

LOCAL LAW NO. ____ OF 2009

A LOCAL LAW OF THE TOWN OF WALLKILL, COUNTY OF ORANGE,
AMENDING CHAPTERS 209 AND 249 OF THE TOWN CODE AND
THE TOWN ZONING MAP TO IMPLEMENT THE GOALS OF
THE TOWN'S 2005 COMPREHENSIVE PLAN

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALLKILL AS FOLLOWS:

Section 1.

The Town of Wallkill Code, Chapter 209-2, entitled "Policy", shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

F. Required Conservation Subdivisions. The Planning Board may, at its discretion, require a subdivision applicant to submit a conservation subdivision layout as a preferred alternative if, in its judgment, the site includes a number of criteria for acceptance from §249-80, such layout would greatly benefit the public interest, provide continuance from adjacent conservation lands or otherwise meet the goals and objectives of the Comprehensive Plan.

Section 2.

The Town of Wallkill Code, Chapter 209-18(J), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

- J. Dead-end streets (culs-de-sac). Permanent dead-end or cul-de-sac streets shall ~~not, in general, exceed six times the required minimum lot width, and shall~~ be equipped with a turnaround roadway with a minimum diameter of the right-of-way of 140 feet and a minimum outside diameter of the traveled way of 120 feet unless the Planning Board approves an equally safe and convenient form of turning space. ~~The Board may approve a longer permanent dead-end street where topographic conditions and landownership patterns so require.~~ Temporary dead-end streets ~~shall not in general exceed 12 times the required minimum lot width and~~ shall be equipped with a turnaround which conforms to the standards for permanent dead-end streets; a temporary turnaround shall be provided with a notation on the plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued. See §249-24.2 Dead end streets and Cul de sacs for additional requirements.

Section 3.

The Town of Wallkill Code, Chapter 249-3, entitled “Definitions” shall be amended by deleting the existing definitions for “Nursing Home” and “Cul-de-sac”.

Section 4.

The Town of Wallkill Code, Chapter 249-3, entitled “Definitions” shall be amended by adding the following definitions:

AGRICULTURE - All agricultural operations and activities related to a “farm operation” as such term is defined in Section 301(11) of the Agriculture and Markets Law (AML) or governed by the AML of the State of New York and the guidelines and opinions issued by the New York State Commissioner of Agriculture and Markets to the extent that such practices are consistent with 6 NYCRR § 663.2 and not excluded thereby. Farm Operation is defined under the AML as “the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a “commercial horse boarding operation” as defined in subdivision thirteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

ASSISTED LIVING / ASSISTED LIVING RESIDENCE (ALR) -- Individual dwelling units, or partial units, designed and constructed primarily for seniors and subject to management or legal restrictions that require all units and partial units to be occupied by persons 60 years of age or older providing long-term residence, centralized cooking and common dining, housekeeping and personal care and supervision as needed to five or more adults, unrelated to the operator, who may or may not require some limited, continuing medical care, meeting the requirements of Article 46-B of the New York State (NYS) Public Health Law.

BUILDABLE LAND — Lands, excluding water bodies, wetlands, areas subject to flooding and ponding including floodways as shown on National Flood Insurance Maps, DEC-regulated or otherwise regulated buffer areas around wetlands and waterbodies, areas which have slopes of over 20%, and existing rights-of-way and easements.

CLEAR CUTTING – The removal of trees in an area not specifically designated for construction of a building, road or other element which cannot accommodate the presence of trees, does not have any planned regeneration for the areas cut, and where the total cross-sectional area of all remaining trees is less than 30 square feet per acre.

CONGREGATE CARE FACILITY- A facility combines private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities primarily serving residents above the age of 55. Many congregate care facilities offer transportation services, personal care services, rehabilitative services, spiritual programs, and other support services.

CONSERVATION LAND – Land area designated for permanent protection through a conservation easement.

