance of mature woodlands and existing hedgerows and tree lines to the extent practicable. The development shall not adversely impact important natural resources, including but not limited to those in: (a) a designated Critical Environmental Area (CEA); (b) unique natural areas; (c) significant habitats; and (d) state-mapped areas of significant natural communities. In addition, the development shall not adversely impact species that are endangered, threatened, or species of special concern identified by New York State Department of Environmental Conservation or the United States Fish and Wildlife Service; or other species or habitats

as needing conservation.

- (10) All three and four-plex dwelling units shall be architecturally designed to emulate single family dwellings in terms of style, roofline, facades, and use of façade features such as, but not limited to porches and shall also meet all design requirements of Zoning Law § 260-90 (A) (8).
- (11) All lot sizes, setbacks and other dimensions pursuant to Zoning Law 260 Attachment 2 shall be met.
- (12) When a parcel is proposed to contain a single three-plex or a single four-plex dwelling structure, common open space is not required.
- (13) When a parcel is proposed to contain more than one three-plex or one four-plex dwelling structure, the review process shall be the same as for any other ~~multi-family~~multifamily development pursuant to Zoning Law §260-90. When a parcel is proposed to contain more than a total of 40 dwelling units containing multiple three-plex or four-plex structures, then the development shall also not be eligible for the MSPR review process and shall be reviewed pursuant to §260-92.1 (Floating Residential District).

G. Approval. Upon approval of the modified site plan, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with the Town Clerk and the Zoning Enforcement Officer a copy of its resolution approving the site plan and setting for the reasons for its decision. A copy of the written approval resolution shall be mailed to the applicant. Upon approval of the modified site plan, the applicant shall be eligible to apply for a building permit.

H. Approval with Modifications. The Planning Board may approve the modified site plan and require that specific modifications or conditions be made. A copy of the written resolution of approval containing the modifications required by the Planning Board and the reasons in support of that decision shall be mailed to the applicant and filed with the Town Clerk and the Zoning Enforcement Officer. The Zoning Enforcement Officer shall not issue a building permit until the modified site plan has been reviewed and certified by the Zoning Enforcement Official that the plan reflects modifications as required by the Planning Board.

I. Disapproval. The Planning Board shall make a written resolution stating the reasons for its decision to disapprove the application. The resolution shall set forth the reasons for the Board's decision not to approve the application. Upon disapproval of the site plan, the Planning Board shall, within five (5) business days, file the resolution with the Town Clerk and Zoning Enforcement Officer. A copy of the written resolution of disapproval shall be mailed to the applicant. No building permit shall be issued when a modified site plan has been disapproved.

J. Extensions of Time. Any time period in this Section may be extended upon the mutual consent of the applicant and the Planning Board.

K. Any person aggrieved by an MSPR decision of the Planning Board may apply to the New York Supreme Court for review by a proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the final decision by the Planning Board is filed in the office of the Town Clerk. Such proceeding shall be governed by the specific provisions of New York Civil Practice Law and Rules which govern Article 78 proceedings.

1. § 260-90 Multifamily Dwellings and Co-housing Developments.

~~(7)~~ A. Multifamily Dwellings and Co-housing Dwellings created either through new construction or by conversion of a one- or two-family residence or other structure in existence at the time of adoption of this Zoning Law shall be allowed as per Zoning Law 260 Attachment 1 (Use Table). No multifamily dwellings, three or four-plex structures, or co-housing developments shall be permitted in the Scenic Overlay District or in the R8 District pursuant to Attachment 1 (*Schedule of Uses*). Three and four-plex structures shall only be allowed with a special use permit approved by the Planning Board pursuant to Zoning Law § 260-89.

B. Multifamily Development Standards.

(a) (1) No short-term rental use shall be allowed in any multifamily unit.

(b) (2) No ~~Accessory Dwelling Units (ADUs)~~ shall be allowed on the same parcel with any multifamily dwelling.

(3) The total number of dwelling units allowed on a parcel shall be calculated based on the net acreage of the total parcel and according to the density and lot requirements of Zoning Law 260 Attachment 2 (*Schedule of Area and Bulk Regulations*).

(4) The minimum size of any individual unit in a multifamily dwelling structure shall be four hundred (400) square feet and a maximum size of any unit shall be one thousand ~~five hundred~~ (1,0500) square feet.

(5) No individual multifamily structure shall contain more than eight residential units except as provided for in Zoning Law § 260-90 (D). Proposals for more than one multifamily structure shall be permitted pursuant to 260 Attachment 2 (*Schedule of Area and Bulk Regulations*).

(6) Sufficient common water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Woodstock, the Ulster County Health Department, and where applicable, the New York State Department of Health.

(7) Common open space.

(a) Multifamily dwellings shall have common open space totaling not less than fifty percent (50%) of the lot in the R5 and R3 Districts and not less than twenty five percent (25%) of the lot in the R1.5, HR, HC and NC Districts of the total multifamily development site.

(b) Multifamily dwellings included within a conservation subdivision shall be a minimum 50% open space standard pursuant to Zoning Law § 260-91 (D) (1).

(c) This open space shall be provided in perpetuity for the use and beneficial enjoyment of all residents within the multifamily development and shall be so protected pursuant to Subsection (7) (d), below.

(d) A deeded conservation easement or similar mechanism, including deed restrictions, for the long-term ownership, stewardship, and maintenance of common open space shall be provided, subject to the approval of the Planning Board during the subdivision or special use permit review process. A conservation easement is the preferred method of achieving proper stewardship and maintenance in perpetuity. In the event that a deed restriction is used, such deed restriction(s) shall be noted on all approved, filed plats and enforcement of such restrictions shall be referenced as part of any approval or conditional approval of the subdivision plat (Chapter 202) or site plan (Article VII).

(8) The minimum rear and side yards required by Zoning Law § 260-16, *Schedule of Area and Bulk Regulations*, for the zoning district in which the development is proposed shall be doubled, that is, increased by one hundred percent (100%), in the R5 and R3 Districts to establish the minimum rear and side yards required for the development. All multifamily development sites shall include landscaping or other features that serve to visually buffer and reduce noise impacts year-round. Landscaping shall include maintenance of existing topography and trees, and/or the addition of landscaping using native, hybrid and pollinator-friendly species, vegetated berms, fencing, or a combination. The Planning Board may reduce the double-setback requirement only upon acceptance of an enhanced landscape plan that fully screens the site from view on the side and rear. An enhanced landscape plan shall have offset, double rows of densely growing native evergreens with the addition of smaller native trees and shrubs to create a naturalized

hedgerow habitat.

(9) The Zoning Enforcement Officer shall inspect all the rental dwelling units every three (3) years to ensure that they have been maintained in habitable condition and that there are no violations of this chapter, or any other applicable rules and regulations related to multifamily dwelling units.

(10) In no case shall any parking lot for a multifamily dwelling unit be located in front of the building. All parking lots shall be to the side or rear and be permeable to the maximum extent practical. When parking is placed to the side of the building, the parking lot shall be fully screened from the street. All requirements related to parking pursuant to §260-30 shall also be met.



(11) Building Design Standards for all Multifamily Dwellings. “The Community Design Manual, March 2017” created by the Ulster County Planning Board and the “Woodstock Planning Board Design Manual” created by the Planning Board in 2001 are encouraged to be utilized in the building design process as they are tools that provides design solutions to address environmental protection and maintenance of rural and small town character. The multifamily application may be referred to the Commission for Civic Design by the Zoning Enforcement officer pursuant to Zoning Law § 260-109.

(a) Architectural Character. To the maximum extent practicable, all forms of multifamily dwelling shall be designed to emulate single-family residences and to blend in well with the surrounding neighborhood. Any affordable unit shall be indistinguishable from those units not restricted as affordable units in design, appearance, construction, and quality of materials. Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing or seen from the street. The street-facing front façades of buildings shall provide variation in elevation, façade and design features such as one or more of the following:

- (1) A covered porch;
- (2) A recessed entrance;
- (3) One or more dormer windows or cupolas;

- (4) Pillars, posts, or pilasters;
 - (5) One or more bay windows;
 - (6) Eaves projecting at least four inches from the façade plane;
 - (7) Raised corniced parapets over the entrance door;
- (b) Principal buildings shall incorporate roof pitches between 3:12 (a roof that rises 3 inches for every 12 inches of run) and 12:12 (a roof pitch that rises 12 inches for every 12 inches of run) ratio. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the degree practicable, to have a minimal visual impact as seen from the street or adjacent properties. However, solar panels, solar shingles, skylights, solar tubes and similar amenities shall be allowed on all roofs. Roof materials and color should be traditional, meaning they should be within the range of colors found on historic buildings in the Town. The use of facias, dormers and gables is encouraged to provide visual interest.
- (c) The scale of new construction, including the arrangement of windows, exterior wall materials, doors and other openings within the façade shall be complementary to the form and massing of existing buildings throughout the town. When proposed within the scenic overlay district, residential exterior surfaces shall use palettes that blend with the surrounding landscape or that are harmonious with surrounding development to be most compatible with the scenic rural character of the neighborhood and the Town.
- (d) New buildings shall be Energy Star qualified.
- (e) Low Impact Development (LID) standards pursuant to the New York State Stormwater Management Design Manual, Chapter 5 (Green Infrastructure Practices) shall be used including use of bioretention and rain gardens, soil amendments, grassed swales, rain barrels, permeable pavers, and minimizing impervious surfaces to minimize stormwater impacts.
- (f) Accessory Structures. All accessory structures, screening walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure. When ground-mounted solar panels are proposed as part of a multifamily dwelling development, such structures are allowed and shall meet all dimensional requirements for an accessory structure.
- (g) A complete landscape plan shall be provided as part of the application for a multifamily structure. Streetscape amenities and landscaping shall be provided for

and shown on such a plan. The plan shall maximize maintenance of existing natural features or otherwise enhance open space. The landscape plan shall use a diversity of native species. Amenities including but not limited to sidewalks, street furniture, illumination, crosswalks, and preservation of existing specimen trees shall be required by the Planning Board to the maximum extent feasible taking into consideration site conditions. All landscaping approved by the Planning Board shall be maintained long-term. The Planning Board shall require, as a condition of approval, a landscape maintenance plan and a plan for assuring the long-term maintenance is carried out properly and fully.

(h) The Planning Board shall require pedestrian facilities, including walking or bicycle trails, bike parking areas, recreation areas or other types of common use areas. All such areas shall be connected to the parcel to provide easy access from all units. When a walking or bike trail is provided on a parcel where a trail already exists, any new trail shall be connected to such existing facilities. All Town of Woodstock Complete Streets Policies related to pedestrian facilities shall be met to the maximum extent feasible.

(12) Submission Requirements. In addition to any other information required as part of a special use or site plan application, the following shall also be submitted for review by the Planning Board:

- (a) A site plan showing the building(s) and number and size of units proposed.
- (b) Color photographs of the project site looking out towards the road, side and rear.
- (c) Preliminary parking layout. Enumerate the number, size, and type of parking spaces to be provided pursuant to §260-30. Include locations proposed for bicycle parking and any required parking to meet the American with Disabilities Act requirements.
- (d) Locations of site elements including signs, recreational areas, common use areas, garbage enclosures, pedestrian linkages, preliminary landscape plan.
- (e) Building elevations showing building height, exterior materials, colors, sign design, and site and building lighting.

CB. Co-housing Developments.

- (1) ~~Co-housing developments shall be allowed only pursuant to all regulations and~~

~~procedures as per the Floating Residential District (§260-92.1).~~Density of co-housing units shall be pursuant to Attachment 2, Table 2.

(2) Co-housing developments are permitted to include a variety of housing types including s. ~~Single-family, two-family, three and four-plex dwellings pursuant to §260-89, and~~, multifamily dwellings pursuant to §260-90 (B), ~~and~~ structures for common facilities such as recreation, meeting, dining, kitchen, and laundry, shall be allowed within a co-housing development. All common structures are to be used primarily by the residents of the dwellings located within the co-housing development.

(3) Other private or public uses that may be approved within the co-housing development include ~~a church or other places of worship; private school; day care center; nursery school;~~ park or playground,; garden, ~~nursery, or farm; roadside stand or farm market to display and sell farm or other products made on-site;~~ solar collectors as may be allowed by the Town of Woodstock; home occupations; artist studio; and artisanal food production facilities ~~such as but not limited to a commercial kitchen, including the production, preparation and storage of food for sale.~~ No retail establishment, restaurant, or short-term rental of any facilities within the co-housing development shall be allowed. Public spaces shall only be used for non-commercial purposes. Permitted uses of common spaces must be by agreement of the residents according to governance established by the co-housing community.

(4) Manner of Land Ownership. The property in a co-housing development may be owned in the following manners:

- (a) Each dwelling unit may be owned by individuals or entities (with or without a homeowners' association² or similar body) provided that there is compliance with Chapter 202, Subdivision of Land, including the conservation subdivision regulations; or
- (b) As a cooperative (where there is one entity that owns the land and which leases land to individuals who then erect dwelling units on the leased land or where one entity owns the land and all buildings and leases specific dwelling units and associated accessory buildings to individuals or families); or
- (c) As a condominium; or
- (d) As common land, facilities and infrastructure (roadways, water and sewer

² Formation of a homeowner's association or ownership having common areas or facilities may require compliance with the New York State Martin Act (New York General Business Law article 23-A, sections 352–353).

lines and other infrastructure) may be owned by a separate corporation controlled by the residents of all the co-housing neighborhood;³ or

(e) Open land with or without building structures may be owned by a homeowner's association or a non-profit organization controlled by the co-housing development.

(5) ~~There shall be no more than sixty (60) dwelling units constructed within a co-housing development located within the Town of Woodstock Water and Sewer District, or 40 units when not located in such district pursuant to Zoning Law 260 Attachment 2.~~ No individual structure shall have more than eight (8) units within.

(6) There shall be one and a half (1.5) parking spaces for each dwelling unit provided. The Town Board, in its FRD approval, may reduce the number of parking spots by no more than twenty five percent (25%) provided there is adequate parking for all the anticipated occupancy on the site.

DC. Senior Housing.

Any type of housing allowed pursuant to this section can be dedicated to and designed for senior housing.

ED. Waiver of Eight-Unit Maximum per Structure for Multifamily Housing.

The eight-unit maximum for multifamily housing structures as established in Zoning Law § 260-90(A)(5) may be waived by the Planning Board in a special use permit application, or by the Town Board in an FRD application, to allow for more than eight (8) units per structure only under such extraordinary circumstances when such housing promotes the Town's housing goals as established in this Chapter and serves the greater good of Woodstock, and when it provides for affordable or senior-dedicated housing. If the eight-unit limit is waived, all other density, use, lot and dimension, development, and design standards as established in this Zoning Law shall be fully met for all multifamily structures and the reviewing board shall only allow for the minimum increase in the number of units per structure needed to serve the needs of the community. Requests for a waiver to the eight-unit maximum shall be made in writing by the applicant and shall include narrative, site plans, and other submissions that verify

³ Note that such action may be required to conform with the Martin Act (New York General Business Law article 23-A, sections 352–353) related to formation of a homeowner's association. A homeowner's association may not be required if there is a de minimis cooperative interest, and in that case, a Declaration of Covenants and Restrictions, in a form approved by the New York State Attorney General be recorded to assure the continued maintenance of common elements.

why an eight-unit limit per structure does not meet the housing needs of Woodstock.

§ 260-91 Conservation Subdivision for Major Subdivisions.

A. Purposes

- (1) A purpose of this section is to promote the orderly, economic, aesthetic, environmentally sound and efficient development of the Town consistent with its rural, small-town, and artist-oriented character, and the continuing needs for conservation of natural and cultural resources, quality residential building sites and enjoyable open space. This section has been carefully designed in recognition of the need to protect Woodstock's significant environmental resources as part of the land development process. Further purposes are to:
 - (a) Conserve open land, including those areas containing unique and sensitive natural features, such as, but not limited to, critical and rare habitats, forest core areas, steep slopes, streams and riparian areas, floodplains, wetlands and other resources identified in the Town of Woodstock's Comprehensive Plan, Habitat Study, and Natural Resources Inventory by setting them aside from development.
 - (b) Provide greater design flexibility and efficiency in the siting of structures, services and infrastructure, including the opportunity to reduce the length of roads and the amount of paving required.
 - (c) Provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income levels.
 - (d) Create residential opportunities with direct visual or physical access to preserved lands that is consistent with the rural character of Woodstock.
 - (e) It is a purpose of this sub-section to supplement Chapter 202 of the Town of Woodstock Town Code (Subdivision of Land) so that, when applied together, the Zoning Law and the Subdivision Regulations can better achieve the purposes set forth above.

B. Applicability

- (1) This sub-section of the Zoning Law shall apply to all major subdivisions in all districts of the Town subject to review under the provisions set forth in Town Code Chapter 202 (Subdivision of Land) (hereafter the "Subdivision Regulations"). ~~However,~~ no conservation subdivision shall be required for major subdivisions proposed on lots less than five (5) acres in size. All other major subdivisions shall be designed as a conservation subdivision in accordance with the procedures, requirements and provisions of this sub-section and the Town Subdivision Regulations as set forth in Town Code Chapter 202, Article IX.

(2) All minor subdivision applications proposing to create three or four lots from a parcel

containing fifteen (15) acres or more, shall submit to the Planning Board a pre-sketchn plan, pursuant to Article V, §202-13 (Conceptual or Sketch Plan), that illustrates both a conventional subdivision layout and yield plan, and a conservation subdivision layout plan. The Planning Board is authorized to require adherence to the regulations of this section §260-91 where, -in the opinion of the Planning Board, environmental resources cannot be adequately protected and the purposes of this zoning law and of the subdivision law cannot be met under conventional subdivision methods based upon the unique site and environmental conditions of the parcel, in the opinion of the Planning Board.

(32) Where a conservation subdivision is required in the R1.5, HR, HC, and NC districts, the lots and new residences shall be laid out as a clustered, traditional neighborhood pursuant to Town Subdivision Regulations § 202-42(A)(2) in order to promote more traditional development patterns seen in hamlets. ~~In all other zoning districts, new lots and residences shall be laid out as per sub-section 202-42 (A) of the Subdivision Regulations in order to promote rural character and open space.~~ In the R1.5, HR, HC, and NC Districts, the conservation subdivision shall be a variation on the four-step process outlined in Article IX, § 202-~~4260~~ of the Subdivision Regulations. The first step is to identify open space lands, including both Primary and Secondary Conservation Areas. However, in this clustered neighborhood design, where traditional streetscape is of greater importance, steps 2 and 3 are reversed, so that streets and squares are located before house sites established on the plat. Clustered neighborhood designs shall emulate hamlets in Woodstock and shall have reduced lot sizes, have narrow front setbacks, narrow streets, sidewalks and other pedestrian amenities, buildings oriented to the street, walkable street pattern, village-style roadway design and have a clear demarcation between built and unbuilt lands at the edge of the neighborhood. In all other zoning districts, new lots and residences in a major subdivision shall be laid out as per sub-section § 202-42 (A) of the Subdivision Regulations in order to promote rural character and open space.

- C. Compliance with other laws. This sub-section of the Zoning Law shall be in addition to compliance with the procedures and requirements of the Town of Woodstock Subdivision Regulations as set forth in Chapter 202 of the Town of Woodstock Town Code. Should the requirements of this section conflict with, or otherwise be inconsistent with, any provision of the Town of Woodstock Subdivision Regulations or other local laws, the provisions of this section shall prevail. In addition, no major subdivision application shall be approved without full compliance with the State Environmental Quality Review Act (SEQRA) (6 New York Code of Rules and Regulations Part 617).
- D. Dimensional standards. The permitted number of dwelling units in a conservation subdivision shall not exceed the number of units that would be permitted according to the density requirements of the Town of Woodstock Zoning Law 260 Attachment 2, *Schedule of Area and Bulk Regulations*, except when a density bonus has been granted pursuant to Zoning Law §

260-18.1 (A (3). The Planning Board shall allow alteration of all other lot dimensions within a conservation subdivision in order to properly accomplish the purposes of the Town of Woodstock Comprehensive Plan and this law to preserve the maximum amount of open space when a major subdivision is planned. However, the following minimum dimensions shall be met:

- (1) A major conservation subdivision shall include preservation of at least fifty percent (50%) of the parcel's total acreage as open space land as required in Town Code Chapter 202, Article IX.
- (2) There shall be a minimum street frontage on an existing street or a planned, interior street per lot of twenty-five (25) feet to provide adequate access.
- (3) The minimum lot size in a conservation subdivision where individual wells and septic systems are required shall be equal to that required by the Town of Woodstock and Ulster County Department of Health to meet standards for water and septic system approvals.
- (4) Maximum impervious surfaces shall be twenty-five percent (25%) on each individual lot when water and sewer or engineered community wastewater treatment is provided for. For lots without water, sewer or engineered community wastewater treatment provided, the maximum impervious surface shall be 15% on each individual lot.
- (5) Maximum height of any building or structure to be placed on a lot shall be thirty-five (35) feet or two and a half (2.5) stories.
- (6) All housing types as permitted in the *Schedule of Uses* for the district shall be permissible residential uses within a conservation subdivision. However, no individual multifamily structure, where allowed, shall contain more than eight dwelling units.
- (7) There shall be a one hundred (100) foot side and rear setback between any new dwelling unit and the original parcel's property line.

E. Procedures. All procedures of Town Code Chapter 202, Article IX related to sketch plan, site analysis, lot layout including design steps 1 through 4, and protection and maintenance of open space shall be followed and shall be in addition to all other procedures for the approval of a subdivision pursuant to Town Code Chapter 202. Referrals to the Woodstock Environmental Commission and CCD shall be made as required by this Zoning Law.

F. Affordable Housing Requirement. At least ~~ten~~ fifteen percent (15%) (~~10%~~) of new units within the conservation subdivision shall be set aside as affordable for those income eligible persons or households earning up to ~~between~~ eighty percent (80%) of Area Median Income (AMI) for a rental unit, and, of a for--purchase unit, up to one hundred twenty percent (120%) of Area Median Income (AMI),- as calculated according to federal income guidelines set forth by the U.S. Department of Housing and Urban Development (HUD) or any other requirements

under the financing for the project (when the project is funded using government funding).

- (1) During the conservation subdivision design and approval process, the Planning Board shall ensure that the approved plat identifies the location of lot(s) where affordable units will be provided for. Final Planning Board approval shall also incorporate a narrative describing the number of and location of lots and units dedicated as affordable.
- (2) Affordable units may be provided in a principal one or two family dwelling, in one or more units in a three or four-plex structure that meets all requirements of §260-89, in a multifamily structure that meets all requirements of §260-90, or as an ADU that meets all requirements of §260-88.
- (3) Affordable units shall be dispersed throughout the proposed housing development and shall be indistinguishable from market-rate units in design, appearance, construction, and quality of materials.
- (4) The applicant may also donate buildable land in the subdivision, of such sufficient area in the subdivision to accommodate the 15% set-aside for affordable units, to a housing trust or other housing-oriented non-profit organization as to accommodate the 1015% set-aside for affordable units.

~~1.~~ § 260-92 Additional Housing Types and Development Standards

Sections 260-92.1 through 92.6 contain additional options and development standards designed to increase housing opportunities and incentivize new housing affordable to a range of income-eligible individuals and families, including housing needed by middle-income households. These include floating residential districts, tiny homes, mobile-manufactured homes, clustered lot development, and continuing care development communities. Zoning Law § 260-92.6 also details density bonuses.

~~2.~~ §260-92.1 Floating Residential District.

- A. Intent and Objectives. The Floating Residential District (FRD) is established to encourage the development of low- and moderate-income housing within the Town of Woodstock and, at the same time, protect the environment and the rural and small town character of the Town of Woodstock. The FRD encompasses a set of pre-approved zoning regulations that “float” above the established zoning of designated properties, until they are activated -- when and if the property owner decides to establish it. The principal purpose of the FRD is to allow for additional housing opportunities for low- and moderate-income households in appropriate locations where the nature, scale, and intensity of such uses are compatible with the physical, scenic, and environmental characteristics in the neighborhood and Town. No FRD’s are permitted in the Town’s R8 District or within the Scenic Overlay District. Any application for, or development within, an FRD must recognize that protection of Woodstock’s rural and

small town character and environment will be a prime consideration for approval or denial and shall meet the Town's Complete Street policies to the maximum extent practical. For purposes of this Floating Residential District procedure and to meet the requirements for providing affordable housing as part of an FRD, the Town Board shall interpret the limits of income for affordable housing to be ~~up to-between~~ eighty percent (80%) for rental units and up to one hundred twenty percent (120%) for units for purchase of the household's Area Median Income (AMI) for Ulster County, as established by the United States Department of Housing and Urban Development (HUD) or its successor agency and adjusted for household size.