CONSERVATION SUBDIVISION -- An alternative method of property subdivision which allows natural areas to be preserved as conservation land by permitting the project to be constructed in a smaller area than would otherwise be allowed.

CONSERVATION SUBDIVISION, LOW DENSITY – A conservation subdivision which may optionally be determined by the Planning Commission to be low density because it protects 75% or more of its land area with a permanent conservation easement and seeks significantly lower density than permitted for a regular conservation subdivision.

DEAD END or CUL-DE-SAC – A road which is closed, looped or otherwise terminated at one end with only one outlet to the public street network.

EXTENDED STAY / ALL-SUITE HOTEL -- A hotel suite facility intended for short term occupancy of less than 60 consecutive days, with all rooms offered on a per-night basis. A feature of all rooms is a kitchen, which shall include, at a minimum, a full sized refrigerator, microwave, sink and a built-in cooking appliance such as a stove. In addition, laundry, exercise, and meeting facilities shall be available on-site. Access to and from all suites is made through an inside lobby or vestibule, supervised by a person in charge at all hours. Differentiated from regular hotels or motels.

NURSING HOME -- A facility licensed by the New York State Department of Health which provides general long-term nursing care to those who are chronically ill or unable to handle their own necessary daily living needs; NHs are staffed by nurses, and have a physician on call.

PARENT PARCEL -- Any parcel of land owned individually and separately, and separated in ownership from any adjoining tracts of land on the effective date of these regulations, which has a total area which exceeds the minimum requirements of Chapter 249, Zoning, and for which there exists the legal possibility of subdivision or resubdivision.

PLANNED RESIDENTIAL DEVELOPMENT – A clustering of various and compatible residential land uses and accessory commercial uses designed to work together as a single development, typically owned by a single entity with customized development regulations.

RESERVED LAND – Land area or elements designated to be left undisturbed from development and integrated into the design of the site as a special feature within a conservation subdivision, though not necessarily as part of the conservation easement.

ROAD FRONTAGE – See “Lot Frontage”.

PROTECTED LAND – Land designated for special treatment as either Conservation Land or Reserved Land.

RECREATION, ACTIVE — Leisure activities usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, and playground activities.

RECREATION, PASSIVE — Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

SENIOR HOUSING - A residential development owned by a public agency or private nonprofit sponsor in which dwelling units are exclusively provided for elderly persons, aged 62 or older, and other members of the households which they head meeting the requirements provided in the US Department of Housing and Urban Development (HUD) Fair Housing Act and the Housing for Older Persons Act (HOPA) of 1995.

Section 5.

The Town of Wallkill Code, Chapter 249-3, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

PUBLIC BUILDING – Any building held, used or controlled exclusively for public purposes by any department or branch of government, federal, state, county or municipal.

Section 6.

The Town of Wallkill Code, Chapter 249-5, shall be amended by deleting “April 2008” and replacing that language with “October 2009” in accordance with the new zoning map annexed to this Local Law as “Attachment A”.

Section 7.

The Town of Wallkill Code, Chapter 249-9B(1), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

.....December 12, 1961, provided that all other provisions of this chapter are fully complied with, also including a single, legally-created lot, approved by the planning board in a signed subdivision plat held in ownership created by an arm’s length transaction separate from any adjacent parcel.

Section 8.

The Town of Wallkill Code, Chapter 249-19D, after “Lot and building standards for the RA-1 District”, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

See §249-80 Conservation subdivisions for lot and building standards specific to conservation subdivisions.

Section 9.

The Town of Wallkill Code, Chapter 249-19.1E, after “Lot and building standards for the RA-1 District”, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

See §249-80 Conservation subdivisions for lot and building standards specific to conservation subdivisions.

Section 10.

The Town of Wallkill Code, Chapter 249-20D, after “Lot and building standards for the R-2 District” shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

See §249-80 Conservation subdivisions for lot and building standards specific to conservation subdivisions.

Section 11.