B. Applicability.

- (1) No FRD shall be allowed to be created in the FW District, R-8 or in any location within the Scenic Overlay District.
- (2) The FRD shall provide for primary ingress to and egress from the property. It shall not include the use or creation of cul-de-sac roads greater than one thousand two hundred (1,200) feet from a public road. Sewer and water facilities shall be provided that meet all Town, County and State requirements.
- (3) In no case shall an FRD be approved if the Town Board determines that it is not consistent with the Scenic, Gateway, Hamlet or other overlay districts, or with any Critical Environmental Area (CEA) as may be established in the Town of Woodstock. In order for an FRD to be approved by the Town Board, all applicable overlay district requirements shall also be met.
- (4) Upon the Town Board's decision to approve a property(s) to be changed to a FRD designation, a unique, numbered or named zoning district classification will be created on the Zoning Map of the Town of Woodstock. The plan approved by the Town Board in conjunction with the map amendment shall become an integral part of the zoning for land included within that FRD.
- (5) Subsequent to the Town Board's approval of the zoning change and FRD designation, a site plan application, and any special use permit application required by the Town Board in its FRD approval or as allowed pursuant to Zoning Law 260 Attachment 1, must be approved by the Planning Board before site development may begin. The applicant's detailed site plan must comply with: (a) all conditions established by the Town Board for the FRD; and (b) any other applicable provisions of this Zoning Law. If the FRD is

proposed as a subdivision, the site plan application must also include a subdivision plat and comply in all applicable respects with Chapter 202 of the Town of Woodstock Town Code (Subdivision of Land). If the FRD is not proposed as a subdivision, then the site plan application must comply with Zoning Law § 260-92.4

C. Criteria.

The legislative determination to establish an FRD shall be strictly based upon the following criteria:

- (1) Location. An FRD District may only be created through rezoning of lands in any district in the Town of Woodstock, except the FW, R8, or Scenic Overlay -districts. FRD sites must be located in areas suitable for residential purposes, and free from steep slopes, wetlands, and other environmental and physical constraints. In no case shall an FRD be approved if the Town Board determines that is not consistent with the ~~Scenic~~, Gateway, Hamlet or other overlay districts.
- (2) Development area. The minimum development area required to qualify for rezoning to an FRD shall be as set forth in Zoning Law 260 Attachment 2.
- (3) If the FRD proposes subdivided lots, the applicant shall comply with the conservation subdivision process and standards pursuant to Town Code Chapter 202 (Subdivision of Land), Article IX, and Zoning Law§ 260-91 .
- (4) If the FRD proposes multiple structures, but not subdivided lots, the design steps and standards associated with a conservation subdivision pursuant to Town Code Chapter 202, §§ 202-40, 202-41, and 202-42 shall be followed to ensure compatibility with the environment and incorporation of conservation techniques.
- (5) Permitted uses in FRD Districts. Single, two, three and four-plex units, other multifamily units, co-housing types, ~~accessory dwelling units (ADUs)~~, and other single family semi-attached housing styles are permitted in an FRD. Accessory dwelling units (ADUs) are also permitted in an FRD only where individual lots are created.
- (6) ~~Residences-Dwellings~~ may be of any building type consistent with the intent and objectives of this FRD regulation, except that building height shall be restricted to thirty five (35) feet or two and a half (2.5) stories as otherwise provided within this Zoning Law, whichever is more restrictive .
- (7) Lot coverage shall not exceed fifteen percent (15%) of the total land area of the FRD.
- (8) The FRD shall require that sixty percent (60%) of the proposed units be affordable housing

units as defined in this local law, limited to occupancy to those income eligible persons or households according to federal income guidelines set forth by the U.S. Department of Housing and Urban Development (HUD) or any other requirements under the financing for the project (when the project is funded using government funding) ~~including a range of eighty percent (80%) to one hundred twenty percent (120%) of Area Median Income (AMI).~~ ²No more than forty percent (40%) of the total units shall be rented or sold to those who exceed the income limitation pursuant to this section and pursuant to § 260-88 above. Affordable units shall be dispersed throughout the proposed housing development and shall be indistinguishable from market-rate units in design, appearance, construction, and quality of materials.

- (9) Private garages and carports, storage spaces and recreational and community facilities shall be permitted within the FRD and shall be responsive to the needs of the prospective user population and included on the site plan.
- D. Calculating density. The density permitted within the FRD District shall be as set forth in Zoning Law 260 Attachment 2. The maximum density may be exceeded only when a density bonus pursuant to Zoning Law § 260-18.1 is approved. -
- E. Maximum number of dwelling units. The maximum number of dwelling units permitted within an individual FRD District, or in the combination of two (2) or more contiguous FRD Districts, shall be determined by both the net acreage of the parcel and application of density requirements pursuant to Zoning Law 260 Attachment 2. The maximum number of units in a single structure shall be eight (8) units, except when waived by the Town Board pursuant to Section (E) (1), below.
 - (1) Waiver of Eight-Unit Maximum per Structure for Multifamily Housing. The eight-unit maximum for multifamily housing structures may be waived to allow for more than eight (8) units per structure by the Town Board only under such extraordinary circumstances when such housing promotes the Town's housing goals as established in this Zoning Law and serves the greater good of Woodstock and when it provides for affordable or senior-dedicated housing. If the eight-unit limit is waived, all other density, use, lot and dimension, development, and design standards as established in this Zoning Law shall be fully met for all multifamily structures and the Town Board shall only allow for the minimum increase in number of units per structure needed to serve the needs of the community. Requests for a waiver to the eight-unit maximum shall be made in writing by the applicant and shall include narrative, site plans, and other submissions that verify why an eight-unit limit per structure does not meet the housing needs of Woodstock.
- F. Central water supply and/or common sewage disposal facilities may be required by the Town

Board and, if so, shall be provided in accordance with the requirements of the Town of Woodstock and the Ulster County Health Department, and where applicable, the New York State Department of Health.

- G. Yard and other dimensional requirements. The following minimum dimensions shall be met:
- (1) There shall be fifty percent (50%) of the total FRD parcel permanently preserved as open space.
 - (2) There shall be minimum side and rear yard setbacks of one hundred (100) feet.
 - (3) The minimum front yard setback shall be fifty (50) feet.
 - (4) All development sites within the FRD shall include landscaping or other features that serve to visually buffer and reduce noise impacts year-round. An enhanced landscape plan that fully screens the site on the side and rear shall be provided for. A vegetated or landscape buffer shall be required to screen the development from side and rear property boundary lines, and in locations where neither topography nor existing vegetation serve to screen the development from adjacent properties in order to preserve existing character. Where new landscaping is needed for screening, the landscape plan shall show use of offset, double rows of densely growing native evergreens with the addition of smaller native trees and shrubs to create a naturalized hedgerow habitat. Existing vegetation, to the extent present on the parcel, shall be used to provide such a landscape buffer. All landscaping approved by the Planning Board shall be maintained long-term. The Planning Board shall require, as a condition of approval, a landscape maintenance plan
- H. Off-street parking. Within an FRD, one (1) off-street parking space shall be provided for each senior citizens' dwelling unit and one and a half (1.5) off-street parking spaces shall be provided for every other dwelling unit. Parking spaces shall include those needed to meet the U.S. Americans with Disabilities Act requirements and all requirements of §260-30 for off-street parking shall also be met. At least one electric car charging station is incorporated and installed with the project pursuant to Zoning Law § 260-30 (B) (9).
- I. Entrances, hallways, and doors between rooms must be wheelchair and handicapped accessible.
- J. All of the design requirements for multifamily units set forth in Zoning Law § 260-90 shall be met.
- K. The Town Board shall require a traffic impact analysis to be submitted if the proposed FRD will potentially generate one hundred (100) or more cars per day.

- (8) L. In order to grant approval of an FRD, the Town Board must make all of the findings set forth below. Applications that do not meet all of the criteria set forth below must be denied by the Town Board.

~~(9)~~ (1) The site is adequate in size to support the proposed quantity of development.

~~(10)~~ (2) The site is suitable in terms of topography, soil and other physical attributes and location for the proposed use(s).

~~(11)~~ (3) The proposed methods of water supply and sewage disposal are sufficient and in accordance with the Ulster County and/or New York State Department of Health standards.

~~(12)~~ (4) The proposed method handling and treating (if applicable) storm water and surface water drainage are sufficient and meet the standards of the Town of Woodstock, Ulster County Health Department, and the New York State Department of Environmental Conservation.

~~(13)~~ (5) e Utilities and public services are available and adequate to serve the needs of the proposed use.

~~(14)~~ (6) Ground water supply levels and other natural resources, including critical habitats, are protected to the maximum extent practical and that the project will not significantly disrupt scenic vistas, historic or archaeologically sensitive areas, or other important cultural areas.

~~(15)~~ (7) The proposed FRD encourages the conservation and enhancement of the rural character of undeveloped areas by protecting open space, farmland, and natural resources, and minimizes flooding and erosion by protecting the functions of wetlands, wetland buffers, water bodies, water courses, floodplains, areas of high-water table, steep slopes, and natural vegetative cover.

~~(16)~~ (8) The project's impact on the traffic flow on surrounding roads and intersections does not reduce the quality of motor vehicle traffic service (levels of service) below the current service level.

~~(17)~~ (9) The project's visual, noise, light, and other impacts on the surrounding neighborhood do not outweigh the benefits of the project to the community.

~~(18)~~ (10) Overall, the proposed plan will not cause adverse effects which outweigh its beneficial effects on either the surrounding neighborhood or the Town.

~~(19)~~ (11) The proposed project addresses the Town's affordable housing needs.

~~(20)~~ N. Procedures to Amend the Zoning Law to Create a Floating Residential District.

~~(21)~~ (1) Informal Meeting with Town Board. Prior to submission of an application, the applicant shall schedule one or more preliminary meetings with the Town Board to discuss the applicant's proposal for the purpose of determining whether the Town Board is willing to commence the FRD review and decision process for the proposed FRD application.

~~(22)~~ (a) If the Town Board decides to commence the FRD review, it shall establish an escrow account to cover all costs related to the professional review of the FRD application including, but not limited to site visits and consultant review of the site plan, studies, reports, analysis, or other information that may be required or submitted. The applicant shall bear all payment costs of all reasonable and necessary costs of consultant services, where the Town Board and/or any other Woodstock agency or department uses the services of engineers, planners, attorneys or other consultants for review of the FRD application. This escrow account shall be in addition to any application fees established by the Town Board.

~~(23)~~ (b) Town Board Petition. The applicant shall petition the Town Board for a zoning amendment to create and map an FRD. Five (5) copies of this petition, along with any fee as may be established by the Town Board shall be submitted to the Town Board and shall include the following information:

~~(24)~~ (i) A narrative setting forth: (a) the purpose of the FRD; (b) a written description of the proposed land uses in the FRD; and (c) to what extent it meets criteria established in this Section.

~~(25)~~ (ii) A proposed site plan that contains the following information:

~~(26)~~ a. A boundary survey of the land to be included in the district at a scale no smaller than one (1) inch equals fifty (50) feet and prepared by a New York State Licensed Land Surveyor. The survey shall show existing structures, location of any utility or stormwater facilities, location of any existing water bodies, streams, and wetlands, and the approximate boundaries of any areas subject to flooding, existing vegetation.

~~(27)~~ b. ____ Existing topography with 2-foot contours to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features;

~~(28)~~ c. Existing land uses within five hundred (500) feet of the area to be rezoned;

~~(29)~~ d. Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;

~~(30)~~ e. Limits of New York State and federal jurisdictional wetlands, wetlands identified in the Woodstock Natural Resource Inventory or by Hudsonia, watercourses, and all floodplains and their buffers;

~~(31)~~ f. Environmental analysis including identification of steep slopes greater than twenty five percent (25%), unique habitats, important areas and significant natural communities identified by the New York Natural Heritage Program, significant biodiversity areas identified by New York State Department of Environmental Conservation (DEC), high ranking forest patches identified by DEC, important bird areas, and vernal pools on the site. Applicants are encouraged to use the Town of Woodstock Natural Resource Inventory for such information.

~~(32)~~ g. ____ Location and size of proposed buildings and structures, including: (1) the number of dwelling units by housing type and size; (2) a calculation of the density; (3) square footage of each proposed building; (4) the allocation of uses for each type of building; (5) the height of each building or structure; (6) the location and intended use of existing buildings or structures, and (7) the architectural design of each building or structure.

~~(33)~~ h. Proposed building design showing the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; signs, street furniture, and such other design and architectural details.

~~(34)~~ i. General proposed water supply needs, documentation on availability of water supplies (such as well data from existing wells on or near the site) and proposed sewage disposal facilities, including test pit data and suitability for on-site disposal; or, for public sewers, the capacity of the treatment plant, the general route of sewer trunk lines, and other preliminary feasibility information. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required with the application for zoning amendment and FRD designation but shall be required prior to the issuance of any Site Plan in

accordance with this Zoning Law.

~~(35)~~ j. A general stormwater management plan and how it is to be connected to the drainage systems of adjoining land, if retention or detention basins are proposed, and ownership information and maintenance responsibilities. Analysis of existing and proposed peak rates of storm water discharge from the property for two (2), ten (10), twenty five (25)-, fifty (50)- and one hundred (100)-year storm events;

~~(36)~~ k. Analysis, prepared by a licensed engineer, of anticipated traffic to be generated by the land uses proposed for the area to be rezoned, including projected levels of service and queuing at key intersections and description of traffic improvements to mitigate traffic impacts;

~~(37)~~ l. Overall analysis of parking demand for the area to be rezoned, including shared use analysis, if applicable;

~~(38)~~ m. Public and private streets and circulation patterns and potential traffic improvements proposed by the applicant;

~~(39)~~ n. General locations of on and off-street parking, loading and delivery areas;

~~(40)~~ o. Types, approximate locations and number of parking spaces to be provided;

~~(41)~~ p. Existing and proposed pedestrian facilities and circulation routes;

~~(42)~~ q. Public and private open spaces, both improved and natural, and the square footage or acreage thereof;

~~(43)~~ r. General landscaping plans, including existing vegetation to be preserved and general location of landscape buffers, including general type of landscaping proposed (e.g., evergreen tree, shade tree, flowering tree, evergreen shrub or hedge, flowering shrub, ground cover, existing vegetation to remain, use of pollinator friendly species) and general location of landscaping (buffers, street trees, parking lot islands, foundation plantings). Details such as the type of native species proposed, number, size, and exact location of such landscaping may be deferred to the subsequent Site Plan review;

~~(44)~~ s. Proposed project phasing of components, including phasing of public improvements and provisions to address construction traffic.

~~(45)~~ t. Any request for a density bonus with the proposed density bonus units identified.

~~(46)~~ u. A statement as to the percentage, type, number of bedrooms (as per 260-92.6 (A) (3) (a) (1) and the location of the proposed affordable units below affordable standard based on 30% of the renter/purchaser's eligibility percentage of AMI-market rate, affordable unit(s) included.

~~(47)~~ v. The application shall be accompanied by a full environmental assessment form (FEAF), or a draft environmental impact statement as required by Title 6 of the New York Code of Rules and Regulations(NYCRR) (SEQRA).

~~(48)~~ w. Any fee as may be established by the Town of Woodstock Town Board.

~~(49)~~ (2) The Town Board may also require a fiscal impact analysis to project the fiscal effects of the proposed development on the Town of Woodstock budget and shall require a traffic impact analysis to project traffic volumes and conditions, and a visual impact assessment to evaluate consistency with the community's aesthetic and scenic character.

~~(50)~~ (3) The applicant shall certify that they understand and accepts that the Town Board, in its sole discretion, may reject the application at any time during the review process for any and no reason, and that in such event, any used fees towards consultant services will not be refunded, and they willingly and voluntarily make the application and incurs any expenses thereof with full knowledge of this Town Board prerogative.

~~(51)~~ (4) Planning Board Referral. If the Town Board agrees to proceed with the FRD review process, the Town Board shall refer the FRD petition and all accompanying application information to the Planning Board for written advisory report and recommendation. The Planning Board may request such additional documentation and information from the Applicant as it deems necessary to prepare its report and recommendation to the Town Board. The report and recommendation of the Planning Board shall include a recommendation as to whether the FRD application should be granted, denied or granted with conditions. The Planning Board shall make its report to the Town Board within sixty two (62) days of receipt of the FRD referral application. This timeframe may be extended upon request and mutual consent among the Planning Board,

Town Board and applicant.

~~(52)~~ (5) SEQRA. If the Town Board agrees to proceed with the FRD review process, the Town Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations and TWEQR (Chapter 65) after the Town Board receives the advisory opinion from the Planning Board. The FRD application shall not be deemed complete until such time as the Town Board issues a negative SEQRA determination or a Draft Environmental Impact Statement is accepted as complete for purposes of commencing public review. Any petition for an FRD shall be designated a Type 1 action, requiring the submission of the Full Environmental Assessment Form.

(6) Public Hearing

- (a) If the Town Board agrees to proceed with the FRD review process, the Town Board shall conduct a public hearing on the application for an FRD. The Town Board shall give public notice of the hearing in a newspaper of general circulation in the town at least ten (10) days prior to the date of the hearing.
- (b) In addition, the Town Board shall provide notice of such a hearing by mail to all property owners within five hundred (500) feet of the parcel(s) for which an FRD change is requested. Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Town Board or its agent. The applicant shall provide a copy of the list of property owners within five hundred (500) feet including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such a list shall be provided at the time of application submission.

~~(53)~~ (7) The Town shall refer the FRD application to the Ulster County Planning Board as required by Section 239-m of the New York State General Municipal Law except as detailed in any Memorandum of Agreement between Ulster County and the Town of Woodstock that may exist.

~~(54)~~ (8) If the Town Board determines to consider the FRD application, the Town Board shall set a public hearing and refer the application to the Ulster County Planning Board pursuant to New York State General Municipal Law (GML) § 239-m except as detailed in any Memorandum of Agreement between Ulster County and the Town of Woodstock that may exist. Within sixty two (62) days of the close of the public hearing and upon completion of the SEQRA findings and receipt of the Ulster County Planning Board GML §239-m review, the Town Board shall make its decision to approve,

disapprove, or approve with conditions the FRD zoning change. The Town Board may attach any conditions required to ensure that the FRD is consistent with the Town Comprehensive Plan, the intent of the Zoning Law, and if applicable, the Town Subdivision Regulations. The Town Board shall make a written resolution that sets forth the reasons for the approval or disapproval, and all conditions associated with the approval. Upon decision of the FRD zoning change, the Town Board shall, within five (5) business days, file the written resolution of its decision with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Town Board's reasons for approval, conditional approval, or disapproval. Such statement shall also be filed with the Planning Board.

~~(55)~~ (9) Site Plan Review and Approval by the Planning Board. The zoning of the property as an FRD by the Town Board does not create any vested rights in the applicant or property owner. The applicant shall be required, upon approval of the FRD zoning district, to make a complete application to the Planning Board for site plan, subdivision, and/or special use permits, as may be required. The Planning Board shall utilize all information submitted to the Town Board by the applicant in preparation for site plan and/or special use permit applications. The Planning Board may, at its own discretion, require such additional information as needed for conducting the special use permit, subdivision, and/or site plan reviews.

~~(56)~~

~~(57)~~ (10) Time Limit on Validity of Zoning Amendment to FRD. Any zoning district change permitted by this section shall be null and void and the zoning of the parcel shall revert back to its original zoning classification, unless actual construction, pursuant to a valid building permit, is commenced within two (2) years from the date of the FRD site plan approval by the Planning Board and completed within five (5) years of the date of the Planning Board FRD approval. Prior to the expiration of such approvals, the applicant may apply for one extension of up to three (3) years with the Building Department.

~~(58)~~ (11) Extensions of Time. With the exception of the time limit on the validity of the Zoning Amendment to FRD set forth in Subsection (10) above, which makes its own provision for extension, any other time period in this Section may be extended upon the mutual consent of the applicant and the Town Board or the Planning Board, as applicable.

~~(59)~~

~~1.~~ **§ 260-92.2 Tiny Houses**

~~(60)~~

~~(61)~~ A. Tiny houses, as defined in this Zoning Law, shall be allowed as a single-family dwelling on any lot in any district where single-family dwellings are allowed, provided all lot sizes, density, setbacks, and other dimensional and area and bulk

requirements set forth in Zoning Law 260 Attachment 2, and other sections of this Zoning Law, are met.

~~(62)~~ B. Tiny houses shall meet all standards of the New York State Residential Code, Appendix Q (Tiny Houses).

~~(63)~~ C. Tiny Houses shall be allowed to be used as a detached ADU provided all requirements of Zoning Law § 260-88 are met.



~~1.~~ § 260-92.3 Manufactured homes.

Manufactured homes as defined in this Local Law shall be permitted in the R5, R3, and R1.5 Districts on individual lots, under the following conditions:

- A. It shall be unlawful to ~~park,~~ place, maintain or permit more than one (1) manufactured home on any lot.
- B. Manufactured homes shall be mounted on a permanent foundation or concrete pier, which shall be skirted so as to conceal on all sides the area between the undercarriage and the ground. Wheels and axles shall be removed.
 - (1) Where manufactured homes are provided with installation instructions, footings, piers or supports shall be sized and located to support the loads specified in the manufacturer's installation instructions.
 - (2) Where manufactured homes are not provided with installation instructions, the support system shall be designed by a licensed professional engineer or architect and constructed accordingly or supports shall be placed in accordance with the requirements set forth by the Zoning Enforcement Officer, and in accordance with the New York State Uniform Fire Prevention and Building Code.
 - (3) A manufactured home placed on a permanent foundation shall be affixed with sill plates and bolts into the trailer frame according to the standards for affixing a dwelling unit to a foundation specified in the New York State Uniform Fire Prevention and Building Code.
 - (4) If a manufactured home is to be placed on a concrete slab or pier, ~~the mobile home~~it must be secured by means of cables run over the frame and attached on both sides to steel cable hooks buried in the concrete slab.
- C. Manufactured homes shall have been constructed in accordance with regulations set forth in

the Code of Federal Regulations (CFR), Title 24, Housing and Urban Development, Chapter XX, Office of Assistant Secretary for Housing, Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Manufactured ~~Mobile~~ Home Construction and Safety Standards.

~~2.~~ § 260-92.4 Clustered Lot Development

- A. Clustered lot developments may have one or more types of housing styles within them including single family, two-family, three-and four-plex, tiny houses, and multifamily structures. The density of development, however, shall be as determined pursuant to Zoning Law 260 Attachment 2 and Article IV herein using net acreage. All development standards for each housing type shall be met within the clustered lot development, and all design requirements for multifamily units of Zoning Law § 260-90 and the Town of Woodstock Complete Streets Policy shall be met to the maximum extent practical.
- B. Minimum lot sizes shall be pursuant to detailed in Zoning Law 260 Attachment 2.
- C. Clustered lot development that includes less than forty~~y~~h (40) dwelling units shall be reviewed and permitted with a site plan review and special use permit pursuant to Zoning Law Articles VI and VII. Such developments proposing forty (40) or more dwelling units shall be reviewed and permitted as a Floating Residential District and all related development standards shall be met pursuant to Zoning Law § 260-92.1.
- D. All conservation design methods pursuant to Zoning Law §260-91 and Town Code Chapter 202 (Subdivision of Land) (Article IX) shall be followed to ensure that dwelling units are clustered and such cluster is sited on the parcel in a manner that preserves environmental, historical and cultural resources on and adjacent to the parcel.
- E. Central water supply and/or common sewage disposal facilities may be required by the Planning Board and, if so, shall be provided in accordance with the requirements of the Town of Woodstock and the Ulster County Health Department, and where applicable the New York State Department of Health.
- F. Density bonuses pursuant to Zoning Law § 260-92.6 shall be allowed within a clustered lot development when affordable housing units are provided for.
- G. Developers shall ensure that proposed clustered lot developments are planned as a cohesive unit with a comprehensive site plan and that exhibit creativity and variety in design features, vehicular circulation and utility service. Architectural styles must be compatible with the neighborhood and community. These following guidelines shall be applicable to all proposed clustered lot developments:
 - (1) Buildings should be grouped together to create an attractive and engaging streetscape and

buildings that face the street should relate to the street through interesting façades, entranceways and window treatment.