The Town of Wallkill Code, Chapter 249-19D(5)(b)[1], shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

- [1] To obtain the various lot sizes, use Subsection D(2), ~~Column 4, entitled~~ "Minimum Lot Size." (i.e., If the septic system is on a Group IV soil, the minimum lot size would be ~~1.4~~ 3 acres.)

Section 12.

The Town of Wallkill Code, Chapter 249-19D(2), shall be amended by inserting the following Soils Reference Table.

Soils Reference Table		
Group	Local Classification Code	Standard Classification Code
I	1A, 1B, 1C, 2A, 2B, 2C, 9A, 9B, 9C, 10A, 10B, 10C, 13A, 13B, 13C, 104, 105	CnA, CnB, CnC, Du, HoA, HoB, HoC, OkB, OtB, OtC, Pg, RhA, RhB, RhC, UH
II	78A, 78B, 79A, 79B	AdB, UnB
III	38C, 39B, 39C, 63B, 63C	PtB, PtC
IV	5A, 5B, 20B, 20C, 35A, 35B, 35C, 40B, 40C, 41B, 41C, 64B, 64C	CgA, CgB, MdB, MdC, PtP, SwB, SwC, WuB
V	80A, 80B, 84B	ScA, ScB
VI	22AC, 65AC, 77B, 77C, 020BC	BnB, BnC, SxC, SXC
VII	4A, 4B, 7, 25A, 25B, 42A, 42B, 81, 85A, 85B, 025B	ErA, ERB, ErB, ESB, Fd, Ra, RbB, SEB
VIII	3A, 3B, 3C, 48B, 75AB, 070BC, 48C, 071BC, 073AC, 074AC, 077AC, 080AB	ANC, HLC, RSB
IX	8, 26, 43, 82, 83, 86, 87, 97, 98, 026	AB, Ab, Ac, AC, Ca, Ha, Ma, Sb
X	88, 89, 91, 92, 93, 99, 100, 101, 193	My, Su, Tg, Uf, UF, Wd
XI	78C, 79C, 84C, 076AC	RkC, RKC, UnC
XII	1D, 9D, 13D, 20D, 22DE, 38D, 39D, 40D, 64D, 65DE, 77D, 020DE, 070DE, 071DE, 074DE, 075DE, 076DE, 077DE	AND, HoD, MdD, NaD, OtD, PtD, Qu, RhD, RKD, RMD, RSD, RSO, SxD
XIII	01E, 20E, 22F, 40E, 65F, 84D, 020F, 071F, 074F, 076F, 077F	MNE, OVE, RKF, RSF
XIV	94, 96, 194, 197, 294, 295	Cd, Ce, Pa, Pb
XV	103	Cf, HH, W

Section 13.

The Town of Wallkill Code, Chapter 249-19.1 E(2), shall be amended by inserting the following Soils Reference Table.

Soils Reference Table		
Group	Local Classification Code	Standard Classification Code
I	1A, 1B, 1C, 2A, 2B, 2C, 9A, 9B, 9C, 10A, 10B, 10C, 13A, 13B, 13C, 104, 105	CnA, CnB, CnC, Du, HoA, HoB, HoC, OkB, OtB, OtC, Pg, RhA, RhB, RhC, UH
II	78A, 78B, 79A, 79B	AdB, UnB
III	38C, 39B, 39C, 63B, 63C	PtB, PtC
IV	5A, 5B, 20B, 20C, 35A, 35B, 35C, 40B, 40C, 41B, 41C, 64B, 64C	CgA, CgB, MdB, MdC, PtP, SwB, SwC, WuB
V	80A, 80B, 84B	ScA, ScB
VI	22AC, 65AC, 77B, 77C, 020BC	BnB, BnC, SxC, SXC
VII	4A, 4B, 7, 25A, 25B, 42A, 42B, 81, 85A, 85B, 025B	ErA, ERB, ErB, ESB, Fd, Ra, RbB, SEB
VIII	3A, 3B, 3C, 48B, 75AB, 070BC, 48C, 071BC, 073AC, 074AC, 077AC, 080AB	ANC, HLC, RSB
IX	8, 26, 43, 82, 83, 86, 87, 97, 98, 026	AB, Ab, Ac, AC, Ca, Ha, Ma, Sb
X	88, 89, 91, 92, 93, 99, 100, 101, 193	My, Su, Tg, Uf, UF, Wd
XI	78C, 79C, 84C, 076AC	RkC, RKC, UnC
XII	1D, 9D, 13D, 20D, 22DE, 38D, 39D, 40D, 64D, 65DE, 77D, 020DE, 070DE, 071DE, 074DE, 075DE, 076DE, 077DE	AND, HoD, MdD, NaD, OtD, PtD, Qu, RhD, RKD, RMD, RSD, RSO, SxD
XIII	01E, 20E, 22F, 40E, 65F, 84D, 020F, 071F, 074F, 076F, 077F	MNE, OVE, RKF, RSF
XIV	94, 96, 194, 197, 294, 295	Cd, Ce, Pa, Pb
XV	103	Cf, HH, W

Section 14.

The Town of Wallkill Code, Chapter 249-19 D(3) “Environmental control formula”, shall be amended by replacing it with the following text and chart:

(3) Environmental control formula.

Multiply the number of acres of each soil group found on the property by its corresponding Environmental Factor number to determine the number of building lots, as follows:

Environmental Control Formula						
Soil Type	Soil Group	Acres	x	Environmental Factor	=	# of Lots
Total Acres:				Total Number of Lots:		

Soil Maps of the Town of Wallkill are on file at the Town Hall. Fractional results for the total number of lots should be rounded down to the next whole number.

Section 15.

The Town of Wallkill Code, Chapter 249-19.1 E “Environmental control formula”, shall be amended by adding the following new text and chart as follows:

(3) Environmental control formula.

Multiply the number of acres of each soil group found on the property by its corresponding Environmental Factor number to determine the number of building lots, as follows:

Environmental Control Formula						
Soil Type	Soil Group	Acres	x	Environmental Factor	=	# of Lots
Total Acres:				Total Number of Lots:		

Soil Maps of the Town of Wallkill are on file at the Town Hall. Fractional results for the total number of lots should be rounded down to the next whole number.

Section 16.

The Town of Wallkill Code, Chapter 249-19.1E(1), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Lot area ~~(square feet)~~ (acres)

Section 17.

The Town of Wallkill Code, Chapter 249-20D(1), under “Minimum required”, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Lot area ~~(square feet)~~ (acres) subject to soil and drainage review.

Section 18.

The Town of Wallkill Code, Chapter 249-20D(2), under “Minimum required”, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Lot area ~~(square feet)~~ (acres) subject to soil and drainage review.

Section 19.

The Town of Wallkill Code, Chapter 249-20D(1), under “Note” at bottom of table, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

A: Lots served by both public sewer and water systems.

B: Lots served by a public sewer system, but no public water system.

C: Lots not served by either a public sewer or water system.

Section 20.

The Town of Wallkill Code, Chapter 249-20D(2), under “Note” at bottom of table, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

A: Lots served by both public sewer and water systems.

B: Lots served by a public sewer system, but no public water system.

C: Lots not served by either a public sewer or water system.

Section 21.

The Town of Wallkill Code, Chapter 249-22C(6), under “Multiple Dwellings” paragraph (e), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 22.

The Town of Wallkill Code, Chapter 249-22C(6)(i), under “Lot & Building Standards for Multiple Dwelling - Land Area values”, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Number of Habitable Rooms in the Dwelling Unit (DU) Minimum required	1 (Efficiency)	2 (1 bedroom)	3 (2 bedrooms)	4 (3 bedrooms)
Land area (Type I Subdivision - Conventional)				
Total (acres)	10	10	10	10
Per DU (Square feet) ²	11,700 <u>7,800</u>	14,400 <u>9,600</u>	21,600 <u>14,400</u>	43,500 <u>29,000</u>
Land area (Type II Subdivision - Conservation)				
Total (acres)	10	10	10	10
Per DU (Square feet) ²	7,800 <u>3,900</u>	9,600 <u>4,800</u>	14,400 <u>7,200</u>	29,000 <u>14,500</u>

Section 23.