- (2) Building design should reflect elements of traditionally styled local architecture, appear as a comprehensive sequence in size and shape, be compatible with adjacent buildings and positively contribute to the architectural theme of the Town. Creative use of gables, dormers, and other roofline elements to highlight entrances and bring a sense of architectural distinction are encouraged.
 - (3) New construction should feature elements such as open or enclosed porches, parks, courtyards or plazas and landscape amenities that are at a human scale.
 - (4) Buildings having a street frontage of eighty (80) feet or more should provide fluctuations in the roofline and facade, designed to break up the monotony of the façade and make entryways more prominent. The maximum length of an uninterrupted building façade facing streets shall be at most thirty (30) feet.
 - (5) Antennas, satellite dishes, air-handling units and other mechanical equipment placed on a roof should not be visible from the street, with the exception of solar collectors.
 - (6) Green building design and alternative energy measures based on current best practices are strongly encouraged, including but not limited to use of solar panels, geothermal energy, bioretention systems,
- H. In the HC, HR, and R1.5 districts clustered lot developments shall include pedestrian-friendly sidewalks or walkways along streets that meet the Town of Woodstock Complete Streets Policy to the maximum extent practical, and shall include connections to the entrance of all buildings on the site.
- I. The Planning Board shall require traffic calming measures within the clustered lot development or at intersections with existing streets including one or more of the following standards methods:
- (1) The alignment of intersections for clear visual observation.
 - (2) Narrower street widths.
 - (3) Changes in pavement materials, texture, color and pattern, especially at crosswalks.
 - (4) Construction of sidewalks, curbs and curb bump-outs or extensions.
 - (5) Incorporation of pedestrian crosswalks.
 - (6) Use of street trees and planted medians using native species or hybrid species developed for resiliency and hardiness.
 - (7) Use of appropriate signage, lighting, pedestrian crossing signals and traffic lights.

(8) Traffic calming techniques of the Institute of Traffic Engineers, sponsored and funded by the Federal Highway Administration <http://www.ite.org/traffic/tcdevices.asp>.

J. Streets within the clustered lot development shall be bordered on both sides by native shade trees.

K. Where proposed or required, parking lots and EV charging stations should be located behind buildings whenever possible. The use of permeable paving systems for parking areas, including porous concrete, porous asphalt, and plastic reinforcing grids for parking spaces, drive aisles and vehicular circulation areas shall be used to the extent practical. Larger parking lots shall incorporate elements such as islands with plantings to break up the mass and space of the parking lot and to provide for safe pedestrian navigation.

~~3.~~ § 260-92.5 Continuing Care Retirement Communities and Other Care Facilities

A. A continuing care retirement community, or care facility~~ies~~ that offers more than one type of care facility, regardless of the number of housing units, shall only be permitted upon approval of a Floating Residential District by the Town Board pursuant to Zoning law § 260-92.1.

B. Facilities that only offer Independent Living, Assisted Living, or Nursing Care shall be allowed in an FRD. Such facilities may be allowed in other districts as principal uses pursuant to Zoning Law Article VI (Area and Bulk Regulations).

C. The New York State Department of Health has oversight responsibility for the certification and operation of continuing care retirement communities. No continuing care retirement community in the Town of Woodstock shall have final approval until such entity has received a certificate from New York State authorizing the establishment and operation of such community.

~~4.~~ § 260-92.6 Density Bonuses.

A. Purpose, Applicability, and Incentives.

(1) Purpose. Pursuant to § 268-b of the New York State Town Law, the Town of Woodstock hereby establishes a program to promote development of senior and affordable housing opportunities and to encourage more environmentally sustainable development by providing incentive(s) to applicants seeking approval of a subdivision, special use permit, or Floating Residential District. It does this by giving landowners and applicants in certain

districts and under certain circumstances, the opportunity to receive additional residential density as an incentive to provide certain desired amenities in Woodstock by participating in the Town's Density Bonus program.

(2) Applicability.

- (a) The incentives set forth in this section shall be applicable to residential or mixed use (commercial and residential) uses in all zoning districts in the Town for which an application for a major subdivision, special use permit, Floating Residential District approval, or a multifamily or co-housing development has been submitted to the Town of Woodstock Planning Board, or Town Board as required, pursuant to this Zoning Law.
 - (b) Where an application seeks more than one type of approval, the project shall be considered as a single project and incentives shall be for the benefit of the project as a whole.
 - (c) Incentives shall not be granted where the community benefits or amenities offered are already required as part of the review or approval process, or under other provisions of this Zoning Law, other Town of Woodstock laws, or State law, including any mitigation measures required pursuant to the State Environmental Quality Review Act (SEQRA).
- (3) Types of Incentives. Notwithstanding any contrary provision of Town or State law or other provisions of this Zoning Law that limits or restricts the maximum unit density of a proposed project or subdivision, an applicant may apply to the Planning Board for an incentive adjustment to the total units allowed pursuant to this sub-section in exchange providing units dedicated to be affordable housing and/or seniors, or by providing green building or renewable energy amenities. The Planning Board may approve up to a fifty percent (50%) (maximum) aggregate increase to the housing density as calculated from Zoning Law § 260-18 for the proposed project.

- (a) Density Bonus for Provision of Affordable Units or Senior Units. This density bonus is established to incentivize provision of affordable and/or senior housing opportunities. A density bonus above the maximum number of units allowed pursuant to Zoning Law 260 Attachment 2 (Area and Bulk Dimensions) may be approved for proposals involving residential units dedicated to affordable housing and/or senior housing for sale or rental. All restrictive covenants or deed-restrictions shall be established pursuant to Zoning Law § 260-92.7.

1. Incentive 1: When Affordable or Senior Housing is Provided.

Except in an FRD, when 50% or more of all units proposed in any development are dedicated for affordable or senior citizen housing pursuant to this Zoning Law, a

density bonus for additional affordable or market-rate units may be provided by allowing calculation of residential density by bedroom instead of by unit as follows in the chart below. In an FRD, a density bonus may be provided as follows when greater than 60% of all units proposed are dedicated for affordable or senior citizen housing pursuant to this section. : There shall be a maximum bonus of twenty five (25%) above the total number of units allowed pursuant to Zoning Law 260 Attachment 2 (Area and Bulk Dimensions) and the chart below.:

<u>Bedroom Type</u>	<u>Equivalent to</u>
<u>A 1-Bedroom Dwelling</u>	<u>2/3 of a Unit</u>
<u>A 2-Bedroom Dwelling</u>	<u>1 Unit</u>
<u>A 3-Bedroom Dwelling</u>	<u>1.5 Units</u>
<u>A 4-Bedroom Dwelling</u>	<u>2 Units</u>
<u>A dwelling unit with 5 or more bedrooms</u>	<u>Not Allowed</u>

~~_A density bonus of one (1) dwelling unit for each affordable housing unit or senior citizen unit may be awarded, up to a total of a fifty percent (50%) density increase.~~

- a. Affordable housing units shall remain affordable as rental to individuals or families having up to eighty percent (80%) of Area Median Income (AMI) and for purchase by individuals and families having a moderate income up to one hundred twenty (120%) of AMI, ~~and which is offered according to the rent requirements under such subsidy guidelines~~ for a period of at least fifty (50) years. Affordable housing that is subsidized by the federal or State governments shall meet all requirements associated with such support.
- b. The senior units shall remain dedicated to such persons for fifty ~~(50)~~ (50) years or more.
- c. The density bonus units may be in the form of a single-family, two-family, three or four-plex structures, or other multifamily residential structures as may be allowed in the zoning district.
- e. All other siting, environmental protections, building design, parking, and other requirements of this Zoning Law and Chapter 202 of the Town Code (Subdivision of Land) shall be met.

- f. Affordable housing bonus units shall be compatible with the design of the remaining units in terms of appearance, materials, and finish quality. They shall be mixed with, and not clustered together or segregated in any way from market-rate units. If the development contains a phasing plan, the phasing plan shall provide for the development of affordable units concurrently with the market-rate units. No phasing plan shall provide for affordable units built as the last units in a housing development utilizing density bonuses.

2. Incentive 2: When Structures Include Green Building/Renewable Energy Amenities.

- a. For developers who propose to include green building technology meeting any of the standards below, a density bonus awarding additional affordable housing units may be allowed for a maximum bonus of twenty five (25%) above the total number of units allowed pursuant to Zoning Law 260 Attachment 2 (Area and Bulk Dimensions) and Section 260-18. The Green Building/Renewable Energy Amenity bonus may be combined with the Affordable Housing bonus up to a maximum fifty percent (50%) bonus in the aggregate. Green building bonuses may be met by the following:
 1. Incorporate current best practices such as but not limited to ~~ing and installing~~ rooftop solar, building-integrated, or ground-mounted solar facilities, hyper insulation or use of earth berms ~~are included~~ as part of the project to provide a minimum of forty ~~h~~ percent (40%) of the dwelling units electrical needs. This will receive a fifteen percent (15%) density bonus.
 2. The project is designed and constructed to meet standards of the National Green Building Standard rating system or the Leadership in Energy and Environmental Design (LEED):
 - (a) At a Platinum rating level, this will receive a twenty five percent (25%) density bonus;
 - (b) At a Gold rating level, this will receive a twenty percent (20%) density bonus;
 - (c) At a Silver rating level, this will receive a fifteen percent (15%) density bonus;
 - (d) At a Certified rating level, this will receive a ten percent (10%) density bonus
 3. At least one electric car charging station is incorporated and installed with the project pursuant to Zoning Law § 260-30 (B) (9). This will receive a five percent (5%) density bonus.
 4. Solarized canopy car park structures covering at least fifty percent (50%) of

the provided parking spaces are incorporated and installed on site with the project. This will receive a fifteen percent (15%) density bonus.

b. For Gateway Overlay District Bonuses, see Zoning Law § 260-67 (G).

(4) Housing Density Bonus Requirements

a. A completed application for a density bonus shall be filed with the Planning Board on a form required by the Town of Woodstock concurrently with its subdivision, site plan or special use permit application, or with the Town Board, if part of a Floating Residential District request. The application shall ~~require~~ include general information on the nature and scope of the development, and all information as required by Article VI (Special Use), Chapter 202 of the Woodstock Town Code (Subdivision of Land), Article VII (Site Plan), or Zoning Law § 260-92, as the case may be, and the following:

1. A housing plan and general description of the development. The housing plan shall specifically contain, at a minimum, the following information:
 - (a) whether the development will contain units for rent or for sale;
 - (b) the total number of ~~market-rate~~ units not restricted as affordable;
 - (c) the total number of ~~below-market rate~~, affordable units;
 - (d) the number of bedrooms in each ~~market-rate~~ unit;
 - (e) the number of bedrooms in each ~~below-market rate~~, affordable unit;
 - (f) the square footage of each ~~market rate~~ unit measured from the interior walls of the unit and including heated and unheated areas;
 - (g) the square footage of each ~~below-market rate~~, affordable unit measured from the interior walls of the unit and including heated and unheated areas;
 - (h) the location in the development of each ~~market rate~~ unit not restricted as affordable;
 - (i) the location in the development of each ~~below-market rate~~, affordable unit;
 - (j) if construction of dwelling units is to be phased, a phasing plan stating the number of market-rate and ~~below-market rate~~, affordable units in each phase;
 - (k) the estimated sale price or monthly rent of each market-rate unit and each ~~below-market rate~~, affordable unit;
 - (l) documentation and plans regarding the exterior appearances, materials, and finishes of the ~~below-market rate~~, affordable units; and

(m) a proposed marketing plan to promote the sale or rental of the ~~below-market rate~~, affordable units within the development to eligible households.

2. A Development Agreement shall be provided pursuant to Zoning Law § 260-92.7.
5. No density bonus unit, ~~below-market rate unit~~, or affordable unit shall be used for a Short-Term Rental use.
6. Procedures and Criteria for Approval of Density Bonus Incentives.
 - (a) The Town Board authorizes the Planning Board to approve, in its discretion, density bonuses subject to the following criteria:
 1. Compliance with SEQRA. All applicable requirements of New York State Town Law § 261-b related to SEQRA shall be complied with as part of the review process whenever any density bonus is requested. The applicant shall bear all costs for the preparation and review of an environmental impact statement, if required, to analyze potential adverse environmental impacts related to allowance of such proposed additional density. Such review shall evaluate whether the site contains adequate resources and public facilities, including adequate transportation, water supply, waste disposal and fire protection, and that it does not adversely impact the environment.
 2. The Planning Board shall hold a public hearing, noticed in the officially designated newspaper of the Town of Woodstock, within sixty two (62) days of a density bonus request. Within sixty two (62) days of the close of the public hearing, the Planning Board shall approve, approve with modifications or conditions, or deny the proposed density bonus incentive application. A written statement of the findings shall be prepared by the Planning Board and those finding shall contain a reasoned elaboration of the basis for the Board's decision. The findings shall include, but not be limited, to the following:
 - (a) That the proposed density adjustments will not have a significant adverse impact on the property, the adjoining property, or the neighborhood or environment in which the property is situated.
 - (b) That proper easements, surety or performance guarantees, if necessary, between the applicant and the Town are, or will be, in existence as of when the date the final plat map is signed by the Planning Board Chairperson.
 - (c) That the wastewater system has the capacity to properly handle the additional wastewater to be generated and that there is sufficient potable water
 - (d) That applicable standards of the Ulster County Health Department and the New York State Department of Health can be met by the project with the density

bonus in place.

- (e) That the proposal to provide affordable housing units and/or green building/renewable energy amenities provides sufficient public benefit to justify the requested incentive.
 - (f) That all requirements of SEQRA have been met.
 - (g) That the proposed project, including the incentive, can be adequately supported by the public facilities available, or provided as a result of the project, including but not limited to, wastewater treatment, potable water supply, transportation, waste disposal, and fire and emergency protection. These public facilities must be available and adequately support the project with the incentive in place without reducing the availability of such facilities for projects permitted as of right under the Town of Woodstock Zoning Law.
 - (h) That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Planning Board and in harmony with the purpose and intent of this law and that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Woodstock.
 - (i) That the use of an incentive for the particular project is consistent with the Comprehensive Plan.
- 3. Upon approval of a density bonus, the Planning Board is authorized to subsequently act on the application for preliminary and final approval of a subdivision pursuant to Chapter 202 of the Town Code (Subdivision of Land), or to the Special Use Permit Regulations and/or Floating Residential District pursuant to this Zoning Law.
 - 4. All deeds shall be drawn up by the applicant and submitted in draft to the Planning Board attorney for review and approval. Upon approval, Plat Notes shall be placed on any site plan or final subdivision plan reciting the deed restrictions and housing obligations of the application in conjunction with the plan. The approval should be conditioned upon post-approval recording of the deeds as approved and the applicant subsequently providing the Planning Board with copies of the recorded deeds, including the County Clerk's recording page. The final plan shall include the recording of notes indicating which lots or sites are to be set aside for the construction of affordable units and all restrictive covenants and/or deed restrictions. Further, all deeds associated with affordable units shall record restrictions as required in Zoning Law § 260-97 and be made part of the final approval of the project.

~~5.~~ § 260-92.7 Affordable Housing Requirements

~~6.~~

A. Any dwelling unit required to be ~~an deed-restricted for below-market rate~~ affordable housing units shall comply with all provisions of this section. The Planning Board shall deny special use permit approval for the development if the applicant does not comply, at a minimum, with the following requirements for ~~below-market rate~~, affordable housing:

(1) The ~~below-market rate~~ affordable housing units created under the provisions of this section shall be sold or rented during the required period of affordability (fifty [50] years), to only qualifying income-eligible households.

(2). Purchase of ~~below-market rate~~, an affordable unit.

(a) To be eligible to purchase an ~~below-market rate~~, affordable unit, the household's aggregate annual income shall not exceed one hundred twenty percent (120%) of the Ulster County Area Median Income (AMI), as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD) and adjusted for household size.

(b) Calculation of Initial sales price. The initial sales price for a particular ~~below-market rate~~, affordable unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, insurance and common charges, as applicable, shall not exceed ~~eighty percent (80%) to one hundred twenty percent (120%) of the Area Median~~ thirty percent (30%) of the eligible household's gross income. Income for an eligible household, is as determined by subsection (A) (2) (a) above.

(3) Rental of an ~~below-market rate~~, affordable unit.

(a) To be eligible to rent an ~~below-market rate~~, affordable dwelling unit, the household's aggregate annual income shall not exceed ~~eighty (80%) one hundred twenty percent (120%) eighty (80%)~~ of the Ulster County AMI, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development and adjusted for household size.

(b) Calculation of permissible rent. The maximum yearly rental cost ~~of below-market rate, of~~ affordable housing units, including utilities (heat, water and electric) shall not exceed ~~thirty percent (30%) of the eligible household's gross income eighty (80%) to one hundred twenty (120%) of the Area Median Income for an eligible household~~, as is determined by subsection (A) (3) (a) above.

(4) ~~Below-market rate~~, Aaffordable units shall be dispersed throughout the proposed housing development and shall be indistinguishable from market-rate units in design, appearance, construction, and quality of materials. Interior finishes of affordable units may differ from

market rate units provided all New York State building and energy codes are met.

- (5) For any project including ~~below-market rate~~, affordable units that are permitted to be built in phases, the ~~below-market rate~~, affordable units shall be built along with market-rate units in all phases of the project. Where phasing occurs, common infrastructure needed for all phases shall be developed at a pace that provides sufficient service to the units that have been built thus far.
- B. ~~Below-market rate~~, Affordable units shall continue to be resold or rented to income-eligible households and comply with the criteria set forth herein for the length of time that the building in question contains residential units. Units designated as below-market rate, affordable units must remain affordable for a minimum of fifty (50) years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units or in a timeframe as may be required by public funding sources. A property containing ~~below-market rate~~, affordable unit(s) must be restricted using a mechanism such as a declaration of restrictive covenants in recordable form acceptable to the Town of Woodstock municipal counsel which shall ensure that the ~~below-market rate~~, affordable unit shall remain subject to affordable regulations for the minimum fifty (50) year period of affordability. Among other provisions, the covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit. Upon approval, such declaration shall be recorded against the property containing the ~~below-market rate~~, affordable unit prior to the issuance of a Certificate of Occupancy for the development.

(1) The restrictive covenants shall assure that:

- a. The restrictions of this section run with the land for fifty (50) years.
- b. The covenants shall bind the applicant, any heir, assignee, mortgagee or buyer, and all other parties that receive title to the property.
- c. The covenants shall include a provision requiring that every deed conveying title to an affordable dwelling unit shall include the following paragraph, subscribed to in the instrument by both seller and buyer, to inform all future sellers and buyers that this unit is an affordable dwelling unit subject to the provisions of this section:

"This dwelling has been constructed for use by income-eligible families pursuant to Chapter VIII of the Town of Woodstock Zoning Law. Its future sale (including resale) or rent must be to persons who qualify under that Chapter's income at a price per Chapter VIII. The Town of Woodstock shall have the power to enforce this clause and to recover reasonable attorney's fees and other costs incurred in successful efforts to remedy breaches of said provisions of local law. This covenant shall run 50-years from date of initial certificate of occupancy and with the land until [date to be filled in]."

- C. The property owner maintains full discretion as to who to rent or sell ~~below-market rate~~, affordable units, so long as the above criteria are met.
- D. Prior to the entry of an agreement to rent an ~~below-market rate~~, affordable unit, and throughout the tenancy, property owners are required to secure and maintain current documentation which establishes the eligibility of the potential tenant for said unit.
- E. Such documentation shall include written verification of income. Continued eligibility shall be monitored, and tenants shall be required to submit documentation on a yearly basis throughout the occupancy to the Town or Town-designated agency for monitoring. The Town Board shall designate a Town of Woodstock municipal office or department, or a local non-profit agency such as a housing trust, to review and administer the requirements of this section. The designated office, department or agency will be responsible for monitoring continued compliance with affordability requirements of such dedicated dwellings during the units' established periods of affordability. As a condition of any Planning Board approval, the applicant shall supply necessary information on an annual basis to the Town or its designated agency on forms to be provided by the Town to adequately monitor maintenance of affordable conditions.
- F. Property owners shall make all documents and records outlined herein available to the Town of Woodstock upon request.
- G. The Town of Woodstock reserves the right to review and audit these records to confirm compliance with the provisions set forth herein.
- H. Special Use Permit, MSPR, or Site Plan approval for all developments required to have an ~~below-market rate~~, affordable unit component shall be granted contingent upon compliance with these requirements. The failure to comply with these requirements, upon notice, may result in the revocation of Planning Board approval and the Certificate of Occupancy.
- I. Any person or persons jointly or severally aggrieved by any decision of the Planning Board to revoke approval for failure to comply with these provisions may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within thirty (30) calendar days after the filing of the Board's decision in the office of the Town Clerk.
- J. Prior to approval of any application in which an ~~below-market rate~~, affordable unit is ~~proposed~~required or proposed, the applicant shall submit an affordable housing plan pursuant to Zoning Law § 260-92.6 (A) (4) (a) (1). The affordable housing plan shall outline and specify the development project's compliance with each of the submission requirements for the plan and detail how all applicable requirements of this Article shall be met. No final decision on approvals shall be made by the Planning Board until the applicant shall have entered into a

housing development agreement with the Town of Woodstock. The development agreement shall set forth the commitments and obligations of the Town and the applicant and shall incorporate the affordable housing plan ~~pursuant to Zoning Law § 260-92.6 (A) (4) (a) (1),~~ detail the number of units granted as a density bonus, and all restrictive covenants, deed restrictions, and related instruments as required for such bonus pursuant to § 260-92.7.

- (1) The applicant shall execute any and all documents deemed necessary by the Town in a form to be established by the Town Attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable units in accordance with this law. Such deed restriction(s) shall be noted on all approved, filed plats and enforcement of such restrictions shall be referenced as part of any approval or conditional approval of the project.
- (2) Restrictive covenants or deed restrictions required for ~~below-market rate~~, affordable units shall specify that the title to the subject property shall be transferred only with prior written approval by the Town, or the agency dedicated to administering and monitoring the housing program for Woodstock.

K. Development of affordable residential lots. In cases where the development project proposing, or required to have affordable housing units results in the subdivision and creation of residential lots without the development of dwelling units, the following provisions shall apply:

- (1) Where such lots are ultimately to be developed by the applicant or are restricted such that they are required to be developed by a specific developer upon sale of the lots, the said applicant or developer shall construct the required affordable dwelling units on the lots per the provisions of this section.
- (2) Where such lots are to be sold without development and without restrictions regarding who may develop the lots, the lots shall be encumbered with a restrictive covenant stipulating that said lots can only be developed with an affordable dwelling unit as permitted by the Planning Board subdivision approval and that satisfies the requirements of this section.

L. Any affordable housing unit funded in whole or in part with federal or State funding, subsidies or tax incentives shall also meet all federal or State requirements associated with such support.

M. Affordable Housing Requirement in Major Subdivisions. At least ~~fifteen ten~~ percent (~~15~~10%) of new units within any major subdivision shall be set ~~aside~~ as affordable for those income eligible persons or households earning ~~up to~~between eighty percent (80%) AMI for rental units, and ~~up to~~ one hundred twenty percent (120%) of Area Median Income (AMI) for a purchased unit

- (1) During the major subdivision design and approval process, the Planning Board shall ensure that the approved plat identifies the location of lot(s) where affordable units will be

provided for. Final Planning Board approval shall also incorporate a narrative describing the number of and location of lots and units dedicated as affordable.

(2) Affordable units may be provided in a principal one or two family dwelling, in one or more units in a three or four-plex structure that meets all requirements of §260-89, in a multifamily structure that meets all requirements of §260-90, or as an ADU that meets all requirements of §260-88.