The Town of Wallkill Code, Chapter 249-22C(6)(i), Note 2, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

²To derive the acreage used in computing the allowable number of units on a given proposal, use the gross acreage minus the acreage allotted to bodies of water, wetlands, areas subject to flooding and ponding, areas which have slopes of over 20%, and existing rights-of-way and easements.

Section 24.

The Town of Wallkill Code, Chapter 249-22C(6), shall be amended by re-lettering subsection “(i)” to the letter “(j)” and by adding the following underlined text as new subsection “(i)”:

(i) The site shall be served with public sewer and public water facilities.

Section 25.

The Town of Wallkill Code, Chapter 249-22C(7)(e), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 26.

The Town of Wallkill Code, Chapter 249-22C(7)(i), Note 2, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

²To derive the acreage used in computing the allowable number of units on a given proposal, use the gross acreage minus the acreage allotted to bodies of water, wetlands, areas subject to flooding and ponding, areas which have slopes of over 20%, and existing rights-of-way and easements.

Section 27.

The Town of Wallkill Code, Chapter 249-22C(8)(e), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 28.

The Town of Wallkill Code, Chapter 249-22C(8)(k), Note 2, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

²To derive the acreage used in computing the allowable number of units on a given proposal, use the gross acreage minus the acreage allotted to bodies of water, wetlands, areas subject to flooding and ponding, areas which have slopes of over 20%, and existing rights-of-way and easements.

Section 29.

The Town of Wallkill Code, Chapter 249-22C(11)(f), Note 2, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

²To derive the acreage used in computing the allowable number of units on a given proposal, use the gross acreage minus the acreage allotted to bodies of water, wetlands, areas subject to flooding and ponding, areas which have slopes of over 20%, and existing rights-of-way and easements.

Section 30.

The Town of Wallkill Code, Chapter 249-22C(11)(c), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 31.

The Town of Wallkill Code, Chapter 249-22D(1), under “Note” at bottom of table, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

A: Lots served by both public sewer and water systems.

B: Lots served by a public sewer system, but no public water system.

C: Lots not served by either a public sewer or water system.

Section 32.

The Town of Wallkill Code, Chapter 249-22D(2), under “Note” at bottom of table, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

A: Lots served by both public sewer and water systems.

B: Lots served by a public sewer system, but no public water system.

C: Lots not served by either a public sewer or water system.

Section 33.

The Town of Wallkill Code, Chapter 249-23C(1)(e), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

Off street parking areas and service yards shall be suitably landscaped to ensure an attractive environment with the site. Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 34.

The Town of Wallkill Code, Chapter 249-23C(1)(h), Note 2, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

²To derive the acreage used in computing the allowable number of units on a given proposal, use the gross acreage minus the acreage allotted to bodies of water, wetlands, areas subject to flooding and ponding, areas which have slopes of over 20%, and existing rights-of-way and easements.

Section 35.

The Town of Wallkill Code, Chapter 249-24G(1), shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

(k) Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 36.

The Town of Wallkill Code, Chapter 249-24G(2), shall be amended by re-lettering existing sub-section “(k)” to the letter “(l)” and by adding the following underlined text as new sub-section “(k)”:

(k) Buffering and landscaping requirements shall be in accordance with Section §249-100.

Section 37.

The Town of Wallkill Code, Chapter 249-24.2, under “Cul de sacs”, shall be amended by adding the following underlined text and/or deleting the strike-through text as follows:

§249-24.2 Dead end roads and Cul de sacs.

A. Dead end roads are discouraged and multi-access roads are encouraged wherever possible. To this end, multi access or other thru road designs should be pursued prior to submission of any site layout which utilizes a regular dead end road design.

B. Any ~~eul-de-sac~~ dead end road design that is part of any residential subdivision or residential development site plan shall be no more than 1,000 feet in length from entrance at an existing public road or street to its furthest point from the entrance. ~~the boundary of its terminus.~~

(1) The length of any dead end roads which branch from another dead end road shall be included in the maximum distance measurement, with a maximum of two dead end roads per development.

Section 38.

The Town of Wallkill Code, Chapter 249-26.1(B), under “Permitted Uses”, shall be amended by adding the following underlined text as follows:

(7) Public Building.

Section 39.

The Town of Wallkill Code, Chapter 249-26.1(c), under “Special Permit Uses”, shall be amended by adding the following underlined text as follows:

(14) Congregate Care Facilities, including Assisted Living.

(15) Nursing Homes.

(16) Extended Stay/All-Suite Hotels.

Section 40.

The Town of Wallkill Code, Chapter 249-26.2(B) under “Permitted Uses”, shall be amended by adding the following underlined text as follows:

(5) Public Building.

Section 41.

The Town of Wallkill Code, Chapter 249-26.2(c), under “Special Permit Uses”, shall be amended by adding the following underlined text as follows:

(10) Congregate Care Facilities, including Assisted Living.

(11) Nursing Homes.

(12) Extended Stay/All-Suite Hotels.

Section 42.

The Town of Wallkill Code, Chapter 249-30H(4), shall be amended by adding the following underlined text as follows:

(4) All roadways and parking lots within Mobile Home Courts shall be designed in accordance with the Buffering and Landscaping provisions of §249-100.

Section 43.

The Town of Wallkill Code, Chapter 249-40A(1)(b), under “Site and development plan approval”, shall be amended by adding the following underlined text as follows:

(c) Conversions in use between multiple dwellings and condominium, cooperative or similar types of ownership shall require Special Permit review and approval.

Section 44.

The Town of Wallkill Code, Chapter 249-40E(2) under “Natural Features”, shall be amended by adding the following underlined text as follows:

(d) Location of existing waterbodies, watercourses and their associated buffer zones as may be required in §249-81.

Section 45.

The Town of Wallkill Code, Chapter 249-100C(1), shall be amended as follows:

Delete the text of section (1) and replace with “Frontage along streets. Along the frontage of public streets, and where the Planning Board finds private streets or driveways serve aesthetically or functionally as a public street, proposed landscaping shall include a mix

of evergreens, deciduous trees and shrubs, lawn areas and perennial/annual beds meeting the following minimum standards:"

Section 46.

The Town of Wallkill Code, Chapter 249-100C(2)(b)[1][c], shall be amended by adding the following underlined row of text to the chart as follows:

Use	Minimum Width of Buffer Area (feet)	Trees per 100 Linear Feet	Shrubs per 100 Linear Feet
<u>Multi-family, condos, row house, attached dwellings, adjacent to a parking lot, public or private road or street, access road or aisle for a parking lot.</u>	<u>15</u>	<u>4 (may be a mix of evergreen and deciduous)</u>	<u>15</u>

Section 47.

The Town of Wallkill Code, Chapter 249-80 "Conservation subdivisions", shall be amended by deleting the current text of that chapter and replacing it with the following:

Wallkill Conservation Subdivision Regulations

§249-80. Conservation Subdivisions.

A. Intent and Purpose. The purpose of the section is to allow future subdivision of land and the construction of new home sites in the Town of Wallkill to be creatively designed and located in the landscape in a way that protects the natural resources and desirable character of the Town. In addition to this general purpose, conservation subdivisions shall promote the following objectives:

- (1) Maintain the rural and open character of the Town and encourage the preservation of open space.
- (2) Protect important views and scenic corridors as well as steep slopes, hillsides, and ridges.
- (3) Conserve scenic resources of rural corridors and roads and reduce the occurrence of strip development.
- (4) Protect historic, archeological, and cultural features.
- (5) Protect valuable wildlife and habitat areas.
- (6) Locate buildings and structures on portions of the site that are most appropriate for development considering development suitability and conservation importance.
- (7) Allow for site design that provides flexibility and encourages a more practical lot layout, utility, and transportation network and facilitate the construction and maintenance of streets, utilities and public services in an economical and efficient manner.