(3) The applicant may also donate buildable land, of such area in the subdivision as to accommodate the 15% set-aside for affordable units, to a housing trust or other housing-oriented non-profit organization ~~as to accommodate the 150% set-aside for affordable units.~~

Article IX Nonconforming Uses and Noncomplying Buildings

§ 260-93 Applicability

The following provisions shall apply to all buildings, structures and uses existing on the effective date of this chapter, to all buildings and uses that may become noncomplying or nonconforming by reason of any subsequent amendment to this chapter and the Zoning Map, which is a part thereof, and to all complying buildings housing nonconforming uses.

§ 260-94 Nonconforming uses.

- A. Any lawful nonconforming use of buildings or open land in existence on the effective date of this chapter, except those specifically defined in Zoning Law § **260-97** below, may be continued indefinitely if maintained in accordance with all applicable State, County and local laws, codes, ordinances, regulations, and other requirements but shall not be:
- (1) Enlarged, altered, extended, reconstructed or restored, except as provided in this article, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be substantially increased by any means whatsoever.
 - (2) Moved to another location where such use would be nonconforming.
 - (3) Changed to another nonconforming use.
 - (4) Reestablished if such use has been discontinued for any reason, whether through vacancy or cessation of use, for a period of twelve (12) months or longer or has been changed to or replaced by a conforming use. The intent to resume a nonconforming use shall not be deemed as conferring the right to do so.
- B. Additional standards.
- (1) The owner of any already established and legal small business, light industry, or residence may expand or increase the size and area of any or all such buildings provided that the cumulative aggregate increase shall not exceed twenty five percent (25%) of their total size and area on May 19, 1989, the effective date of this Zoning Law.
 - (2) Any business or light industry made nonconforming by the Zoning Ordinance of the Town of Woodstock of 1965 may not increase the size and area of said building more than twenty five percent (25%) of its total aggregate size and area as of the time of passage of that ordinance.
 - (3) While a nonconforming use may not be extended, nothing contained herein shall prohibit

the extension of a lawful use to any portion of a noncomplying building or structure which existed prior to the effective date of this chapter. No nonconforming use shall, however, be extended to displace a presently conforming use.

§ 260-95 Noncomplying buildings.

Ordinary repair and maintenance of a noncomplying building shall be allowed provided that such action does not increase the degree of noncompliance or create any new noncompliance. Further, any noncomplying building or structure declared unsafe by the Zoning Enforcement Officer or other proper authority may be restored to a proper condition within the time period provided by such authority.

§ 260-96 Restoration after damage.

Nothing contained in this article shall be deemed to prevent the restoration of a lawful nonconforming use after damage for any reason or by any cause, provided that:

- A. The bulk, height and area shall not be in excess of that which existed prior to the damage;
- B. All applicable New York State Uniform Fire Prevention and Building Code provisions shall be fully complied with; and
- C. The restoration shall be commenced within twelve (12) months of the damage and be fully completed within 36 months of such occurrence, or the use of such buildings or lands as a legal nonconforming use shall thereafter be terminated.

§ 260-97 Termination of certain uses.

Each of the nonconforming uses specified below is deemed to be sufficiently objectionable and out of character within the zoning district in which such use is located as to depreciate the value of other property and uses permitted in the district and otherwise inhibit the proper, safe and orderly development of such district. Therefore, each such nonconforming use must be and shall be terminated on or before the expiration of the specified period of time after the effective date of this Zoning Law. Said period of time is specified as one that is reasonable to permit the amortization of the remaining value, if any, of such use.

- A. Any nonconforming or noncomplying sign, accessory or non-accessory, including such features as are prohibited in Zoning Law § 260-31, shall be modified by its owner to conform or be removed within thirty (30) days after notice to the owner from the Zoning Enforcement Officer to so comply.
- B. Any sign existing on or after the effective date of this chapter which advertises a business no longer conducted, product no longer available, or service no longer provided on the premises shall be removed by the owner of the sign and/or premises upon which the sign is located within 10 days after notice to the owner from the Zoning Enforcement Officer to remove such obsolete sign.

- C. All outdoor lighting fixtures shall be brought into compliance with Zoning Law § 260-29C within twenty four (24) months of the effective date of this Zoning Law.
- D. Any barbed wire fence or portion thereof which is removed for any reason or by any cause shall not be restored or rebuilt.

Article X Administration and Enforcement

§ 260-98 General provisions.

- A. The Town Zoning Enforcement Officer shall administer and enforce all provisions of this Zoning Law, except where otherwise specifically provided herein. Except where otherwise required by this Zoning Law, whenever any permit is required, the same shall be applied for and shall be issued in the first instance from the office of the Zoning Enforcement Officer in accordance with the requirements of this Zoning Law and applicable regulations governing building construction and the issuance of building permits.
- B. The Zoning Enforcement Officer shall have the right, subject to applicable law, to enter upon, examine and inspect or cause to be entered upon, examined and inspected any building or property at any reasonable time for the purpose of carrying out his duties and to determine compliance with the provisions of this Zoning Law. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file in the office of the Zoning Enforcement Officer.

§ 260-99 Powers and duties of Zoning Enforcement Officer.

In addition to all other authority conferred by law, the Zoning Enforcement Officer shall have the following powers and duties with respect to this chapter:

- A. Issuance of building permits.
 - (1) Except as provided in Zoning Law § 260-24D as pertains to portable accessory structures, the following activities shall not be undertaken until the Zoning Enforcement Officer has issued a building permit stating that the proposed use and structure comply with all applicable provisions of this chapter:
 - (a) Erection, structural alteration, reconstruction or enlargement of any building or structure, including antennas.
 - (b) Excavation in preparation of building.
 - (c) Construction of, substantial alteration of, or additions to sewage disposal systems, electrical systems or water supply systems, including plumbing or drainage facilities.

- (d) Construction of, substantial alteration of, or additions to driveways or parking lots.
- (e) Movement of a manufactured home onto a lot or within a lot.

- (2) All building permit applications shall be accompanied by two copies of a plot plan or an approved site plan, if applicable, drawn to scale and accurately dimensioned, showing the location of all existing and proposed structures on the lot and such other information as may be required by the Zoning Enforcement Officer to determine compliance with this chapter and other applicable regulations. One (1) copy of such plan, when approved by the Zoning Enforcement Officer, shall be returned to the applicant upon payment of the required building permit fee. Said fee shall be in accordance with the fee schedule established and reviewed annually by the Town Board.

B. Issuance of certificates of occupancy or use.

- (1) Except as provided in Zoning Law § **260-24D**, no use shall be established on land or structure occupied or otherwise used until the Zoning Enforcement Officer has issued a certificate of occupancy or use stating that the use, land and structure comply with all applicable provisions of this Zoning Law.
- (2) Further, no certificate of occupancy or use shall be issued for any special use of a building or land requiring special permit or final site plan approval by the Planning Board unless and until such special use permit or final site plan approval has been granted by the Planning Board. Every certificate of occupancy or use for which special use permit or final site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition to which the same is subject and include, by attachment, a copy of such Zoning Board of Appeals or Planning Board decision.

C. Issuance of temporary certificates of occupancy. The Zoning Enforcement Officer shall issue a temporary certificate of occupancy for a period of twelve (12) months, renewable for two (2) additional twelve-month periods, when the following criteria have been met:

- (1) The structure shall be occupied by the owner/builder;
- (2) Ulster County Health Department approved water and waste disposal systems shall be in operation;
- (3) There shall be access for emergency vehicles to reach the structure; and
- (4) The structure shall be safe for habitation.

- D. Issuance of notices of violation. Whenever, in the opinion of the Zoning Enforcement Officer, after proper examination and inspection, there exists a violation of any provision of this Zoning Law, or of any law, rule or regulation adopted pursuant hereto, they shall, on their own initiative, serve a written notice upon the appropriate person or persons responsible for such alleged violation. Such notice shall inform the recipient of the following:
 - (1) The nature and specific details of such alleged violation; and
 - (2) The date of compliance by which the alleged violation must be remedied or removed, which date shall be not more than twenty (20) days from the date of notice, except as otherwise specifically provided for in Zoning Law § 260-97.
- E. Issuance of appearance tickets. The Zoning Enforcement Officer and his or her deputy or deputies are hereby empowered to issue appearance tickets to enforce the provisions of this chapter.
- F. Issuance of stop orders. Whenever the Zoning Enforcement Officer has reasonable grounds to believe that work on any building or structure or any use of land is occurring in violation of the provisions of this chapter, not in conformity with any application made, permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the Zoning Enforcement Officer shall promptly notify the appropriate person or persons responsible to suspend work on any such building or structure or the use of any such land. Such person(s) shall forthwith suspend such activity until such time that the stop order has been rescinded by the Zoning Enforcement Officer. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person to whom it is directed either by personal delivery or by posting the same upon a conspicuous portion of the building under construction or premises in use and by sending a copy of the same to the person or persons responsible by certified mail.
- G. Taking emergency action. If, in the opinion of the Zoning Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to other persons, the Zoning Enforcement Officer may direct that such violation be immediately remedied or may take direct action on his or her own initiative to abate the hazard. Any costs incurred by such action shall be paid for by the owner, occupant, or person responsible for the violation. The Zoning Enforcement Officer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken and is furthermore authorized to institute a lawsuit, if necessary, against the person liable for such expenses, or place a lien against the property, in order to recover said costs.

§ 260-100 Penalties for offenses.

- A. Penalty. Violation of any provision or requirement of this chapter or violation of any statement, plan, application, permit, or certificate approved under the provisions of this chapter shall, in accordance with § 268 of the New York State Town Law, hereby be declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six (6) months, or both, for conviction of the first offense; for conviction of a second offense, both of which were committed within a period of sixty (60) months, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction of a third or subsequent offense, all of which were committed within a period of sixty (60) months, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist, and any agent, contractor, builder, architect, corporation or other person who commits, takes part in or assists in such violation, shall be liable for all offenses. All such penalties shall be collectable by and in the name of the Town of Woodstock. Each and every day that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be given in writing by the Zoning Enforcement Officer and shall be served by certified mail or personal service.
- B. Court action. The imposition of penalties herein prescribed shall not preclude the Town from instituting any appropriate legal action or proceeding in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain by injunction, correct or abate a violation or prevent the illegal occupancy of a building, land or premises.

§ 260-101 Status of existing violations.

[Amended 7-3-2013 by L.L. No. 1-2013]

No building permit or certificate of occupancy or use required by this chapter shall be issued by the Zoning Enforcement Officer pertaining to any premises on which there exists a violation of this chapter or any related Town regulation which governs either building construction or the use of land and structures within the Town of Woodstock, unless the building permit or certificate of occupancy or use is necessary to allow for the removal or correction of the violation.

Article XI Zoning Board of Appeals (ZBA)

§ 260-102 Creation, appointment and organization.

[Amended 11-18-2008 by L.L. No. 2-2008]

A Zoning Board of Appeals is hereby created and maintained in accordance with § 267 of the New York State Town Law. Said Board shall consist of five members appointed by the Town Board for staggered terms of five (5) years. One or more alternates to the Zoning Board of Appeals may be appointed for terms determined by the Town Board. In addition to said alternates' duties as specified by Town Law, alternates shall serve at meetings in which a quorum would not otherwise exist. Any member is subject to removal by the Town Board for cause after public hearing. The Town Board shall annually designate the Chairperson of the Zoning Board of Appeals and shall designate its Secretary. The Zoning Board of Appeals shall elect from its membership a Vice Chairperson to serve in the absence of the Chairperson and may further designate a member as Acting Chairperson for a meeting in which both the Chairperson and the Vice Chairperson are absent. The Zoning Board of Appeals may prescribe reasonable rules, in addition to those provided herein, for the conduct of its affairs. All members and alternate members of the Zoning Board of Appeals shall complete the training required by Subdivision 7-a of § 267 of the Town Law.

§ 260-103 Powers and duties.

[Amended 11-6-2012 by L.L. No. 4-2012; 7-3-2013 by L.L. No. 1-2013]

The jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding on appeals from and reviewing any written order, requirement, decision, interpretation or determination made by the Zoning Enforcement Officer charged with the enforcement of the Zoning Law. The Zoning Board of Appeals is without authority to act except on appeal from a specific action of said Zoning Enforcement Officer in a specific case involving a specific property. An officer, department, board or commission of the Town, or any person or entity jointly or severally aggrieved may make such appeal. Notwithstanding that the Zoning Enforcement Officer is an officer of the Town, said officer is logically precluded from appealing his or her own determination. Notwithstanding the above provision, upon a determination by the Planning Board that a plat or site plan contains one or more features which do not comply with the dimensional requirements of this chapter, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination by the Zoning Enforcement Officer.

- A. Appeals and interpretations. The Zoning Board of Appeals is without authority to render an advisory opinion concerning the meaning of any provision of this chapter or its application to a particular set of circumstances except upon appeal from any order, requirement, decision or determination of the Zoning Enforcement Officer involving the enforcement or interpretation of this chapter or of any condition or requirement specified or made hereunder. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Enforcement Officer and to that end shall have all the powers of said officer.

- B. Area variances. The Zoning Board of Appeals, on appeal in specific cases, shall have the power to grant area variances, as defined in § **260-128** herein, from the terms of this Zoning Law. Such appeal shall be from a decision or determination of the Zoning Enforcement Officer or, where a proposed plat or site plan contains one or more features which do not comply with dimensional requirements of this chapter, application may be made to the Zoning Board of Appeals without the necessity of a decision or determination of the Zoning Enforcement Officer. Where such application involves a proposed subdivision, the Zoning Board of Appeals shall request the Woodstock Planning Board to provide a written recommendation concerning the area variance sought.
- (1) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider the following five (5) factors in balancing these interests:
- (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (c) Whether the requested area variance is substantial.
 - (d) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - (e) Whether the alleged difficulty was self-created. (The consideration of whether the alleged difficulty was self-created shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.)
- (2) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- C. Use variances. The Zoning Board of Appeals, on appeal in specific cases from a decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances, as defined in § **260-128** herein, from the terms of this Zoning Law.

- (1) No such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that, for each and every permitted use under this chapter for the particular district where the property is located, all of the following factors exist:
 - (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
 - (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
 - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - (d) The alleged hardship has not been self-created.
 - (2) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- D. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both area variances and use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Zoning Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- E. Reimbursable costs. Reasonable costs incurred by the Zoning Board of Appeals for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with its consideration of applications for the granting of area and/or use variances shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in Zoning Law § **260-104B** below. The Zoning Board of Appeals shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for an area and/or use variance. The applicant shall deposit the amount so determined by the Zoning Board of Appeals in escrow with the Town Clerk prior to the Zoning Board of Appeal's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Zoning Board of Appeals determines that the remaining amount will not be sufficient to complete the review of the application, then the Zoning Board of Appeals shall notify the applicant of the additional amount that must

be deposited with the Town Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to this provision, the Zoning Board of Appeals, at its discretion, may cease review of the application until such amounts are paid or deny the application. In no event, however, shall any variance approval be made until all such sums have been paid in full.

§ 260-104 Procedure.

The Zoning Board of Appeals shall act in strict accordance with the procedures specified in § 267-a of the New York State Town Law and this Zoning Law.

- A. Meetings and keeping of records. All meetings of the Zoning Board of Appeals shall be held after proper notice at the call of the Chairperson and at such other times as the Board may determine and shall be open to the public to the extent provided in Article 7 of the New York State Public Officers Law. A quorum shall consist of three members. The Zoning Board of Appeals shall keep minutes of its proceedings.
- B. Time of appeal, application and fee. An appeal to the Zoning Board of Appeals shall be filed within sixty (60) calendar days of the issuance of any order, requirement, decision or determination of the Zoning Enforcement Officer by filing with said Officer and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof, the relief sought and the specific provision or provisions of this chapter that are involved. Such appeal shall be in writing on forms prescribed by the Zoning Board of Appeals and shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Woodstock Town Board. Applications originating directly from site plan review or subdivision review shall be filed with the same persons on the same forms as prescribed above. The Zoning Enforcement Officer or the Woodstock Planning Board, as may be applicable, shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken. **[Amended 7-3-2013 by L.L. No. 1-2013]**
- C. Hearing, notice and publication. The Zoning Board of Appeals shall fix a reasonable time and place for a public hearing, of which hearing date the applicant shall be given at least five calendar days' notice and at which hearing they shall appear in person or by duly authorized agent or attorney. Such authorization shall be in writing. The Chairperson or, in his or her absence, the Vice Chairperson or the Acting Chairperson may administer oaths and compel the attendance of witnesses.
 - (1) At least five (5) calendar days prior to the date thereof, the Zoning Board of Appeals shall additionally provide notice of the public hearing as follows:
 - (a) By publishing a legal notice in the official newspaper or newspapers of the Town,

as designated by the Town Board. Such notice shall give sufficient information as will inform any interested person of the nature of the application and of the land which is involved.

- (b) By mailing a copy of such notice to the owners of all properties abutting the boundaries of the land involved in the application. The names of owners notified shall be taken as such appear on the last completed tax roll for the Town.
 - (c) By transmitting a copy of such notice to the Woodstock Planning Board.
 - (d) By transmitting a copy of any application together with a copy of the official notice of such public hearing to the municipal clerk of any municipality or municipalities which lie within five hundred (500) feet of the boundary of the land involved in the application and to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal.
 - (e) By transmitting, as required by § 239-m of the New York State General Municipal Law, to the Ulster County Planning Board a copy of the official notice of such public hearing together with a copy of any application involving property located within five hundred (500) feet of the following:
 - [1] A municipal boundary.
 - [2] A boundary of any existing or proposed county or state park or other recreation area.
 - [3] A right-of-way of any existing or proposed county or state road, highway, parkway, thruway or expressway.
 - [4] An existing or proposed right-of-way of any stream or drainage channel owned by Ulster County, or for which the county has established channel lines.
 - [5] An existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated.
 - [6] A boundary of a farm operation located in an agricultural district as defined by Article 25-AA of the New York State Agriculture and Markets Law (except for area variances).
- (2) No action shall be taken by the Zoning Board of Appeals on such application until an

advisory recommendation has been received from the Ulster County Planning Board or thirty (30) calendar days have elapsed since the County Planning Board received said transmittal.

- D. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with said Officer, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Enforcement Officer and on due cause shown.
- E. Environmental review. The Zoning Board of Appeals shall comply with the provisions of the New York State Environmental Quality Review Act (SEQRA) under Article 8 of the New York State Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617, of the New York Codes, Rules and Regulations (NYCRR), and with the provisions of Local Law No. 1 of the Year 1990, the Town of Woodstock Environmental Quality Review (TWEQR) Law.
- F. Decisions and voting requirements. **[Amended 11-18-2008 by L.L. No. 2-2008; 7-3-2013 by L.L. No. 1-2013]**
 - (1) The Zoning Board of Appeals shall decide upon the appeal within sixty two (62) calendar days after the close of the public hearing of said appeal, except that the time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
 - (2) Every decision shall fully set forth the circumstances of the case and contain a full record of the findings on which the decision is based, except that the Zoning Board of Appeals, in reaching its decision, may not rely on reports received after the close of the public hearing nor on evidence not adduced at said hearing. Every decision shall be by resolution of the Board and shall show the vote of each member or, if a member is absent or fails to vote, indicating such fact.
 - (3) In order to reverse an order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer, or to authorize a variance, the concurring vote of at least three members shall be required, except that the concurring vote of at least four members shall be required in order to approve an application where the Ulster County Planning Board has recommended disapproval or modification.

- (4) If, for whatever reason (e.g., tie vote, no timely vote), there is no clear approval that conforms to the provisions of this subsection, such result shall be deemed a denial of the application.
- G. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk within five (5) business days after the day such action is taken and shall be a public record. A copy of the filed decision shall be mailed to the applicant. The Zoning Board of Appeals shall also notify the Zoning Enforcement Officer, the Woodstock Planning Board, and any affected municipality which was given notice of a public hearing of the final action. If applicable, a report on the action taken shall also be filed with the Ulster County Planning Board within thirty (30) calendar days of the filing of such report in the office of the Town Clerk.
- H. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

§ 260-105 Expiration of approval.

Provided that no time limitation has been set as a condition of the granting of a variance, the variance shall run with the land, except that, unless a building permit has been issued when applicable and substantial work has been done in execution of a variance within twelve (12) months from the date of the filing of the decision granting such variance in the office of the Town Clerk, the variance shall become null and void without further hearing by the Zoning Board of Appeals.

§ 260-106 Strict construction.

In rendering its determination on any application, the Zoning Board of Appeals shall strictly construe all provisions of this chapter, avoiding extension of those provisions by implication, and shall resolve any ambiguity in the language of this chapter in favor of the property owner and against the municipality, provided that such determination shall be consistent with the legislative intent and general objectives of this chapter. If the procedural requirements set forth in this Zoning Law have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.

§ 260-107 Relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court of the State of New York for review by a proceeding under Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York. Such proceeding shall be instituted within thirty (30) calendar days after the filing of a decision of the Zoning Board of Appeals in the office of the Town Clerk.

Article XII Commission for Civic Design

§ 260-108 Creation, appointment and organization.

A Commission for Civic Design is hereby created and maintained pursuant to Town of Woodstock Local Law No. 2 of the year 1980.

§ 260-109 Powers and duties.

The Commission for Civic Design shall:

- A. Consider the historical and architectural value and significance of the building or structure before it for review and such structure's relationship to the surrounding area, as well as to any other factors which the Commission for Civic Design deems pertinent to the benefit of the Town and to the historic or cultural significance of the structure or building. The Commission shall discourage both new construction and alterations that may be architecturally incompatible with the existing development within the Town, such as "highway commercial," "big box" or "franchise modern" architectural styles.
- B. Review applications for site plan review or building permits referred by the Zoning Enforcement Officer to the Commission and shall make recommendations related for the exterior construction, addition, alteration, reconstruction, resurfacing, relocation or open area improvement of any structure within the Hamlet Preservation Overlay District which would affect the exterior appearance of such structure. Said review shall take into consideration the purposes set forth in Zoning Law § 260-37 and this article.
- C. Review applications referred by the Zoning Enforcement Officer pursuant to Zoning Law § 260-39 before either a building permit or certificate of occupancy or use may be issued regarding any structure or district on the Town of Woodstock Local Historic Structures Register or the National Register of Historic Places.
- D. Undertake design review and recommendation related to detached ~~Accessory Dwelling Units (ADUs)~~ pursuant to Zoning Law § 260-88.
- E. Have the authority to undertake design review of all applications requiring site plan approval by the Planning Board except as follows: mining and excavation, commercial logging, towers, antennas, dishes and repeaters. The Commission for Civic Design shall have the authority to receive referrals from the Planning Board pursuant to any other provision of this Zoning Law which authorizes the Planning Board to refer an application to the Commission for Civic Design.

§ 260-110 Review procedure.

- A. Once it has been determined that Commission for Civic Design review and recommendations are required, no building permit or demolition permit shall be issued by the Zoning

Enforcement Officer for the erection, relocation or exterior alteration of any building or structure without the Zoning Enforcement Officer first referring the application to the Commission for Civic Design for a recommendation as to approval, approval with modification, or disapproval.

- B. The applicant shall provide necessary plans and pertinent data to the Zoning Enforcement Officer, who shall forward them to the Commission for Civic Design for the purpose of its review. The Commission may request an applicant to appear before it and/or to provide additional information. The Commission for Civic Design shall submit its written recommendation to the Zoning Enforcement Officer and/or the Planning Board, where appropriate, within forty five (45) days of receiving the application from the Zoning Enforcement Officer or of receipt of requested additional information, whichever is later. The application for a building permit shall not be deemed complete until the Commission for Civic Design has filed its recommendation. However, if the recommendation of the Commission for Civic Design is not submitted within the forty five (45) day limit described above, the Zoning Enforcement Officer may proceed with the issuance of a building permit in accordance with the pertinent provisions of this Zoning Law. Nothing in this article shall preclude the simultaneous review of an application by the Planning Board. However, when Commission for Civic Design review is required by this Zoning Law, the Planning Board shall not determine an application to be complete until either a recommendation is received from the Commission, or the forty five (45) day limit has lapsed.
- C. The Commission for Civic Design's written recommendation shall include, but not be limited to, recommendations on the following:
 - (1) Building form and massing;
 - (2) Entry articulation;
 - (3) Facade material, including colors;
 - (4) Roof shape, features and material;
 - (5) Windows;
 - (6) Doors; and
 - (7) Building-mounted exterior lighting.

§ 260-111 Relief from decisions.

An officer or board of the Town or any person aggrieved by a decision of the Commission for Civic Design under this article may appeal said decision to the Planning Board which may, by a

majority plus one vote, reverse or modify the decision of the Commission for Civic Design. The Planning Board shall make its decision within forty five (45) days of receipt of the appeal or of receipt of requested additional information, whichever is later.

Article XIII Amendment Procedure

§ 260-112 Applicability.

This Zoning Law, or any part thereof, including the Zoning Map indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by §§ 264 and 265 of the New York State Town Law and the procedures more particularly set forth in this article.

§ 260-113 Initiation.

An amendment to this Zoning Law may be initiated in one of three (3) ways:

- A. By the Town Board upon its own motion.
- B. By resolution of the Planning Board or Zoning Board of Appeals, filed with the Town Clerk, or by petition filed with the Town Clerk duly signed and acknowledged from the owners of 10% or more of the land area in any district wherein certain changes to or repeal of certain provisions of this chapter is recommended, in which case it shall be the duty of the Town Board to act on such proposed amendment within ninety (90) days of the time such resolution is filed by the Planning Board, the Zoning Board of Appeals or the owners of ten percent (10%) or more of the land area in any district in the office of the Town Clerk.
- C. By a committee appointed by either the Town Board or the Town Supervisor for the purpose of amending this chapter. Within forty five (45) days of the time the committee's report is given to the Town Board, the Town Board shall refer the report to the Planning Board for its review. The Planning Board shall treat all such referrals as if made pursuant to Subsection A above.

§ 260-114 Report of Planning Board.

- A. All proposed amendments, supplements or changes originating by motion of the Town Board, the Zoning Board of Appeals, or by petition filed with the Town Clerk duly signed and acknowledged from the owners of ten percent (10%) or more of the land area in any district shall be referred to the Planning Board for a report and recommendation thereon. However, this subsection shall not require referral to the Planning Board of a petition for a zoning amendment when the Town Board decides not to act on the same. In undertaking such review as shall be requested by the Town Board, the Planning Board shall make inquiry and provide recommendation concerning the matters specified below:
 - (1) Whether such change is consistent with the purposes embodied in this Zoning Law as applied to the particular district or districts concerned;

- (2) Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected;
 - (3) Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change;
 - (4) The indirect implications of such change in its effect on other regulations; and
 - (5) Whether such proposed amendment is consistent with the underlying objectives of the Town of Woodstock Comprehensive Plan and purposes set forth in this Zoning Law.
- B. The Planning Board shall submit its report within forty five (45) days after receiving such referral. Failure of the Planning Board to report within the required time period shall be deemed to be a recommendation of approval of the proposed amendment.

§ 260-115 Town Board procedure.

- A. Public notice and hearing. The Town Board by resolution shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:
- (1) By publishing a notice at least ten (10) calendar days prior to the time of such hearing in the official newspaper or newspapers of the Town, as designated by the Town Board, specifying:
 - (a) The nature of the proposed amendment;
 - (b) The land or district affected; and
 - (c) The date, time and place where the public hearing shall occur.
 - (2) By providing a copy of such notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality to the clerk of such municipality at least ten (10) calendar days prior to the date of such public hearing.
- B. Required referral. The Town Board shall transmit a full statement of any proposed amendment, whether a map amendment or a text amendment, that meets the referral requirements of §§ 239-l and 239-m of the New York State General Municipal Law to the Ulster County Planning Board for its review and recommendation. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the Ulster County Planning Board or thirty (30) calendar days have elapsed since the Ulster County Planning Board received such full statement.
- C. Compliance with SEQRA. Proposed amendments are actions subject to the provisions of the

New York State Environmental Quality Review Act (SEQRA). Prior to formal consideration and public hearing, the Town Board shall make a determination as to the type of action, lead agency status, and environmental significance of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 of the New York Codes, Rules and Regulations (NYCRR).

- D. Town Board action. The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four members of the Town Board, that is, a majority plus one, shall be required if:
- (1) The action being taken is contrary to the advisory recommendation received from the Ulster County Planning Board under the provisions of §§ 239-l and 239-m of the New York State General Municipal Law; or
 - (2) In accordance with the provisions of § 265 of the New York State Town Law, a protest petition against such amendment has been duly signed and acknowledged by the owners of at least twenty percent (20%) of the land area included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or directly across a street.
- E. Conformance with Town of Woodstock Comprehensive Plan. In all cases where the Town Board shall approve an amendment to the Zoning Map, said Board shall find, for reasons fully set forth in its resolution, such amendment to be in conformity with the Town of Woodstock Comprehensive Plan.

Article XIV Interpretation and Application

§ 260-116 Interpretation; conflicts with other laws.

In their interpretation and application, the provisions of this Zoning Law shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this Zoning Law are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

§ 260-117 Adherence to covenants, easements and restrictions.

All filed maps or other instruments of record restricting the use or partition of land, such as covenants, easements or restrictions, shall be adhered to.

§ 260-118 Environmental review.

The Town Board, the Planning Board, and the Zoning Board of Appeals shall comply with the provisions of the New York State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617, of the New York Codes, Rules and Regulations (NYCRR), and with the provisions of

Local Law No. 1 of the year 1990, the Town of Woodstock Environmental Quality Review (TWEQR) Law.

§ 260-119 Effect of existing violations.

No site plan or special permit shall be approved, no building permit or certificate of occupancy or use shall be issued, and no subdivision or variance shall be granted under this chapter for any premises upon which there is an existing violation of this Zoning Law, unless the building permit, variance or certificate of occupancy or use is necessary to allow for the removal of the violation.

§ 260-120 Periodic review required.

From time to time, at intervals of not more than five (5) years, the Planning Board shall conduct a review of the effectiveness of the provisions of this Zoning Law, including the location of zoning district boundaries, and shall submit a report thereon to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of the public health, safety, convenience, necessity or welfare.

§ 260-121 Supersession of existing law.

The Zoning Ordinance of the Town of Woodstock, New York, enacted by the Town Board on December 28, 1965, and effective at 12:00 noon, January 24, 1966, together with all changes and amendments thereto, is hereby comprehensively revised and superseded by this Zoning Law.

§ 260-122 Succession.

Wherever there is referenced a local, state, or federal law or guideline which has been amended or superseded, the most current successor of the original law or guideline referenced shall apply.

Article XV Planning Board

§260-123 Purpose.

A. The Planning Board shall have the following jurisdiction and authority:

- (1) To hear, review and offer its recommendations to the Zoning Board of Appeals when required or requested for variances.
- (2) To hear, review and finally decide applications for site plan review and modified site plan review.
- (3) To hear, review, and finally decide applications for special use permits.
- (4) To hear, review, and finally decide applications for subdivision.
- (5) To investigate and report its recommendations to the Town Board with respect to any proposed study or amendment in the Zoning Law or other land use regulations of the Town of Woodstock, the subject matter of which is within the jurisdiction of the Planning Board pursuant to this Zoning Law or State law or other local law or ordinance of the Town.
- (6) To review and report upon any matter referred to it by the Town Board pursuant to Section 271(14) of the New York State Town Law or the Zoning Board of Appeals, provided such referral by the Zoning Board of Appeals is authorized by law.
- (7) To exercise any other powers and carry out any other duties as are authorized by law.

§260-124. Membership.

A. Appointment and terms.

- (1) The Planning Board shall consist of seven (7) members appointed by the Town Board. Members holding office for terms that do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be seven (7) years.
- (2) Successor Planning Board members shall be appointed for the term of seven (7) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall fill the seat for the remaining unexpired term of that member.
- (3) An alternate member of the Planning Board may be appointed by the Town Board pursuant to New York State Town Law §271 (15) for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members shall substitute for all meetings, actions, and decisions related to the project that triggered a member's conflict of interest. Alternate members shall be appointed by

resolution of the Town Board, for terms established by the Town Board. The chairperson of the Planning Board may designate an alternate member to substitute and, when so designated, shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. All provisions of this section shall also apply to alternate members.

B. Board composition. All members of the Planning Board shall be residents of the Town of Woodstock. No person who is a member of the Town Board shall be eligible for membership on the Planning Board.

C Mandatory training. All members and alternate members of the Planning Board shall comply with the requirements of New York State Town Law Section 271 that require all Planning Board members and alternate members to complete a minimum of four (4) hours of training each year. No Planning Board member shall be eligible for reappointment if they have not completed this training as required.

D. Removal.

(1) The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by this Zoning Law or other law established by the Town Board. Cause for removal of a member may include one (1) or more of the following:

- (a) Any undisclosed or unlawful conflict of interest.
 - (b) Failure to attend 33% of the meetings during the course of one (1) calendar year.
 - (c) Failure to attend four (4) consecutive meetings.
 - (d) Failure to complete their mandatory training requirements.
- (2) No member who has been removed for cause shall be reappointed.

§260-125 Chairperson and Vice Chairperson.

The Town Board shall appoint one of the Planning Board members as Chairperson, to preside at all meetings and hearings and to fulfill the authorized duties of that office. The Chairperson shall annually appoint one of the Planning Board members as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as such Board may determine.

§260-126 Public Record.

The ~~Secretary-Administrative Assistant~~ of the Planning Board shall keep minutes of the proceedings of the Planning Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board. The Town Clerk shall provide for keeping a file of all records of the Planning Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice, except for records exempted from disclosure under Article 6 of the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege.

§260-127 Procedures.

A. Quorum. No business shall be transacted by the Board without at least four (4) members of the Board being present.

B. Voting. Every motion or resolution of the Planning Board shall require for its adoption the affirmative vote of a majority of all the members of the planning board (4 members), pursuant to New York State Town Law Section 271(16). Full membership includes absent members or vacant seats. Where an action is the subject of a referral to the Ulster County Planning Board, and in the event that the Ulster County Planning Board recommends disapproval of the application within the thirty (30) day time period allowed them, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after taking final action on an application, the Planning Board shall file a report of the final action it has taken with the Ulster County Planning Board.

C. Assistance to Planning Board. The Board shall have the authority to call upon any department, agency or employee of the town for such assistance as the Board deems necessary. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.

D. Decisions.

(1) Decisions. Every decision of the Planning Board shall be by resolution and shall expressly set forth any limitations or conditions imposed or use authorized.

(2) Final decision. All deliberations and decisions of the Planning Board shall occur at a meeting open to the public and shall state any special circumstances or conditions. Decisions of the Board shall be final upon voting pursuant to Zoning Law § 260-127 (B) and the filing of the resolution with the office of the Town Clerk.

(3) Notification of decision. Within five (5) business days following the final decision and adoption of a resolution on any action before the Planning Board, a notice of such decision

shall be mailed to the applicant and such decision shall be filed in the office of the Town Clerk.

E. Conflicts. No member of the Planning Board shall participate in the hearing or disposition of any matter in which the member has an interest. Any conflict of interest prohibited by Article 18 of the New York State General Municipal Law shall disqualify a member.

F. Appeals. Any person or persons, jointly or severally aggrieved by any final decision of the Planning Board, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the decision of the Planning Board in the office of the Town Clerk.

Article XVI Definitions

§ 260-128 Word usage and definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meaning herein indicated. Words used in the present tense include the future; the singular number includes the plural, and the plural number includes the singular; the word "lot" includes the word "plot"; the word "structure" includes the word "building." The term "occupied" or "used" as applied to any given building or land shall be construed to include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used or occupied." The word "shall" is mandatory and not optional.

ACCESSORY DWELLING UNIT (ADU)

A dwelling unit that is accessory to and incidental to that of the principal dwelling and that is located on the same lot~~A secondary and subordinate dwelling unit~~ having sleeping accommodations, ~~cooking its own kitchen~~ and sanitation facilities and that meets ~~meeting~~ all the requirements of habitable space as required by the New York State Uniform Fire Prevention and Building Code. The term Accessory Dwelling Unit shall also include guest cottages, boarding and rooming houses, and artist studios as defined in this Zoning Law when such structures are secondary and subordinate structures on a parcel, have sleeping and sanitation accommodations, and are used for either permanent residential use, or transient residential use. Transient use in an accessory dwelling unit is further regulated by Zoning Law § 260-56 (Short Term Rentals). Other common terms, such as, but not limited to, a carriage house, coach house, granny flat, garage apartment, in-law apartment, or multigenerational house shall also be considered ADUs.

Accessory Dwelling Unit, Interior/Attached

An accessory dwelling unit that is fully contained within or attached with a common wall to a principal dwelling unit and sized a minimum of four hundred (400) square feet and a maximum of one thousand (1,000) square feet.

Accessory Dwelling Unit, Detached

An accessory dwelling unit that is contained with a structure fully separated and detached from the principal dwelling unit and sized a minimum of ~~three~~four hundred (3400) square feet and a maximum of one thousand (1,000) square feet. Where a principal dwelling exists and two detached accessory dwellings are created in one structure, such structure shall not be considered a two-family dwelling.

ACCESSORY STRUCTURE

A detached structure, ~~that is accessory to and incidental to that of the principal use and that is located on the same lot or premises. the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot or premises.~~ They are outbuildings, have no sleeping accommodations, and are not dwelling units. ~~for the purpose of human habitation.~~ Any accessory structure designed with sleeping accommodations, cooking, living space, and sanitary facilities shall be considered an accessory dwelling unit. They include, but are not limited to such buildings as garages, swimming pools, pool houses, garden and tool sheds, studios, barns and playhouses and such other structures as accessory signs, satellite dish antennas and solar collectors. Where a structure is attached to the principal structure in a substantial manner such that they share a common wall, such structure shall be considered part of the principal structure and not an accessory structure. ~~Any accessory structure designed with sleeping accommodations, living space, and sanitary facilities shall be considered an accessory dwelling unit.~~

ACCESSORY USE

A use, occupancy, or tenancy which is customarily incidental and subordinate to the principal use, occupancy, or tenancy and located on the same lot or premises.

ACT

The Federal Telecommunications Act of 1996.

ADDITION

Extension or increase in area or height of a building.

ADEQUATE CAPACITY

Capacity is considered to be adequate if the grade of service is p.05 or better for at least fifty percent (50%) of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the personal wireless service facility in question, where the call blocking is due to frequency contention at the antenna(s).

ADEQUATE COVERAGE

Coverage is considered to be adequate within that area surrounding a base station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -95 dbm for at least seventy five percent (75%) of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95 dbm, as

long as the signal regains its strength to greater than or equal to -95 dbm further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -95 dbm.

AFFORDABLE HOUSING

Housing units that are available for income eligible persons based on the Ulster County AMI (Area Median Income) as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD) and adjusted for household size.

~~AFFORDABLE,~~ AFFORDABLE HOUSING UNITS - RENTAL ~~or AFFORDABLE HOUSING UNIT~~

~~Housing that is affordable to those households earning between eighty percent (80%) and one hundred twenty percent (120%) of the Area Median Income (AMI) as calculated by the U.S. Department of Housing and Urban Development annually. The price of affordable housing units are lower than the prices of similar homes that are being sold or rented on the open real-estate market. See also Below Market Rate Housing.~~

~~Housing that is affordable for rent includes households earling up to 80% of AMI. And affordable units for sale includes households earning up to 120% AMI. For those households monthly costs shall not exceed 30% of the households income.~~

Housing units that are available for rental to households earning up to eighty percent (80%) of AMI (Area Median Income) as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD) and adjusted for household size.

AFFORDABLE HOUSING UNITS – FOR SALE

Housing units that are available for purchase by ~~to~~ households earning up to one hundred twenty percent (120%) of AMI (Area Median Income) as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD) and adjusted for household size. The initial sales price for a particular affordable housing unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, insurance and common charges, as applicable, shall not exceed 30% of the gross aggregate income for an eligible household. Prices shall be calculated on the basis of an available fixed-rate thirty-year mortgage consistent with the average rate published from time to time by Freddie Mac and a down payment of no more than 5% of the purchase price.

~~AFFORDABLE HOUSING FEE~~

~~A fee as may be established and collected by the Town of Woodstock Town Board for deposit into a fund held by the Town to support affordable housing programs in Woodstock. This is a fee that may be paid in lieu of providing on-site, deed-restricted affordable housing units when associated with a proposed second accessory dwelling unit, three-plex or four-plex multifamily dwelling structure.~~

AGRICULTURE

All activities related to the growing or raising of crops or livestock, including farming, dairying, pasturage agriculture and horticulture, where income for one or more of these activities meets or exceeds five thousand dollars (\$5,000) per annum.

AIRCRAFT

A mechanically propelled vehicle capable of transporting humans in flight. The term "aircraft" shall include any airplane and/or helicopter.

[Added 7-31-2012 by L.L. No. 1-2012]

ALTERATION

Any change, rearrangement, or addition to a building, other than repairs, any modification in construction or in building equipment, or the moving of a building or structure from one location to another.

ALTERNATIVE ENERGY

Energy generated by solar, wind or geothermal methods to avoid use of fossil fuels and nuclear power.

ANTENNA

A device which is attached to a tower, or other structure, for transmitting and receiving electromagnetic waves.

~~APARTMENT~~

~~A dwelling unit contained within a two-family or multifamily dwelling, or any dwelling unit in a one- or two-family dwelling that has an Accessory Dwelling Unit (ADU).~~

AREA AND BULK REGULATIONS

The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot.

AREA MEDIAN INCOME (AMI)

A term that identifies the midpoint of a region's income distribution where half of households in a region earn more than the median and half earn less than the median. The U.S. Department of Housing and Urban Development establishes an income threshold, relative to the region, to identify households eligible to live in income-restricted housing units.

ART GALLERY

A place where original works of art are displayed and offered for sale. In those districts where a special permit is required for an art gallery, the sale of items other than original works of art is prohibited.

ARTISANAL FOOD

Breads, cheeses, fruit preserves, cured meats, beverages, oils, and vinegars that are made by hand using traditional methods by skilled craftworkers, known as food artisans.

ARTIST STUDIO

A place wherein original works of art are produced or executed and may be offered for sale in accordance with Zoning Law § 260-55. These works include, but are not limited to, fine art, sculpture, crafts, photography, literature, electronic creations or software. This definition does not include galleries or studios selling works of art not produced on site. When an artist studio includes sleeping accommodations and sanitary facilities and is a secondary and subordinate structure to a principal dwelling on a parcel, it shall be considered an accessory dwelling unit.

AS-BUILT

The final set of drawings produced at the completion of a construction project which show all the changes that have been made to the original construction drawings, including notes, modifications, and other relevant information, certified by a licensed engineer or surveyor.

ASSISTED LIVING FACILITY

Rental residences for people who cannot live fully independently and need rooms, meals, personal care, and supervision of residents twenty four (24) hours per day, seven (7) days a week, three hundred sixty five (365) days per year. They may provide other services such as recreational activities, social services, and transportation. Assisted living facilities may also be ~~congregate apartment~~ housing or continuing care facilities for those that need it.

ATTIC

That space within a building between the top of the uppermost floor construction and the underside of the roof.

AUTOMOBILE SERVICE STATION

Any area of land, including structures thereon, that is used for the repair of motor vehicles and which may include the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including the sale of motor vehicle accessories.

AVAILABLE SPACE

The space on a tower or structure to which antennas of a personal wireless service provider are both structurally able and electromagnetically able to be attached and which is available for rental to the applicant at fair market prices and terms and on which space and location will provide necessary coverage.

AVERAGE LOT SIZE

The average size of all lots to be subdivided from a parcel. Use of an average lot size instead of a minimum lot size allows for easier protection of open spaces. Parcels subdivided using an average lot size reduces individual lot areas and bulk requirements but the number of lots remains the same as permitted without lot averaging.

BASEMENT

A story partly below finished grade but having at least 1/2 of its height measured from floor to ceiling, but not less than four feet, above average finished grade. A basement shall be counted as one story in determining the height of a building in stories.

BASE STATION

The primary sending and receiving site in a wireless telecommunications network. More than one base station and/or more than one variety of personal wire service provider can be located on a single tower or structure.

BED-AND-BREAKFAST ESTABLISHMENT

A supplementary business use having a resident host in a private single-family or two-family residence in which at least three and not more than five rooms are offered for rent within the private residence and only one meal (breakfast) is furnished to roomers and in which no public restaurant is maintained, and no other commercial services are offered. The bed-and-breakfast establishment shall not have more than 10 occupants as lodgers.

BED-AND-BREAKFAST HOME

An accessory use having a resident host in a private single-family or two-family home in which at least one and not more than two rooms are offered for rent within the private residence and only one meal (breakfast) is furnished to roomers and in which no public restaurant is maintained. The bed-and-breakfast home shall not have more than four occupants as lodgers.

BEGINNING OF CONSTRUCTION

The incorporation of both labor and materials within the footings or foundation of a building or group of buildings.

~~BELOW-MARKET RATE UNIT OR HOUSING~~

~~Housing units for sale or rent that are priced to be affordable to households that are moderate income or below. These housing units are often built by local government, non-profits, or as a~~

~~requirement of the developer (e.g., affordable housing requirements). The price of below-market rate housing units for sale or for rent are lower than the prices of similar homes that are being sold or rented on the open real-estate market. Typically, these homes have certain deed restrictions recorded on the property which ensures the home remains affordable for future generations. See also Affordable Housing.~~

BILLBOARD

See "sign, advertising."

BOARDING, LODGING, ~~TOURIST~~ OR ROOMING HOUSE

A private, principal structure on a parcel in which at least two (2) but not more than six (6) rooms are offered for rent, whether or not table board is furnished to lodgers, and in which no transients are accommodated, and no public restaurant is maintained. When a secondary and subordinate structure on a parcel is used for boarding, lodging, ~~tourist~~ or rooming houses, such use shall be considered an accessory dwelling unit.

BUFFER ZONE

A strip of land established to protect one type of land use from another with which it is, or may be, incompatible.

BUILD-TO-LINE

A line parallel to the street right-of-way line touching that part of a building closest to the street.

BUILDABLE AREA OR BUILDABLE ACREAGE

The space remaining on a lot after deducting from the gross lot area the minimum dimensions (yards, setbacks, etc.), open space requirements and environmentally sensitive areas have been met. See also Net Acreage.

BUILDING

A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, property or business activity. See "structure."

BUILDING, ACCESSORY

See "accessory structure."

BUILDING ENVELOPE

The space on a lot or parcel within which a structure is permitted to be built on a lot including the building, driveway, and any lands disturbed for well and septic systems.

BUILDING FOOTPRINT

The area encompassed by the exterior of a building's outer wall at ground level, not including accessories such as screened porches or partially walled-in porches.

BUILDING GROUP

A group of two or more principal buildings and any buildings accessory thereto occupying a lot in one ownership and having any yard in common.

BUILDING LINE

The line, established by law, ordinance, or regulation, beyond which no part of a building, other than parts expressly permitted, may extend. See also Build-to-line.

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which said building is located.

BUILDING, SEMIDETACHED

A building attached by a party wall to another building normally of the same type on another lot but having one side yard.

CAMP

Any parcel of land on which are located two or more cabins, tents, shelters, or other accommodations, under the control of the same owner, of a design or character suitable for seasonal or other temporary overnight living purposes, including summer colony and day camp, but not including a trailer park, boardinghouse, hotel or motel.

CAR WASH

Premises regularly used for washing, cleaning or polishing of motor vehicles for compensation.

CELLAR

That space within a building that is partly or entirely below grade and has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CENTRAL WATER

For the purposes of this chapter, a water supply system serving four or more dwelling units and approved by the Town of Woodstock and the Ulster County Health Department for either private or public operation.

CERTIFICATE OF OCCUPANCY OR USE

Official certification issued by the Zoning Enforcement Officer that a premises conforms to the applicable provisions of this chapter, the New York State Uniform Fire Prevention and Building Code, the 2020 Residential Code of NYS Building Code and Standards, and other applicable regulations and may be legally used or occupied.

CESSATION OF USE

As used herein, a use shall be determined by the Zoning Enforcement Officer to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon

such use or not. See § 260-94 of this chapter.

CHANGE IN USE

The change of use or occupancy of land, or buildings, structures, or other improvements on land, from either residential, commercial or industrial to one of the other uses, or a change in the nature, or substance of the same use. Chapter 3 (Use and Occupancy Classification) of the Building Code of New York State shall be used to define uses that are not specifically defined in this Zoning Law. Change of occupancy or change of ownership shall not be construed as a change of use.