- (8) Encourage site design that is appropriate to the existing setting and consistent with surrounding land use and development patterns.
- (9) Reduce adverse impacts of growth on surface water and groundwater quality.
- (10) Protect contiguous open space areas and corridors.
- (11) Promote efficient use of land in harmony with its natural features.
- (12) Promote the maintenance of agricultural lands, farmland and farm uses.
- (13) Encourage the creation and provision of neighborhood-scale recreation resources through the subdivision and development process.
- (14) Bring a direct benefit to the Town overall.

This section should be used in conjunction with the *Wallkill Conservation Subdivision Design Guidelines* which are intended to illustrate the basic concepts and preferred design methods for conservation subdivision development.

B. Applicability. The Planning Board is authorized to permit use of this section, Conservation Subdivisions, for the following;

- (1) Residential Type II subdivision applications;
 - a) in the RA or RA-1 Districts with a minimum total parcel size of not less than 15 acres or that result in the creation of eight (8) or more lots (or dwelling units) from a parent parcel.
 - b) in the R-1 or R-2 Districts with a minimum total parcel size of not less than 10 acres or that result in the creation of fifteen (15) or more lots (or dwelling units) from a parent parcel.

C. Criteria for Acceptance. Applicants may submit a request for a conservation subdivision if the site includes at least three (3) of the following features which could be preserved to maintain the overall character and natural beauty of the land:

- (1) Is adjacent to other conservation or protected land areas which could be expanded.
- (2) Has significant road frontage which provides public views of the parcel as part of the local streetscape or viewshed.
- (3) Is located on a hill or bluff which is readily visible from surrounding areas, providing public views of the natural hillside as part of the local viewshed.
- (4) Includes cultural resources such as historic or locally important houses, especially if they are visible from the local streetscape or viewshed, barns, stone walls or foundations, cemeteries, etc.
- (5) Includes active or formerly active agricultural lands.
- (6) Includes unique land features such as large old-growth trees, hedgerows, rock outcroppings, meadows, waterbodies or similar attractive elements which could be showcased as part of the design.
- (7) Includes known plant or animal habitats including those that may be unique, rare or endangered.

- (8) Includes trails or is adjacent to trails which could be linked and preserved as part of a passive recreation system.

D. Required Conservation Subdivisions. The Planning Board may, at its discretion, require a conventional subdivision applicant to submit a conservation subdivision layout as a preferred alternative if, in its judgment, the site includes a number of the criteria above, such layout would greatly benefit the public interest, provide continuance from adjacent conservation lands, reduce adverse environmental impact or otherwise meet the goals and objectives of the Comprehensive Plan.

E. Types of Conservation Subdivisions

- (1) Conservation Subdivisions – these are conservation subdivisions that have a proposed density that approaches the maximum permitted in the zoning district, as explained in subsection ‘F’. Any proposed conservation subdivision that is not classified by the Planning Board as a “Low Density Conservation Subdivision” pursuant to (2) below, shall be considered a regular “Conservation Subdivision.”
- (2) Low Density Conservation Subdivisions – these are conservation subdivisions that have a proposed density that is clearly well-below the maximum permitted in the zoning district and which result in significantly more conserved land than is required herein. “Low Density” conservation subdivisions are permitted in the RA-1, RA and R-2 districts and may be afforded an expedited review process by the Planning Board that includes one or more of the following:
 - a) Determines the maximum lot count and density using a Low Density formula without the need to develop and approve a conventional layout yield plan;
 - b) The Preliminary Plat submission and review may be bypassed for Final Plat review as per the procedures for a minor subdivision, if the Planning Board agrees that all the necessary issues would likely be addressed by a final submission.
- (3) For the purposes of determining whether a proposed conservation subdivision qualifies as “Low Density”, the applicant shall first determine the base density for the site using the Low Density Formula, described below, and provide these calculations for the Planning Board. If the proposed density of the conservation subdivision is equal or less than the low density calculation of the site, the Planning Board may, at its discretion, classify the project as a “Low Density” conservation subdivision.