CHANNEL

The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

CHURCH OR OTHER PLACE OF WORSHIP

A building or site used for the adoration, homage or veneration given to a deity or to something regarded as sacred. It shall not include any activity which is either prohibited or which requires a special use permit under this chapter for the district in which the building or site is located (even if incidental to the primary use as defined above).

CIRCUS and/or CARNIVAL

A temporary, organized, outdoor program of entertainment or exhibition, such as a fair, gymkhana, flea market, rodeo, horse show, or similar use, where activities include such items as rides, exhibits, food service, sales or small-scale games.

CLEAN FILL

Soil and rock uncontaminated by any other material.

CLEAR-CUTTING

The removal of more than 50% of the trees over six inches in diameter measured at 4 1/2 feet above ground level in a period of one year or less. The percentage shall be calculated relative to the cleared area and not relative to the whole lot.

CLEARING

The cutting or removal of all wooden-stemmed fibrous material.

CLINIC

See "health services facility."

CLUB, HEALTH

A facility offering exercise areas and equipment, racquet courts, swimming and other physical fitness related activities to members paying a fee.

CLUB, MEMBERSHIP

Premises of an organization of persons who meet periodically to promote some nonprofit social,

educational, athletic, service or recreational objective and who cater exclusively to members and their guests, with no vending, merchandising or commercial activities conducted except as required generally for the membership and purposes of the club.

CLUSTER LOT DEVELOPMENT

Residential development on one parcel of land, where no subdivision of land occurs and in which dwelling units are grouped or "clustered" to result in a land use pattern that preserves open space, agriculture, environmental resources, or cultural features. This differs from a conservation subdivision: Clustered Lot Development pursuant to §260-92.4 results in all dwelling units remaining on one lot, whereas Conservation Subdivision pursuant to §260-92.5 results in dwelling units that each have their own lot.

CO-HOUSING

Residential uses on one or more lots intentionally designed with common spaces surrounded by private homes and where such common spaces can include a structure with a kitchen, dining room, laundry, recreational areas, as well as open space, gardens and parking shared by the residents. Common property is managed and maintained by community members.

CO-LOCATION

The shared use of a structure or non-tower structure as the site or location of a personal wireless service facility or repeater.

COMMERCIAL

Any activity involving the sale of goods or services carried out for profit. It includes but is not limited to: (a) hotel, motel, rooming and boarding house, (b) bed and breakfast establishments; (c) properties rented out as studios; (d) offices; (e) storefronts; (f) other non-residential uses, and (g) short term rental uses.

COMMERCIAL COMMUNICATIONS RECEIVING AND TRANSMITTING

Carriage of television broadcast signal as defined in 47 CFR Part 3, Subpart E and Part 76 or radio broadcast signal as defined in 47 CFR Part 73, Subparts A and B.

COMMERCIAL LOGGING

The harvesting of timber on a lot of five or more acres or upon contiguous lots whose aggregate size is five or more acres.

COMMERCIAL MICROWAVE TRANSMITTING AND RECEIVING

Any antenna or commercial entity operating at a frequency of one gigahertz (GHz) or greater. Also known as "fixed microwave services" as defined in 47 CFR Part 101.

COMMERCIAL VEHICLE

A vehicle of more than one-ton capacity used or designed for the purpose of transporting persons or goods primarily for financial gain, or a vehicle of any capacity carrying a permanently affixed sign exceeding one square foot in area or carrying lettering of a commercial nature.

COMMON SEWER

For the purposes of this chapter, a sewage disposal system serving four or more dwelling units and approved by the Town of Woodstock and the Ulster County Health Department for either private or public operation.

COMMON OPEN SPACE

The undeveloped land shown on a site plan or subdivision plat that may be left undeveloped, improved for active recreation or landscaped and is accessible to all residents of the development as a community area. See also Community Areas. Common open space is not the same as preserved open space in a conservation subdivision pursuant to § 260-95.5.

COMMUNICATION EQUIPMENT SHELTER

A structure located at a base station designed principally to enclose equipment used in connection with personal wireless service transmissions.

COMMUNITY AREAS

Those areas intended for use or enjoyment by all residents of a development, including driveways, roadways, parking areas, walkways, landscaped areas, open spaces and recreation areas.

COMMUNITY LAND TRUST

A nonprofit community-based organization governed by a board designed to ensure community stewardship of land for housing.

COMMUNITY RESIDENCE

A facility for mentally disabled persons as defined by the Mental Hygiene Law and as regulated by the provisions of the New York State Uniform Fire Prevention and Building Code.

COMPLETE APPLICATION

An application is deemed complete for review when the Planning Board determines that all required and requested plans, maps, narratives, studies, illustrations or other materials are submitted and ready for review pursuant to subdivision, site plan or special use procedures. A complete application under SEQR is one where either a negative declaration has been issued or a draft environmental impact statement accepted.

COMPLETE STREETS POLICY

A policy statement adopted by the Town of Woodstock established to promote a multi-modal

system in town that includes motorized and non-motorized transportation in order to provide safe, accessible, and comfortable means of travel between home, school, work, recreational, and/or retail destinations in Woodstock.

COMPREHENSIVE PLAN

A document or series of documents setting forth policies for the future growth and development of the Town, adopted by the Town Board as set forth in New York State Town Law § 272-a, as the same may be amended, supplemented or replaced from time to time by action of the Town Board. Formerly known as a "Master Plan."

CONDOMINIUM

Individual ownership of a dwelling unit within a multiple dwelling exclusive of the land underlying such structure.

CONSERVATION EASEMENT

A legal agreement a property owner makes to restrict the type and amount of development that may take place on the property.

CONSERVATION SUBDIVISION

A residential subdivision where the number of dwelling units that would be yielded by a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and at least fifty percent (50%) of the remaining land remains in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, ~~and~~ to preserve the natural and scenic qualities of open lands and may promote more affordable housing opportunities.

CONVENTIONAL SUBDIVISION

A residential subdivision where the number of dwelling units allowed for a particular zoning district are permitted in the standard form, ~~wherewith~~ lots ~~are~~ spread evenly throughout the parcel without regard for natural features or common open space, and in which the minimum lot size requirement determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size requirements. Open space outside of the lots may be created but is not required. All requirements related to the Wetland and Watercourse Law, Scenic Overlay and other sections of this law still pertain to a conventional subdivision.

CONTINUING CARE RETIREMENT FACILITY

An age-restricted residential alternative for adults that offers, under one (1) contract, an independent living unit (as part of a multi-unit structure ~~a apartment~~ or cottage), residential

amenities and access to a continuum of long term care services, as residents' health and social needs change over time. Residential and health care services may include: (a) independent housing including meals, social activities, scheduled transportation, housekeeping and maintenance; (b) access to physician, prescription drug and rehabilitation services; (c) supportive housing and services provided in an adult home, an enriched housing setting, or an assisted living; and/or (d) skilled nursing facility (nursing home) care for residents who become temporarily ill or who require long-term care. These facilities are constructed, operated, and overseen pursuant to Article 46 of New York State Public Health Law.

CONTRACTOR'S YARD

Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.

CONVALESCENT HOME

See "nursing home."

CONVERSION

A change in use or occupancy of a building, generally by alteration or by other reorganization, so as to increase the number of families or dwelling units within a structure.

COTTAGE OR CABIN DEVELOPMENT

See "camp."

CRITICAL ENVIRONMENTAL AREA (CEA)

A specific geographic area having exceptional or unique environmental characteristics that has been designated by the Town of Woodstock pursuant to section 617.14 of 6 NYCRR Part 617 (SEQRA).

DAY CAMP

Non-overnight camp providing recreation, arts and crafts, and other activities for preschool and school-age participants, limited to summer and other school vacation periods.

DAY NURSERY

See "nursery school."

dbm

Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt.

DEC

New York State Department of Environmental Conservation.

DECK

Any platform, floor, etc., usually made of planking and raised above ground level.

DENSITY

The number of dwelling units allowed per acre of land.

DENSITY BONUS

An increase in the number of residential units permitted on a parcel and provided as an incentive for the construction of affordable housing and green development pursuant to this Zoning Law.

DEVELOPMENT

Any activity other than normal agricultural, conservation or forest management activity which materially affects the existing condition of land or improvements to the land.

DISTRICT or ZONING DISTRICT

An area, section or zone of the Town of Woodstock described on the Zoning Map established in § 260-9 as an appurtenant part of this chapter and within which uniform requirements regulate the use of land and the height, bulk, density and setback of structures.

DOMICILE

A person's fixed, permanent, and principal home for legal purposes and which is physically occupied by the owner for the purposes of living there at least one hundred ~~eighty-three~~ sixty (18360) days per calendar year. For the purposes of this definition, "Domicile" is distinct and different from "residence." As is often noted by courts and commentators, a person may have many residences, but can have only one domicile.

DRAINAGE

The gravitational movement of water or other liquids by surface runoff or subsurface flow.

DRIVE-IN ESTABLISHMENT

Premises constructed to cater to the motoring public, whether or not additionally serving pedestrians as well as the automobile trade, and used for the sale to the public of any product and providing curb, window or other takeout service.

DRIVE-IN MOVIE

An open lot or part thereof with appurtenant facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated either in automobiles or on outdoor seats.

DRIVE-THROUGH FACILITY

A commercial facility which provides a service directly to an occupant of a motor vehicle or where a motor vehicle is driven onto the premises and the customer is serviced without exiting the vehicle. This shall not include the selling of fuel and other automotive products customarily provided at a gasoline filling station.

DRIVEWAY

An access road of sufficient width for one or more vehicles leading from a structure to the boundary of a lot or to another structure.

DU/A

An acronym meaning the number of dwelling units per acre. See also Density.

DWELLING

Any building that contains one or more dwelling units used, intended, or designed to be used, intended, or designed to be built, used, let or hired out to be occupied, or that are occupied for living purposes. ~~on a permanent foundation and designed or used principally as the living quarters for one or more families having living space, sleeping accommodations and sanitary facilities.~~ Single-family, two-family, three and four-plex structures, multifamily structures, row/attached structures, semi-detached structures, and accessory dwelling units shall all be considered dwellings.

DWELLING, ACCESSORY – See Accessory Dwelling Unit, above.

DWELLING, MULTIFAMILY

A detached, semidetached or attached building, or portion thereof, containing three or more dwelling units. Three-plex and four-plex dwellings are specific types of multifamily dwelling structures regulated in this Zoning Law.

DWELLING, MULTIFAMILY UNIT – One individual dwelling unit within a multifamily structure that contains three or more such units.

DWELLING, MULTIFAMILY STRUCTURE – A single building that contains three or more multifamily dwelling units.

DWELLING, ONE-FAMILY

A building containing one dwelling unit only that meets the New York State Residential Building Code.

DWELLING, ROW OR ATTACHED

A one-family or two-family dwelling with party walls separating it from adjacent units on both sides, with each having separate entrances from the outside.

DWELLING, SEMIDETACHED

See "building, semidetached."

DWELLING, THREE-PLEX - A multifamily dwelling structure established to promote housing options for those with middle incomes as defined by the Area Median Income (AMI) containing three units only and shall be referred to as a three-plex or three-unit dwelling.

DWELLING, FOUR-PLEX - A multifamily dwelling structure established to promote housing

options for those with middle incomes as defined by the Area Median Income (AMI) containing four units only and shall be referred to as a four-plex or four-unit dwelling.

DWELLING, TWO-FAMILY

A building containing two dwelling units only that meets the New York State Residential Building Code.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units include, but are not limited to, one-family dwellings, each unit in a two-family dwelling, each unit in a multiple single-family dwelling (townhouse), bed and breakfast dwellings, and lodging houses. One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with sleeping and sanitary facilities provided within a structure for an individual, household, co-household, or family.

ELECTROMAGNETICALLY ABLE

The determination that the new signal from and to the proposed new antennas will not significantly interfere with the existing signals from and to other facilities located on the same tower or structure as determined by a qualified telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

EMERGENCY

A sudden unforeseen crisis, usually involving danger that requires immediate action.

[Added 7-3-2013 by L.L. No. 1-2013]

EMF

Electromagnetic frequency radiation.

ENFORCEMENT OFFICER

For purposes of this chapter, see "Zoning Enforcement Officer."

ENVIRONMENTALLY SENSITIVE LOCATION

Lands having constraints on buildability due to existing environmental conditions. This may include lands containing slopes greater than twenty five percent (25%), land designated as floodway, land designated as a New York State Department of Environmental Conservation (NYSDEC) regulated wetland, lands designated as a wetland and regulated as such by the US Army Corps of Engineers, and lands included in a wetland or watercourse buffer areas.

EROSION

The wearing away of the land surface by action of wind, water, gravity or other natural forces.

EXCAVATION

Any activity which removes or significantly disturbs rock, gravel, sand, soil, or other natural deposits.

FAA

The Federal Aviation Administration.

FACILITY SITE

A property, or any part thereof, which is owned or leased by one or more personal wireless service providers and upon which one or more personal wireless service facilities and required landscaping are located.

FAMILY

A group of individuals not necessarily related by blood, marriage, or adoption of guardianship living together in a dwelling unit as a single housekeeping unit. Further, a family is persons living together more or less permanently as a single, in a permanent stable (rather than transient) living arrangement, and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common, with sharing of food, rent, utilities or other household expenses. Households of related individuals shall also be presumed to be a family.

FAR

See "floor area ratio."

FARM

Any parcel of land containing at least ten (10) acres which is used for economic gain of ten thousand dollars (\$10,000) or more per annum in raising of agricultural products, livestock, poultry and dairy products. The term "farm" includes necessary farm structures within the prescribed limits of the farm parcel and the storage of equipment as part of the farm operation. The term "farm" specifically excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FCC

The Federal Communications Commission, the government agency responsible for regulating telecommunications in the United States.

FEMA

The Federal Emergency Management Agency.

FENCE

A man-made barrier made of any material or combination of materials erected to prevent intrusion or escape, or to mark a boundary, or to screen structures or areas of land.

FENCE, ELECTRIC

An unroofed enclosing structure erected for the purpose of preventing passage and conducting an electric current either constant or pulsating.

FHBM

See "Flood Hazard Boundary Map."

FILLING

Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses.

FIRM

See "Flood Insurance Rate Map."

FLOOD HAZARD BOUNDARY MAP (FHBM)

The official map of the Town of Woodstock on which the Federal Emergency Management Agency (FEMA) has delineated the boundaries of the special flood hazard area. The FHBM is replaced by the FIRM (Flood Insurance Rate Map) when the latter becomes effective.

FLOODING, AREA OF SHALLOW

A designated AO or VO Zone shown on the Town's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

FLOOD INSURANCE RATE MAP (FIRM)

The official map of the Town of Woodstock on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones.

FLOOD INSURANCE STUDY

The official report of the Federal Emergency Management Agency for the Town of Woodstock showing flood profiles and water surface elevations of the base flood, and includes a Flood Boundary/Floodway Map (FBFM) depicting any regulatory floodway, as may be applicable.

FLOOD, ONE-HUNDRED-YEAR or BASE

The highest level of flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one-percent chance of occurring each year).

FLOODPLAIN AREA WITH SPECIAL FLOOD HAZARDS

Maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one-percent chance of being flooded in any given year). The floodplain area with special flood hazards includes the area shown on the Flood Hazard Boundary Map as Zone A and on the FIRM as Zone A, AO, AH, A1 to A30, A99, V and V1 to V30.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness measures, flood control works, and land use and development control measures.

FLOODPLAIN or FLOOD-PRONE AREA

A land area adjoining a river, stream, watercourse, or lake which is likely to be flooded.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOOD PROTECTION ELEVATION

The one-hundred-year flood elevation plus one additional foot of elevation.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude without cumulatively increasing the water surface elevation more than the designated height shown in the Town of Woodstock's Flood Insurance Study.

FLOOR AREA

- A. The sum of the gross horizontal area of the floor or floors of a building as measured from the interior faces of exterior walls or from the center line of walls separating two buildings. In particular, the floor area of a building or buildings shall include:
- (1) Basement space.
 - (2) Elevator shafts and stairwells at each floor.
 - (3) Floor space for mechanical equipment with structural headroom of seven feet six inches or more.
 - (4) Penthouses.
 - (5) Attic space (whether or not a floor had actually been laid) providing structural head room of seven feet six inches or more.
 - (6) Interior balconies or mezzanines.
 - (7) Enclosed porches.
 - (8) Accessory uses, not including space for off-street parking.
- B. However, the floor area of a building shall not include:
- (1) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for off-street parking spaces and off-street loading berths.

- (2) Elevator and stair bulkheads, accessory water tanks and cooling towers.
- (3) Floor space used for mechanical equipment, with structural headroom less than seven feet six inches.
- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet six inches.
- (5) Uncovered steps and exterior fire escapes.
- (6) Terraces, breezeways, open porches and outside balconies and open spaces.
- (7) Off-street parking spaces.
- (8) Off-street loading berths.

FLOOR AREA, LIVABLE

The sum of the gross horizontal area of a dwelling unit measured from the interior face of the exterior walls or from the center of a party wall, excluding roof, cellar and garage. "Livable floor area" shall include spaces such as utility rooms, bathrooms, closets, hallways, and attic space having a clear height of at least six feet from the finished floor level to pitch of roof rafter, with a clear height of seven feet six inches from the finished floor level to the ceiling level over 50% of the area of such attic space.

FLOOR AREA RATIO (FAR)

The amount of floor area in relation to the amount of site or lot area. Floor area ratio shall apply to all nonresidential uses and shall be calculated by comparing the total amount of floor area for all nonresidential uses on a site to the total amount of site or lot area as expressed in square feet. For example, a floor area ratio of 0.5 (which may also be expressed as 0.5:1 or 0.5 to one inch) means 0.5 square foot of floor area for every one square foot of site area.

FOOD ARTISAN

Persons who produce foods and edible foodstuffs that are not mass produced, but rather are made by hand.

FRONTAGE, LOT

That side of a lot coincident with the street line. A corner lot shall be considered to have two such frontages.

GARAGE, PRIVATE

An enclosed space for the storage of one (1) or more vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car

leased to a nonresident of the premises.

GARAGE, PUBLIC

Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, rental, or washing of automobiles or other motor vehicles.

GASOLINE STATION

Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term "gasoline station" may also include a quick-stop retail food store as an integral part of the gasoline station.

GHz

Gigahertz: one billion hertz. See "hertz."

GRADE, FINISHED

Natural surface of the ground, or surface of the ground after completion of any change in contour.

GRADE OF SERVICE

A measure of the percentage of calls which are able to connect to the base station during the busiest hour of the day. Grade of service is expressed as a number, such as p.05, which means that 95% of callers will connect on their first try. A lower number (e.g., p.04) indicates a better grade of service.

GRADING

The alteration of the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses by excavation or filling.

GREEN BUILDING

The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. Green building is also known as a sustainable or high performance building.

GUEST COTTAGE

An Accessory Dwelling Unit located on the same lot as a principal residential dwelling where such unit shall contain accommodations for sleeping and sanitation and shall meet all applicable setback and lot coverage requirements of this chapter and those requirements related to the provision of suitable water supply and sanitation facilities.

HABITABLE SPACE

~~A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. Space occupied by one or more persons for living, sleeping, eating or cooking. Restaurants for employees and occupants, kitchens serving them, and kitchenettes shall not be deemed to be habitable space. Bathrooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.~~

HEALTH CLUB

See "club, health."

HEALTH SERVICES FACILITY

A nonretail establishment where one or more practitioners provide health services but where lodging and meals are not provided.

HEIGHT, BUILDING

The vertical distance measured from the average elevation of the finished grade along the side of the building having the lowest finished grade to:

[Amended 7-3-2013 by L.L. No. 1-2013]

- A. The highest point of the coping of a flat roof; or
- B. The highest point of the deck-line of a mansard roof; or
- C. The highest point of a gable, hip or gambrel roof, but not including chimneys, spires, towers, tanks and similar projections which occupy an aggregate area of less than eighty (80) square feet or ten percent (10%) of the roof area, whichever shall be less.

HERTZ

One hertz (Hz) is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

HOME OCCUPATION

Any personal service, professional service or business use customarily conducted entirely within a dwelling or customary accessory building which use is clearly incidental and secondary to use of the premises for residential purposes, does not alter the residential character thereof, and conforms fully to the use limitations stated within Zoning Law § 260-43. Home occupations shall not be deemed to include the following:

- A. Funeral home or chapel.
- B. Antique and/or collectible shop.
- C. Gift shop.

- D. Medical or dental clinic or hospital.
- E. Renting of trailers.
- F. Restaurant.
- G. Kennel, veterinary clinic or hospital.

HOMEOWNERS' ASSOCIATION

An organization of residential property owners, duly constituted, residing within a particular development whose major purpose is to preserve, maintain and provide community areas, facilities and services for the common enjoyment of the residents.

HOSPITAL

A building containing beds for four or more human patients and used for the diagnosis, treatment or other care of human ailments.

HOST

A designated adult who lives within a ten-mile distance from the short-term rental (STR) property and is required to be available to promptly deal with emergencies and other STR renter issues and compliance with STR operating requirements in the owner's absence.

[Added 5-21-2019 by L.L. No. 1-2019]

HOTEL

A commercial building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances, and which may contain one (1) or more dining rooms.

HOUSEHOLD

An individual or group of individuals living together in one (1) dwelling unit.

IMPERVIOUS SURFACE, MAXIMUM

All materials or structures on or above the ground surface that prevents water from infiltrating into the underlying soils. Impervious surfaces include, without limitation: paved and/or gravel road or sidewalk surfaces, parking lots, driveways, compacted dirt surfaced roads; building structures; roof tops and miscellaneous impermeable structures such as patios, pools, and sheds. Maximum impervious surface is the maximum amount of a lot allowed to be covered in impervious surfaces and is measured in percentage.

INDEPENDENT LIVING FACILITY

Housing designed for seniors and others that are able to live independently without supervision or

assistance on a twenty four (24) hours a day, seven (7) days a week, three hundred sixty five (365) days a year basis, and that are designed to focus primarily on serving the social needs of residents. Such facilities may be designed as multiple buildings with a central gathering space for programming, recreation, and meals.

JUNKYARD

An area of land, with or without buildings, used for or occupied by a deposit, collection, or storage, outside a completely enclosed building, of used or discarded materials, home furnishings, machinery or parts thereof, with or without the dismantling, processing, salvage or other use or disposition of the same.

JUNKYARD, MOTOR VEHICLE

An area of land, with or without buildings, used for or occupied by a deposit, collection or storage outside a completely enclosed building of used or discarded motor vehicles or parts thereof, with or without the dismantling, wrecking, salvage, sale or other use or disposition of the same. A deposit, collection, or storage on a lot of three or more vehicles no longer in condition for legal use on the public highways, or parts thereof, for one month or more in a residential district or three months or more in any nonresidential district shall constitute a motor vehicle junkyard.

KENNEL

Any premises on which are kept four or more dogs more than four months of age or any number of dogs that are kept for the primary purpose of sale or for the purpose of boarding, care or breeding and for which a fee is charged or paid.

KITCHEN

Space, 60 or more square feet in floor area, used for the cooking or preparation of food.

KITCHENETTE

Space, less than 60 square feet in floor area, used for the cooking or preparation of food.

LAND DISTURBING ACTIVITIES

Activities including but not limited to clearing, excavating, filling, grading, road building or construction.

LANDFILL

A lot or land area used primarily for the disposal or abandonment, burial, burning or other disposition, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

LAND TRUST

A nonprofit organization dedicated to conservation of natural landscapes by holding conservation easements and other ownership agreements.

LIBRARY

A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale, and can include reference and circulating libraries and reading rooms.

LIVESTOCK

Horses, cows, beef cattle, sheep, goats or other four-legged domestic-type farm animals.

LONG-TERM RENTAL

A dwelling unit which is rented for more than one (1) month, on a long-term lease or month-to-month basis.

LOT

A parcel of land having defined boundaries and considered as a unit, devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open spaces and yards.

LOT AREA

The total area of a lot within the lot lines.

LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street right-of-way lines is the corner.

LOT COVERAGE

The percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

LOT DEPTH

The minimum horizontal distance from the street line of a lot to the rear lot line of such lot, measured in the general direction of the side lines.

LOT FRONTAGE

That side of a lot located on the same side as a street, road or travel way. A corner lot shall be considered to have two such frontages. See also "yard, front."

LOT LINE

The line dividing one premises from another, or from a street or other public space.

LOT LINE ADJUSTMENT

A process regulated by Chapter 202 of the Town of Woodstock Town Code (Subdivision of Land) and approved by the Planning Board whereby the line of record dividing one lot from another lot

is moved without creation of an additional lot.

LOT OF RECORD

A legally existing lot at the time of adoption of this chapter was duly filed and recorded in the Ulster County Clerk's office as either an individual parcel of land or part of an approved subdivision.

LOTS, CONTIGUOUS

Lots which share a common point or points on their boundaries or whose boundaries are separated by a street, right-of-way, stream or creek.

LOT WIDTH

The width of a lot measured along the rear line of the required front yard.

MAJOR MODIFICATION OF AN EXISTING FACILITY; MAJOR MODIFICATION OF AN EXISTING TOWER

- A. Any change in maximum power input or output and/or number of antennas and/or change in operating frequency approved under an existing special use permit or site plan.
- B. Any change, or proposed change, in power input or output, number of antennas, change in antenna(s) type or model, repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing special use permit.
- C. Also, any increase, or proposed increase, in dimensions of an existing and permitted tower or other structure designed to support personal wireless service transmission, receiving and/or repeater and/or equipment.

MANUFACTURED HOME

Dwelling units that are manufactured off-site and assembled either off-site and moved to the site, or on-site and built after the adoption of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec 5401), commonly known as the HUD code. Manufactured Homes are movable structures having no motive power of ~~its~~their own, are suitable for human occupancy, and contain the same water supply, sanitary sewage disposal and major housekeeping facilities as immobile housing. If the structure, when built, was designed to have wheels attached to it ~~for~~and transported to a site, then it ~~also~~ is a manufactured home. Wheels must be removed and the unit be placed on a permanent foundation or concrete pier pursuant to New York State Uniform Fire Prevention and Building Code. Any addition to such manufactured home shall, for the purposes of this Zoning Law, be deemed to be part of such manufactured home. ~~Manufactured homes can be built in one or two pieces and transported to the site. Some are delivered with a chassis that allows the home to be moved at a later date.~~ Single-wide homes and ,double-wide homes, ~~panelized homes, and modular homes~~ are examples of manufactured homes. When not used for

residential use, such structures shall not be considered a manufactured home. See also Mobile Home.

~~MARKET RATE UNIT OR HOUSING~~

~~A term for housing units for sale or rent in which the prices are established by the open market in which sellers and buyers of real estate set sale prices, and where landlords and renters of real estate set rent rates through arms-length negotiation and transactions.~~

MEDICAL OR DENTAL CLINIC

A facility in which one or more licensed practitioners of medicine or dentistry, assisted by a staff, treat patients for a length of time that does not include overnight care.

Mhz

Megahertz: one million hertz. See "hertz."

MINING

Any activity which removes rock, gravel, sand, soil, or other natural deposits.

MIXED OCCUPANCY OR MIXED USE

A single structure which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently and shares a common wall or floor with direct access between the residential and non-residential areas.

[Amended 10-11-2011 by L.L. No. 6-2011]

MOBILE HOME

A type of manufactured home built prior to the adoption of the 1976 National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec 5401), commonly known as the HUD code.

MODIFIED SITE PLAN REVIEW

A review process designed specifically for three and four-unit residential structures and designed to enhance protection of natural and scenic resources of the Town while allowing for additional housing opportunities in the form of three and four-family units in Woodstock. The process also promotes maximum efficiency and timeliness by establishing an abbreviated, one-step review process, whereas a Site Plan Review pursuant to this Chapter is a two-step process. This process is specifically designed so that the Town can quickly review siting of the building envelope of these specific residential styles in a shorter time frame and with a more targeted review process.

MONITORING

The measurement, by the use of instruments in the field, of the electromagnetic radiation from a site as a whole or from individual personal wireless service facilities, towers, antennas or repeaters.

MOTEL

A principal commercial use structure on a parcel consisting of a building or group of buildings

containing multiple individual living and sleeping accommodations for transient occupancy for hire, each of which is provided with a separate exterior entrance and one or more parking spaces and is offered for rental to, and used principally by transient persons. The term "motel" includes, but is not limited to, every type or similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside motel, etc. A motel shall not be considered a Dwelling Unit.

MULTIFAMILY DWELLING

See Dwelling, Multifamily.

NATURAL GAS EXTRACTION SUPPORT ACTIVITIES

The construction, use, maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas storage facility, or a natural gas gathering line, venting station or compressor associated with the exploration or extraction of natural gas.

[Added 7-31-2012 by L.L. No. 1-2012]

NET ACREAGE

The acreage on a parcel that remains after deducting the environmentally sensitive acreage from the total parcel acreage. This represents the net buildable acreage on that parcel from which housing density is to be calculated. It does not refer to where buildings can be placed on the parcel.

NIGHTCLUB

A drinking establishment which includes an area in which patrons may dance and/or which provides live entertainment other than by a single instrumental musician or vocalist.

NONCOMPLYING BUILDING

An existing building which contains a use permitted in the district in which it is located but which does not conform to one or more of the applicable district regulations for lot area, width or depth; front, side or rear yards; maximum height; lot coverage; parking requirements; or minimum livable floor area per dwelling unit after the enactment or amendment of this chapter.

NONCONFORMING USE

An existing use which does not conform to the applicable use regulations for the district in which such use is located after the enactment or amendment of this chapter.

NON-TOWER STRUCTURE

An existing building or structure on which a repeater or a personal wireless service facility is erected or proposed to be erected.

NURSERY SCHOOL

Any premises, however designated, which operates on a regular basis to provide care or instruction for three or more children under six years of age. The term "nursery school" shall include a

kindergarten, day nursery and day-care center.

NURSING HOME

Premises on which are provided lodging, meals, and continuing nursing care for compensation to convalescent, incapacitated or chronically ill persons. Nursing homes may be included as part of a continuing care facility.

OCCUPANCY

Use of a building, structure or premises.

OFFICE, GENERAL OR PROFESSIONAL

An establishment where business activities are conducted which are not specifically mentioned in § 260-14, the *Schedule of Use Regulations*, and which do not qualify as a home occupation as defined herein. It shall not include any retail activity.

OPEN SPACE

Land left in a natural state for conservation, agricultural purposes, or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites pursuant to § 260-91. It shall also include land left in a natural state that is devoted to passive recreation such as but not limited to walking paths. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or used for playgrounds; or manicured recreational lands such as ball fields, golf courses, lawns, landscaped areas, helipads; or land, used for stormwater management, or occupied by any structure including solar panels except agricultural buildings. In a conservation subdivision, open space shall include both primary conservation area and secondary conservation area as such terms are defined in this Zoning law. Open space may be included as a portion of one or more large lots, provided the lot(s) are greater than five acres in size and are contiguous to each other, forming a larger unfragmented open space area. Alternatively, open space may be contained in a separate open space lot but shall not include private yards within fifty (50) feet of a principal structure.

OVERLAY DISTRICT

A district described by this chapter within which, due to special circumstances and the imposition of a special overlay designation, additional regulations and requirements apply to complement those of the underlying zoning district to which such designation is added.

OWNER

Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building, structure or premises.

PARENT PARCEL

A piece or area of land formally described and recorded with block and lot numbers, by metes and

bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries as of the date this Zoning Law was adopted.~~DATE.~~

PARKING LOT

Land which is open or semi-enclosed by structures and which is used to provide four or more off-street parking spaces.

PARKING SPACE, OFF-STREET

An area of land, not less than one hundred eighty (180) square feet, excluding driveways or access drives thereto, which is out of the public right-of-way and is available and adequately improved for the parking of one motor vehicle.

PATIO

An inner courtyard area, or an outdoor area adjacent to a house, which is paved with material such as paving stones, bricks or concrete and is open to the sky.

PERFORMANCE STANDARDS

Regulations for the control of dangerous or objectionable elements as described in Article V of this Zoning Law.

PERMITTED USE

A specific use for which land, lots, buildings or structures may be used, occupied or maintained under this chapter as a matter of right.

PERSON

Any individual, corporation, partnership, association, trustee or legal governmental entity.

PERSONAL WIRELESS SERVICE

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include cellular services, personal communications services (PCS), specialized mobile radio services, and paging services.

PERSONAL WIRELESS SERVICE FACILITY

All equipment with which a personal wireless service provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part thereof. The facility may be sited on one or more towers or structures owned and permitted by another owner or entity. The term does not include "repeater."

PERSONAL WIRELESS SERVICE PROVIDER

An entity licensed by the Federal Communications Commission (FCC) to provide personal wireless services.

PORCH

A roofed entrance to a structure, usually projecting from the outer wall and having a separate roof.

It can be incorporated into the building or be an applied feature on the exterior.

PREMISES

A lot, plot, or parcel of land, together with all structures and uses thereon.

PRIMARILY

For the most part.

PRIMARY CONSERVATION AREA

The area delineated in a conservation subdivision that is the first priority resource area to be conserved, including regulated environmentally constrained areas and areas that provide connections or opportunities for connections to offsite open space. These include, but are not limited to streams, floodplains, wetlands, critical habitats, wetland and watercourse buffers, steep slopes, agricultural lands, and groundwater recharge areas.

PRINCIPAL USE

A principal use of a lot is a use permitted by this zoning chapter. It is the intention of this chapter to allow one or more principal uses where otherwise appropriate in the HC and NC Districts. See "mixed occupancy."

PRINCIPAL DWELLING

The primary residential structure on a parcel. Also known as a main residence.

PROFESSIONAL OFFICE

See "office, general or professional."

PROHIBITED USE

Any use which is not listed as a permitted use, special permit use, or permitted accessory use in the *Schedule of Use Regulations* in Zoning Law § 260-14.

PUBLIC LIBRARY

Nonprofit library, other than professional, technical or public school, library, established for free public purposes by official action of a municipality or district or the legislature, maintained for public use, usually supported in whole or in part by local taxation, and where the whole interests belong to the public.

PUBLIC UTILITY STATION OR STRUCTURE

Electric lines and poles, gas mains and lines, water and sewer mains and lines, telephone and telegraph lines and poles, and appurtenant structures used to convey utility services to members of the public. The term does not include high-voltage transmission lines and poles. The term does not include personal wireless services or personal wireless service facilities.

RADIATION PROPAGATION STUDIES or RADIAL PLOTS

Computer-generated estimates of the radiation emanating from antennas or repeaters sited on a specific tower or structure. The height above ground and above mean sea level, power input and output, frequency output, type of antenna(s), antenna(s) gain energy dispersion characteristics, and topography of both the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the personal wireless telecommunications service facility proposed for that site.

REGISTERED HISTORIC DISTRICT

A district included on the Federal or New York State Register of Historic Places as a defined geographical area consisting of lands and structures that contribute to the historic fabric of the area deemed worthy of preservation for their historical significance as well as non-contributing properties and structures that are within the district.

REPAIR

Replacement or renewal, excluding additions, of any part of a building, structure, device or equipment with like or similar materials or parts for the purpose of maintenance of such building, structure, device or equipment.

REPEATER

A micro- or macro-cell designed to extend personal wireless service to areas which are not able to receive adequate coverage directly from a base station, using the same channels as the base station.

REQUIRED

Required by this chapter.

RESIDENCE

Residence is the place where an individual makes their home for their convenience and normal living where they can be traced, located, identified for all legal and contractual obligations, whether or not it is owned by them or they are permanently dwelling there. A home, abode, or place where an individual is actually living at a specific point in time. Residence is not necessarily equivalent to domicile.

RESIDENTIAL

Relating to a building, or any part of a building or group of buildings, which contains living and sleeping accommodations for permanent occupancy; residential, therefore, includes all one-family, two-family, three and four-plex, and other multifamily dwellings, as well as boarding, fraternity and sorority houses. Residential shall not, however, refer to the following:

- A. Transient accommodations, such as motels, hotels, inns, short term rentals and hospitals; or
- B. That part of a building containing both residences and other uses which is used for any

nonresidential purpose, except for those accessory uses customarily incidental to residential occupancies.

ROADSIDE STAND

Any area of land used primarily for the display and sale of agricultural products and conforming to the limitations of Zoning Law § 260-41B.

[Added 7-3-2013 by L.L. No. 1-2013]

RURAL AND SMALL TOWN COMMUNITY CHARACTER

A term that includes all elements that make up a community's built and natural environment including aesthetic conditions as well as demographic character, natural resources, transportation systems, infrastructure, building design, ~~educational opportunities~~, community resources, and cultural and social events and institutions. The 2018 adopted Town of Woodstock Comprehensive Plan offers additional information, description, maps, vision, and goals that additionally describe and inventory components of Woodstock's character. In particular, the 2018 Plan incorporates the following elements into Woodstock's character:

- Iconic views and mountain areas
- Scenic areas
- Traditional neighborhoods in hamlet areas having a mix of residences and businesses and where smaller, village-like residential neighborhoods exist
- Open spaces and large areas of undeveloped land
- Forests, streams, and other intact natural environments
- A diversity of residents
- Historic features
- A diversity of architectural styles
- Artists, a local arts scene, and arts and cultural events and institutions
- Small, locally owned businesses and home-based businesses

SCHEDULE OF USE REGULATIONS

The controls which enumerate in § 260-14 the permitted principal, permitted accessory, prohibited and special uses within each of the districts established by this Zoning Law.

SCHOOL

A facility with the three following features:

[Added 6-17-2014 by L.L. No. 1-2014]

- A. A curriculum;
- B. Adequate physical facilities to conduct its educational function; and
- C. A staff qualified to implement its educational objectives.

SCREENING

A method of substantially visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or native and densely planted vegetation. Screening is also a method of substantially visually shielding or buffering structures or uses from public locations such as from a road or public park.

SECONDARY CONSERVATION AREA

The area delineated in a conservation subdivision having secondary resource value to be conserved including, but not limited to lands located with any Critical Environmental Area that may be established by the Town of Woodstock, ~~agricultural lands~~, healthy woodlands holding important ecological functions such as forested core areas, wetland and watercourse buffer areas, hedgerows and other vegetation features representing the site's rural past, historic structures or sites, and visually prominent features such as knolls, or hilltops.

~~**SECONDARY OR SUBORDINATE STRUCTURE OR USE**~~

~~A structure or use that is not the principal structure or use on a parcel, but is an accessory, ancillary, or customarily incidental structure or use on the same parcel as a principal structure or use. See also Accessory Structure and Accessory Use.~~

SEDIMENT

Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

SENIOR HOUSING

Dwelling units that are arranged as individual units for occupancy by seniors. Senior housing may be within structures having one, two, or multiple dwelling units but which are all designed for and dedicated to housing for people 55 or older. This includes adult retirement communities, independent living facilities, and retirement communities. It does not include nursing homes, assisted living facilities, or continuing care facilities.

SEQRA

The New York State Environmental Quality Review Act as implemented in 1978 and subsequently revised.

SETBACK

The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or such other improvement on a lot, except necessary driveways.

SHARED DRIVEWAY

A suitably improved way for vehicular traffic providing access from a road to no more than two individual existing or proposed driveways on lots which cannot be further subdivided. The shared

driveway shall be built in accordance with minor road (see Article VII, § 202-32F), with the exceptions noted in Article VII, § 202-31 of these regulations.

SHARED PARKING

Joint utilization of a parking area for more than one use and contain parking spaces that are used at different times by different uses.

SHORT-TERM RENTAL (STR)

An accessory use or supplementary business allowing a short-term rental (less than thirty [30] days) of at least one room in a private home or ~~habitable~~-accessory dwelling structure. Property owners seeking to operate a short-term rental must apply for and receive from the Town of Woodstock a short-term rental registration, and post the Woodstock registration number on all online listings. Registrations are good for one (1) calendar year, and the total number of properties owned by or in which an interest is held by an individual person(s) or entity offering STRs is limited to one (1). (See § 260-56E above).

[Added 5-21-2019 by L.L. No. 1-2019]

SHORT-TERM RENTAL (STR) HOME

A supplementary business in a private home or habitable accessory structure in which at least one (1) and not more than two (2) bedrooms are offered for rent within the private residence, and in which no public restaurant is maintained and no other commercial services are offered. Each STR occupied unit shall have no more than two (2) guests per bedroom as lodgers. Children twelve (12) years old and under are not counted as guests. The STR home shall not have more than four (4) occupants as lodgers. The owner of an STR home must live on the property.

SHORT-TERM RENTAL (STR) ESTABLISHMENT

A supplementary business in a private home or habitable accessory structure in which three (3) and not more than five (5) bedrooms are offered within the private residence, and in which no public restaurant is maintained and no other commercial services are offered. Each STR occupied unit shall have no more than two (2) guests per bedroom as lodgers. Children twelve (12) years old and under are not counted as guests. The STR establishment shall not have more than ten (10) occupants as lodgers. The owner of an STR establishment must live on the property.

SHORT-TERM RENTAL (STR) NON-OWNER-OCCUPIED

A supplementary business in a private home or habitable accessory structure in which the entire private residence is rented for less than thirty (30) days and no host/owner is present, and in which no public restaurant is maintained and no other commercial services are offered. Each STR occupied unit shall have no more than two (2) guests per bedroom as lodgers. Children twelve (12) years old and under are not counted as guests. STR non-owner -occupied establishments must have

a designated local host as defined herein; and must comply with the other STR standards in or referred to in § 260-56. STR non-owner-occupied shall be rented for no more than one hundred eighty (180) days per calendar year with no more than twenty six (26) weekends or parts of weekends included in that total. Weekends include any time between Friday evening and Monday morning.

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located in or out of doors, or on the exterior of any building, including window signs over two square feet in an area located within three (3) feet of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement, notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. However, a sign shall not include any display of official court or public office notices nor any official traffic control device, nor shall it include the flag, emblem or insignia of the United States or its political units, or of any school or religious group.

SIGN, ACCESSORY

A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, ADVERTISING

A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is primarily conducted, sold, or offered elsewhere than upon the premises on which such sign is located or to which it is affixed. "Advertising sign" includes, but is not limited to, billboards.

SIGN, BORDERLESS

Lettering or pictorial matter placed directly on a building, window or awning and having no visible edge or border.

SIGN, DIRECTIONAL

An off-premises sign directing the way to a place of business, public service or residence.

SIGN, FREESTANDING

A sign that is not affixed to a building and is so constructed to be an independent unit. Included are pole signs, pylon signs and masonry wall types.

SIGN, ILLUMINATED

A sign illuminated by electricity, gas or other artificial light either from the interior or exterior of

the sign, and including reflective and phosphorescent light.

- A. **DIRECTLY ILLUMINATED** Incorporating artificial lighting as an inherent part or feature of the sign.
- B. **INDIRECTLY ILLUMINATED** Incorporating artificial lighting which is either separated from or not an inherent part or feature of the sign itself.

SIGN, MOVABLE

Any sign designed and constructed so that it can be moved from one location to another.

SIGN, MULTIPLE

A sign placed upon a common support and which has more than one face or surface.

SIGN, NONACCESSORY

See "sign, advertising."

SIGN, OBSOLETE

A sign that advertises a nonexistent product, place, organization or event.

SIGN, PROJECTING

A sign which is attached to a building wall or structure and projects horizontally more than twelve (12) inches from the plane of such wall or structure, being perpendicular thereto.

SIGN, REPRESENTATIONAL

Any three-dimensional sign which is designed and built so as to physically represent the object advertised.

SIGN, SURFACE AREA OF

The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and, in no case, passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. All faces of the sign shall be counted in computing the area. Any neon tube, string of light, or similar device shall be deemed to have a minimum dimension of one (1) foot.

SIGN, WALL

A sign attached directly to the wall of a building, parallel to said wall and having a visible edge or border extending not more than twelve (12) inches from the face of such wall.

SINGLE OWNERSHIP

Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than thirty (30) years, regardless of any division of land into parcels for the purpose of financing.

SITE PLAN

That map or drawing and all related information submitted to the Planning Board for review in accordance with the requirements and procedure specified in Article VII of this Zoning Law.

SMART GROWTH

Smart Growth is an approach to community planning and development that integrates what are known as the “3 Es”—Economy, Equity and Environment, with an emerging fourth E—Energy. Smart Growth promotes several land use planning principles that create livable, sustainable and equitable communities including specific components identified through the New York State Smart Growth Program (<https://dos.ny.gov/nys-smart-growth-program>).

TRADITIONAL NEIGHBORHOOD DESIGN

Traditional Neighborhood Design (TND) is a planning concept that calls for residential neighborhoods to be designed in the format of small, early 20th century villages and neighborhoods. Those traditional formats were characterized by homes on small lots, narrow front yards with front porches and gardens, ~~detached garages in the backyard~~, walkable “Main Street” commercial areas with shops lining the sidewalk, and public parks, town greens, or village squares. TND is intended to provide an alternative to conventional subdivisions and suburban sprawl. TND calls for compact, pedestrian-oriented neighborhoods with a variety of housing types and costs, and public places where people have opportunities to socialize and engage in civic life. The automobile is still accommodated, with ample parking and efficient circulation, but it no longer dictates design of the development. A traditional neighborhood is consistent with New York State Smart growth principles.

SOIL

All unconsolidated mineral or nonliving organic material which overlies bedrock.

SPECIAL EVENT

See "circus and/or carnival."

SPECIAL USE/SPECIAL PERMIT/SPECIAL USE PERMIT

A use which is deemed desirable for the public welfare within a given zoning district or districts but which is potentially incompatible with other uses provided therein. The special use shall, therefore, be subject to approval by the Planning Board in accordance with conditions set forth for such use as well as other applicable provisions of this Zoning Law.

STEEP SLOPE

Land areas where the slope exceeds 25%.

STORY

That part of any building, exclusive of cellars but inclusive of basements, comprised between the levels of one finished floor and the level of the next higher finished floor, or if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

STORY, HALF

That portion of a building situated above a full story and having at least two (2) opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one half (1/2) the floor-to-ceiling height of the story below.

STREET

A public or private right-of-way which provides vehicular access to abutting properties.

STREET FURNITURE

Amenities including but not limited to benches, traffic barriers, bollards, post boxes, phone boxes, streetlamps, traffic lights, traffic signs, bus stops, fountains, memorials, public sculptures, and waste receptacles.

STREET LINE

The dividing line between a lot and a street right-of-way.

STREET WIDTH

The width of the right-of-way or the distance between property lines on opposite sides of a street.

STRUCTURE

A static construction, or assembly, of materials, the use or occupancy of which requires a fixed location on the ground or attachment to an object having such a fixed location. Structures shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, gasoline pumps, billboards, satellite dishes, signs and ~~manufactured~~mobile dwellings. Structures shall not include driveways, walkways, curbing, open parking areas, and grade-level roofless patios without railings.

STRUCTURE COVERAGE

The amount of land covered or permitted to be covered by a structure or structures, measured in terms of a percentage of total lot area. Such coverage shall be measured on a horizontal plane at mean grade level.

SUBDIVISION

As defined in Town of Woodstock Town Code, Chapter 202, Article IV. The division of any parcel of land into two (2) or more lots, plots, sites, or other division of land. Such division shall include re-subdivision of parcels of land for which an approved plat has already been filed in the office of

the Ulster County Clerk and which is entirely or partially undeveloped.

SUBDIVISION PLAT

A map representing a tract of land, showing the boundaries and location of individual properties and streets that exist or that are proposed.

SUBORDINATE STRUCTURE OR USE

A structure or use that is not the principal structure or use on a parcel, but is an accessory, ancillary, or customarily incidental structure or use on the same parcel as a principal structure or use. Subordinate structures have a larger setback from the front boundary line, and are smaller in size and height than the principal structure. Subordinate structures may be adjacent to but must be recessed behind the front of the principal structure. See also Accessory Structure and Accessory Use.

SUBSTANTIAL IMPROVEMENT

- A. For the purposes of Zoning Law § 260-96, substantial improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which exceeds fifty (50%) of the full assessed valuation of the structure either.
- (1) Before the improvement or repair is started; or
 - (2) If the structure has been damaged and is being restored before the damage occurred.
- B. Substantial improvement is considered to occur when the first alteration to any wall, ceiling, floor or other nonstructural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either:
- (1) Any project for improvement of a structure to comply with existing state, county or local health, sanitary or safety code specifications which are solely necessary to assure safe and healthful living conditions; or
 - (2) Any alterations of a structure listed on the National Register of Historic Places.

SWIMMING POOL

Any outdoor pool, tank, depression or excavation for the specific purpose of swimming that causes the retaining of water to a depth greater than 18 inches and having a water surface area in excess of one hundred (100) square feet.

TINY HOUSE

A principal or accessory residential dwelling used as a single family dwelling unit that is not less

than three-hundred square feet (300) and not more than four hundred (400) square feet and that is permanently fixed in place on a concrete slab or foundation pursuant to standards of the New York State Fire Prevention and Building Code, Appendix Q. Any similar dwelling on wheels shall not be considered a tiny house but shall be considered a recreational vehicle pursuant to this Zoning Law.

TOWER

A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used for antenna(s).

TOWN LANDS

Lands owned by the Town of Woodstock.

TOWNHOME/TOWNHOUSE

A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, ~~and~~ each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls and meets the New York State Residential Building Code.

TRAILER, CAMPING

A structure mounted on wheels and designed for limited travel, recreation and vacation use only.

~~TRAILER CAMP; TRAILER PARK~~

~~A parcel of land which is used or intended to be used for two (2) or more mobile homes.~~

~~TRAILER, HOUSE~~

~~See "mobile home."~~

TRAILER, TRAVEL

A vehicular, portable structure built on a chassis, designed as a temporary one-family dwelling for travel, recreation and vacation, having a body width not exceeding eight feet.

TRANSIENT PERSON

A person staying in Town passing through or visiting for a brief stay, generally less than a week but not more than thirty (30) days, for example in a hotel, motel, Bed and Breakfast, or short term rental.

TRANSIENT USE

A parcel of land or structure on a parcel of land used to accommodate transient persons.

TWEQR

Town of Woodstock Environmental Quality Review Law, Local Law No. 1 of the year 1990, or its successor.

USE

The specific purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, PRINCIPAL

The primary use of land or structures as distinguished from a secondary or accessory use.

[Added 10-11-2011 by L.L. No. 6-2011]

VARIANCE, AREA

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE

The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

WEC

The Environmental Commission of the Town of Woodstock established by Local Law No. 2 of the year 1978.

WATERCOURSE BUFFER AREA

A specified area surrounding a watercourse that is intended to provide some degree of protection to the watercourse from human activity or other encroachment associated with development. The watercourse buffer area shall be subject to the regulations for watercourses as defined herein and shall be determined by consulting the map entitled, "Applicable Watercourse Buffers" which is maintained in the office of the Planning Board and Zoning Enforcement Officer. The buffer area is the area extending horizontally away from and paralleling the edge of the bank of a watercourse. Buffer widths vary from thirty (30) to forty five (45), sixty (60), seventy five (75), ninety (90) or one hundred (100) feet (each side) depending on the upstream drainage area and the slope of the land. The default buffer for all watercourses is thirty (30) feet from the edge of the bank.

YARD

An open, unoccupied space on the lot, plot or parcel of land on which a building stands which extends the entire length of the front or rear or side lot line.

YARD, FRONT

A yard extending across the principal street side (that is, front lot line) of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the street

line and the main building.

YARD, REAR

A yard extending across the full width of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building.

YARD, REQUIRED

That portion of the open area of a lot extending open and unobstructed from the ground upward along a lot line for a depth or width as specified by the area and bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or open space required for buildings on another lot. In the case of lots bordering on streets, roads or highways with less than a fifty-foot right-of-way, the center line of the existing right-of-way instead of the lot line shall be used to determine the required front yard in the manner specified in § 260-26 of this Zoning Law.

YARD, SIDE

A yard between any lot line other than the street line or rear lot line and a line drawn parallel thereto and between the front and rear yards.

YIELD PLAN

Means a subdivision plan or plan set that shows the maximum number of conforming building lots that is reasonably achievable under a conventional subdivision following the requirements of the zoning ordinance and subdivision regulations.

YURT

A round structure held together at the eaves by a tension band and with a cone-shaped roof with a central compression ring skylight at the center top of the cone. The wall systems are commonly lattice frame with a fabric covering. Roof frames are generally rafters with a fabric covering.

ZONING DISTRICT

The primary zoning district established by the Town of Woodstock. Base districts in Woodstock are R1.5, R3, R5, R8, HR, HC, NC1 and 2, LI, SLI, and FW. The Town may also designate a new floating residential district to be established as a zoning district. See also “district.”

ZONING ENFORCEMENT OFFICER

Any officer charged with the enforcement of building or fire codes or zoning laws. The Code Enforcement Officer and/or the Building Inspector may be the Zoning Enforcement Officer.

ZONING MAP

The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises this chapter.

Zoning Recommendations as of ~~June 15~~September 29, 2023

Attachments:

[260 Attachment 1 Use Reg Table](#) (Attached)

[260 Attachment 2 Area and Bulk Reg Table](#) (Attached)

ZONING

260 Attachment 1

Town of Woodstock Schedule of Use Regulations

[Amended 7-31-2012 by L.L. No. 1-2012;

7-3-2013 by L.L. No. 1-2013; 6-17-2014 by L.L. No. 1-2014; 5-21-2019 by L.L. No. 1-2019]

KEY

P = Permitted use in specified district.

SP = Special use permit required, including site plan review;

MSRP = Modified Site Plan Review

X = Prohibited use in specified district.

FRD = Floating Residential District

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
A. Residential Uses									
Boarding and rooming house	X	SP	SP	SP	SP	SP	SP	X	X
Clustered Lot Development having multiple residences of any type (single, two-family, three or four-plex, or multifamily dwellings or co-housing) on one, non-subdivided parcel <u>and not in Scenic Overlay or R8 District</u>	X	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	X	X	X
Mobile Manufactured home and Tiny Home Single Family Dwelling	X	P	P	P	X	X	X	X	X
Multifamily dwelling (apartment), greater than 4 but maximum 8 units in one single structure on one parcel pursuant to 260-90 <u>and not in Scenic Overlay or R8 District</u>	X, and No FRD	SP	SP	SP	SP	SP	SP	X SP	X
Multifamily dwelling, greater than 4 but maximum 8 units in one single structure, with multiple such structures on parcel pursuant to 260-90 and 260-92.2 <u>and not in Scenic Overlay or R8 District</u>	X, and No FRD	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	SP for <40 units; FRD for >40 Units	X	X	X

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
Single-family dwelling, detached including Tiny Homes	P	P	P	P	P	P	P	X	X
Single-family dwelling, semidetached and Row or Attached Dwelling	P	P	P	P	P	P	P	X	X
Two-family dwelling	P	P	P	P	P	P	P	X	X
Accessory Dwelling unit when only one such unit is located interior or attached to principal dwelling pursuant to 260-88 (A) and (B), or a when one such unit is detached pursuant to 260-88 (A) and (C) with no short-term rental allowed	P	P	P	P	P	P	P	X	X
Accessory Dwelling unit as a second ADU on a parcel only when first ADU on the parcel is when deed restricted for affordable housing or Affordable Housing Fee paid in lieu of pursuant to 260-88 (A) and (B) or (C) pursuant to 260-88	SP	SP	SP	SP	SP	SP	SP	X	X
Three or Four-Plex Dwelling Units pursuant to 260-89 and not in the Scenic Overlay or R8 Districts	X MSPR	MSPR	MSRP	MSPR	MSPR	MSPR	MSPR	X	X
B. General Uses									
Agriculture, including the keeping of fowl or animals	P	P	P	P	P	P	P	P	P
Art gallery	X	SP	SP	SP	SP	P	P	X	X
Artist studio	P	P	P	P	P	P	P	P	X
Assisted Living Facility	X	SP	SP	SP	SP	SP	X	X	X
Cemetery or human crematory	X	SP	SP	SP	SP	SP	SP	SP/X	X
Church or other place of worship	P	P	P	P	P	P	P	X	X
Conservation uses, including public parks and public recreation areas	P	P	P	P	P	P	P	P	P
Continuing Care Facility	Only Permitted as Part of a Floating Residential District Pursuant to 260-92 and 260-92.2, except shall not be permitted in FW or NC								
Cultural facility (library other than public library, museum, etc.)	SP	SP	SP	SP	SP	SP	SP	X	X
Forestry uses (commercial logging)	SP	SP	SP	X	X	X	X	SP	X
Golf course or country club	X	SP	SP	SP	SP	X	X	X	X
Hospital	X	SP	SP	SP	X	X	X	X	X
Independent Living Facility	X	SP	SP	SP	SP	SP	X	X	X
Library, public	SP	SP	SP	SP	P	P	SP	P	X

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
Nonprofit academic, parochial, or technical school: private	SP	SP	SP	SP	SP	SP	SP	SP	X
Nonprofit club or nonprofit recreation use	SP	SP	SP	SP	SP	SP	SP	X	X
Nursery school or day nursery	SP	SP	SP	SP	SP	SP	SP	X	X
Nursing home	X	SP	SP	SP	SP	SP	X	X	X
Rescue squad: privately owned	X	X	X	SP	SP	P	P	X	X
Roadside stand	P	P	P	P	X	X	P	X	X
Summer camp, day camp, cottage or cabin development	SP	SP	SP	X	X	X	X	X	X
Town of Woodstock Justice Court	X	X	X	SP	SP	P	P	X	X
Town of Woodstock municipal police, fire and rescue squad station and structure	X	P	P	P	P	P	P	X	X
Town of Woodstock municipal uses not otherwise mentioned herein	P	P	P	P	P	P	P	P	X
Town of Woodstock recreational structure or building	SP	SP	SP	SP	SP	SP	SP	X	X
C. Accessory Uses									
Accessory apartment within single-family dwelling or detached accessory structure	P	P	P	P	P	P	P	X	X
Accessory use or structure incidental to the permitted or special permit use and located on the same lot, not otherwise specified herein.	P	P	P	P	P	P	P	P	X
Aircraft taking off/landing area	X	X	X	X	X	X	X	X	X
Barbed-wire fence	X	X	X	X	X	X	X	X	X
Class A home occupation, occurring wholly within the principal dwelling (bed- and-breakfast home: see § 260-56)	P	P	P	P	P	P	P	X	X
Class B home occupation, occurring outside or within customary accessory structure or elsewhere on the residential premises	SP	SP	SP	SP	SP	SP	SP	X	X
Electric fence	P	P	P	P	P	P	P	P	X
Guest cottage on residential premises	P	P	P	P	P	P	P	X	X
Stables for livestock for noncommercial purposes (see § 260-41)	P	P	P	P	P	P	P	X	X

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
STR home (See § 260-56)	P	P	P	P	P	P	P	P	X
STR establishment (See § 260-56)	SP	SP	SP	SP	SP	P	P	P	X
STR non-owner-occupied (See § 260-56), but not in any three or four-plex unit or multifamily dwelling unit	SP	SP	SP	SP	SP	SP	SP	SP	X
STR home or establishment in a co-housing development, continuing care development, or in a Floating Residential District	X	X	X	X	X	X	X	X	X
STR in an Accessory Dwelling Unit	See § 260-88								
D. Business Uses									
Airport or heliport	X	X	X	X	X	X	X	X	X
Audio and video studio	X	X	X	X	SP	P	P	X	X
Automobile repair facility	X	X	X	X	X	SP	SP	X	X
Bed-and-breakfast establishment (see § 260-56)	SP	SP	SP	SP	SP	P	P	X	X
Dance hall, bowling alley or indoor skating rink	X	X	X	X	X	P	X	X	X
Drive-in movie	X	X	X	X	X	X	X	X	X
Drive-through facility	X	X	X	X	X	X	X	X	X
Funeral home	X	X	SP	SP	SP	P	P	X	X
Gasoline station or automotive service station	X	X	X	X	X	SP	SP	X	X
Health services facility or clinic	SP	SP	SP	SP	P	P	P	X	X
Health club or other profit-making recreational club	X	X	X	X	SP	P	P	X	X
Hotel or motel development	X	X	X	SP	SP	SP	SP	X	X
Kennel	SP	SP	SP	SP	X	SP	SP	SP	X
Medical or dental clinic	P	P	P	P	P	P	P	X	X
Motion-picture theater, theater for dramatic productions, or concert hall	X	X	X	X	X	P	SP	X	X
Newspaper office	X	X	X	SP	SP	P	P	P/SP	X
Office: general or professional	X	X	X	X	SP	P	P	P	X
Parking lot: commercial	X	X	X	X	X	P	X	X	X
Printing facility	X	X	X	X	SP	P	P	P/SP	X
Restaurant serving alcoholic beverages	X	X	X	X	SP	P	X/P	X	X
Restaurant without liquor license	X	X	X	X	SP	P	P	X	X
Retail business or service not otherwise specifically mentioned	X	X	X	X	X	P	P	X	X

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
herein									
Riding academy	X	SP	SP	X	X	X	X	X	X
School conducted for profit	SP	SP	SP	SP	SP	SP	SP	SP	X
Self-service laundry	X	X	X	X	X	P	P	X	X
Tavern, bar or nightclub	X	X	X	X	X	P	X	X	X
Town of Woodstock municipal office (*Comeau property excepted in R5)	X	X*	X	X	SP	P	P	P	X
Town of Woodstock municipal parking lot for more than 10 vehicles	X	X	X	SP	SP	P	P	SP	X
Town of Woodstock municipal parking lot limited to 10 vehicles or fewer	SP	SP	SP	SP	SP	P	P	SP	X
Trailer or mobile home park or recreational vehicle camp	X	X	X	X	X	X	X	X	X
Veterinarian's office, animal hospital	SP	SP	SP	SP	X	SP	SP	SP	X
Video arcade	X	X	X	X	X	SP	SP	X	X
E. Light Industrial Uses									
Automobile storage, outdoor	X	X	X	X	X	X	X	SP	X
Car wash; equipment rental or sales yard	X	X	X	X	X	X	X	P/SP	X
Commercial television and radio receiving and transmitting antenna and supporting structure	X	SP	SP	X	X	X	X	SP	X
Communications receiving and transmitting antenna, residential	P	P	P	P	P	P	P	P	X
Communications receiving and transmitting antenna and supporting structure. Town of Woodstock	SP	SP	SP	SP	SP	SP	SP	SP	X
Contractor's yard	X	SP	SP	X	X	X	X	P/SP	X
Extractive operations and soil mining	X	SP	SP	X	X	X	X	SP/X	X
Fixed microwave services transmitting or receiving dish	X	X	X	X	X	X	X	X	X

Structure/Land Use	R8	R5	R3	R1.5	HR	HC	NC	LI/SLI	FW
Laundry or dry-cleaning plant	X	X	X	X	X	X	X	P/SP	X
Personal wireless service facility	SP	SP	SP	X	X	SP	SP	X	X
Personal wireless service facility tower	SP	SP	SP	X	X	X	X	X	X
Public utility or transportation use, including garage and maintenance facility	X	X	X	X	X	SP	SP	P	X
Public utility station or structure	SP	SP	SP	SP	SP	SP	SP	SP	X
Repeater	SP	SP	SP	SP	SP	SP	SP	SP	X
Research laboratory; manufacture, fabrication, assembly, warehousing or other material handling	X	X	X	X	X	X	X	P/SP	X
Town of Woodstock municipal garage or maintenance facility	X	P	P	P	P	P	P	P	X
Wholesale business or sales incidental to retail business	X	X	X	X	X	P	P	X	X
Wholesale business or sales not otherwise specifically mentioned herein	X	X	X	X	X	X	X	P	X

ZONING

260 Attachment 2

(64) Town of Woodstock

Schedule of Area and Bulk Regulations

Table 1.

Zoning District	Density of Units or Minimum Lot Area (See also Table 2)	Maximum Structure Coverage	Minimum Open Space	Minimum Lot Width (feet)	Minimum Yard Requirements (feet)			Floor Area Ratio (FAR)
					Front	Side	Rear	
	Column a ¹	Column b	Column c	Column d	Col. e	Col. f	Col. g	Column h ³
Residential (R8)	1 dwelling unit per 8.0 acres	10%	85%	300	75	75	75	0.25
Residential (R5)	1 dwelling unit per 5.0 acres	10%	80%	300	75	75	75	0.25
Residential (R3)	1 dwelling unit per 3.0 acres	10%	70%	200	50	50	50	0.25
Residential (R1.5)								
With central water and common sewer	15,000 sf minimum lot size	25%	50%	100	25	25	50	0.63

Zoning District	Density of Units or Minimum Lot Area (See also Table 2)	Maximum Structure Coverage	Minimum Open Space	Minimum Lot Width (feet)	Minimum Yard Requirements (feet)			Floor Area Ratio (FAR)
					Front	Side	Rear	
	Column a ¹	Column b	Column c	Column d	Col. e	Col. f	Col. g	Column h ³
With central water or common sewer	40,000 minimum lot size	10%	60%	100	25	25	50	0.25
Without central water or common sewer	1.5 acre minimum lot size	10%	70%	150	25	25	50	0.25
Hamlet Residential (HR)								
With central water and common sewer	10,000 sf minimum lot size	25%	25%	100	20	10	25	0.63
With central water or common sewer	25,000 sf minimum lot size	20%	30%	100	20	10	25	0.50
Without central water or common sewer	30,000 sf minimum lot size	15%	40%	120	20	10	25	0.38
Hamlet Commercial (HC)	10,000 sf minimum lot size	25%	25%	60	15	10	25	0.63
Neighborhood Commercial (NC) ²								
With central water and common sewer	25,000 sf minimum lot size	25%	25%	100	15	10	25	0.63
With central water or common sewer	30,000 sf minimum lot size	20%	30%	120	15	10	25	0.50

Zoning District	Density of Units or Minimum Lot Area (See also Table 2)	Maximum Structure Coverage	Minimum Open Space	Minimum Lot Width (feet)	Minimum Yard Requirements (feet)			Floor Area Ratio (FAR)
					Front	Side	Rear	
	Column a ¹	Column b	Column c	Column d	Col. e	Col. f	Col. g	Column h ³
Without central water or common sewer	1.0 acre minimum lot size	15%	40%	120	15	10	25	0.38
Light Industrial (LI)								
R1.5	3.0 acres minimum lot size	20%	60%	200	100	50	100	0.50
R3	5.0 acres minimum lot size	25%	60%	350	125	125	125	0.63
R5	8.0 acres minimum lot size	25%	60%	350	125	125	125	0.63
Floodway (FW)	No development permitted							
In all districts where development is permitted, maximum structure height: 35 feet; maximum stories: 2 1/2½ measured pursuant to Article XVI								

NOTES:

¹ One acre = 43,560 square feet.

² Columns e and f: Adequate space must be provided between the front and side lot lines and structures for any needed improvements such as sidewalks, curbing, street trees and open space.

³Number of square feet of nonresidential floor area for every one square foot of site area.

Table 2. The following schedule details density and review process requirements for different housing types in Woodstock:

Density and Minimum Lot Requirements and Review Processes for Housing				
	HR, HC, NC, R1.5	R3	R5	R8
Single-family, two-family dwelling units; 1 structure per parcel	As per Area and Bulk Dimension Table 1 above	As per Area and Bulk Dimension Table 1 above; Average lot size may be used as per §260-18 and §260-20	As per Area and Bulk Dimension Table 1 above; Average lot size may be used as per §260-18 and §260-20	As per Area and Bulk Dimension Table 1 above; Average lot size may be used as per §260-18 and §260-20
Net acreage needed for a three or four-plex dwelling unit; 1 structure per parcel, approved via MSPR. All other dimensions for single-family dwelling units shall be met.	As per Area and Bulk Dimension Table 1 above	3 acres net acreage with MSPR (1)	5 acres net acreage with MSPR (1)	8 acres net acreage with MSPR (1); Not allowed in Scenic Overlay <u>or R8⁴</u> 8 acres net acreage with SPR in Scenic Overlay
Area and density for clustered lot developments, co-housing, or multi-family multifamily dwelling unit having 5 or more units on one parcel and located within Town of Woodstock Water and/or Sewer District. All other dimensions as per Table 1 shall be met.	<ul style="list-style-type: none"> • 1-acre minimum lot size • 5 units per net acre maximum (1 du/.20 acres) • 5-40 units are permitted with SP/SPR • >40 units permitted only with FRD with 60 maximum number of units 	<ul style="list-style-type: none"> • 3 acres minimum lot size • 4 units per net acre maximum allowed (1 du/.5 acres) • 5-40 units are permitted with SP/SPR • >40 units permitted only with FRD with 60 	<ul style="list-style-type: none"> • 5 acres minimum lot size • 3 units per net acre maximum allowed (1 du/1.2 acres) • 5-40 units are permitted with SP/SPR • >40 units only permitted with FRD 	Only where water and/or sewer may be available in the R8: <ul style="list-style-type: none"> • 8 acres minimum lot size • 2 units per net acre maximum allowed (1 du/2 acres) • 5-40 units are permitted with SP/SPR

⁴ FW and LI Districts are not included in this Table because no residential land uses are allowed in these districts.

Density and Minimum Lot Requirements and Review Processes for Housing				
	HR, HC, NC, R1.5	R3	R5	R8
		maximum number of units	with 60 maximum number of units ⁵	• >40 units permitted only with FRD with 60 maximum number of units <u>Not permitted in the Scenic Overlay or R8 Districts</u>
Area and Density for clustered lot developments, co-housing, or multi-family <u>multifamily</u> dwelling unit having 5 or more units on one parcel and located in areas <u>without</u> Town water and/or sewer District. All other dimensions as per Table 1 shall be met.	<ul style="list-style-type: none"> • 2-acre minimum lot size • 2 units per net acre maximum • 5-20 units are permitted with SP/SPR • >20 units permitted only with FRD with 40 maximum number of units 	<ul style="list-style-type: none"> • 6 acres minimum lot size • 2 units per net acre maximum • 5-30 units are permitted with SP/SPR • >30 units permitted only with FRD with 40 maximum number of units 	<ul style="list-style-type: none"> • 10 acres minimum lot size • 2 units per net acre maximum • 5-30 units are permitted with SP/SPR • >30 units only permitted with FRD with 40 maximum number of units 	Not permitted in the Scenic Overlay or R8 Districts
% Open Space Required for clustered lot developments, co-housing, or multi-family <u>multifamily</u> dwelling unit having 5-3 or more units on one parcel (2)	25% of total parcel size	50% of total parcel size	50% of total parcel size	50% of total parcel size; Multi-family <u>Multifamily</u> not permitted in R8
Eligible for a density bonus pursuant	Yes	Yes	Yes	Yes <u>No</u>
Other Dimensions for multi-family <u>multifamily</u> dwellings	<ul style="list-style-type: none"> • Maximum of 8 dwelling units per structure 			

⁵ FRDs are not permitted in any R5 area located within the Scenic Overlay District.

Density and Minimum Lot Requirements and Review Processes for Housing				
	HR, HC, NC, R1.5	R3	R5	R8
having <u>53</u> or more units	<ul style="list-style-type: none">Outside any sewer district, at least 1 contiguous acre of buildable area must be available within 1000' of a road. If the buildable area is > 1000' from a road, two acres of buildable area must be available.Within a sewer district, at least ½ acre of buildable land must be available.Not permitted in R8 <u>or Scenic Overlay Districts</u>			

- (1) Three and four-plex dwelling units, where allowed, shall require the same area and dimensions as single and two-family uses and shall be reviewed and approved using the Modified Site Plan Review process pursuant to 260-89.
- (2) Areas dedicated to open space shall be contiguous to each other to the maximum extent feasible. This open space requirement is for housing developments on one parcel and are not a conservation subdivision.
- (3) The maximum width and depth for the building footprint of a single three of four-plex building, or a single ~~multi-family~~multifamily dwelling unit having 35-8 units shall be 65 feet.
- (4) Table 2 does not include the FW and LI districts because no residential uses are permitted in those districts.
- (5) FRDs are not permitted in any R5 area located within the Scenic Overlay District.

V. Severability

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

VI. Supersession

This Local Law is intended to supersede any provisions of the Town Law, the laws of the Town of Woodstock and the New York State General Municipal Law which are inconsistent with the provisions of this Local Law.

VII. Effective Date

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