F. Determining Density – Maximum Number of Lots Permitted

- (1) Yield Plan Method – For any proposed conservation subdivision that is not classified as a “Low Density” conservation subdivision, the yield plan method shall be utilized to determine the maximum number of residential units allowed on a site using a conventional layout as described in G(1) for the Step 1 Submission requirements
- (2) Low Density Formula Method – For the purpose of establishing whether a proposed conservation subdivision may be classified as a “Low Density” conservation subdivision, the Planning Board and the applicant shall utilize the formula shown below. The Low Density formula shall determine the maximum potential number of lots which may be approved for a “Low Density” design. The number of building lots which can actually be placed or approved on the property may be lower due to soil, engineering or other site considerations as determined by the Planning Board.

Low Density Formula	
Low Density =	$\frac{\text{Buildable Land (in acres)}}{\text{Development Factor (from below)}}$
Development Factors, by district: RA-1 = 8, RA = 7, R2 = 5	
<p>Buildable Land = Area of land excluding water bodies, wetlands, areas subject to flooding and ponding, areas which have slopes of over 20%, and existing rights-of-way and easements. If the property includes two or more different zoning districts, the area of each district should be calculated separately and then added together. Fractional results should be rounded down.</p>	

Conservation Subdivision Procedures Overview		
Step	Description	Tasks
1	Submit Resource Analysis Worksession Materials	Schedule a resource analysis worksession with representatives of the Planning Board and town consultants (Review Team). Submit Resource Analysis Map and other required materials at least thirty (30) days in advance.
2	Resource Analysis Worksession	Review resource analysis map with Review Team to determine eligibility, agree on areas of resource protection and review yield plan prior to sketch plan stage.
3	Submit Sketch Plan Materials	Submit for review a preliminary sketch plan of the proposed conservation subdivision working around areas of resource protection, and other required materials at least thirty (30) days in advance. Submitted packet shall also be forwarded to Town Board and other interested agencies for review and comment prior to the Sketch Plan Review Meeting.
4	Sketch Plan Review Meeting	Review sketch plan and materials with Planning Board. The applicant shall revise the sketch plan and yield plan as may be required by the Planning Board in order to determine the number of building lots and receive sketch plan approval.
5	Submit Preliminary Plat Materials	Submit for review a preliminary plat of the proposed conservation subdivision based on comments from Planning Board at least thirty (30) days in advance. Applicants submitting a Low Density subdivision may be permitted to skip to Final Plat submission.
6	Preliminary Plat Review Meeting	Review preliminary plat materials with Planning Board as per Chapter §209. The applicant shall revise plat as may be required by the Planning Board in order to receive preliminary plat approval.
7	Final Plat Submission, Review, Approval and Filing.	Submit final plat materials for review and approval procedures as required for regular subdivision plats as per the requirements of Chapter §209.

G. Procedures. All applications being considered under this section shall adhere to the submission requirements set forth within Chapter 209, Subdivision of Land. The following requirements and procedures shall be followed in conjunction with those submission and process requirements:

(1) **Step 1: Submit Resource Analysis Worksession Materials:** Prior to any consideration of a proposed conservation subdivision, an applicant must first submit to the Planning Board a request for Conservation Subdivision Resource Analysis Worksession and submit all required materials.

a) **Submission Requirements:** The submission request should include, but is not limited to, the following items requested by the Planning Board, which should be provided at least thirty (30) days in advance;

i. **Resource Analysis Map:** Three (3) copies of a sketch map or existing conditions survey of the site which shows the location of:

a. Any of the site features listed under criteria for acceptance, above.

b. The extents of existing wooded areas and any tree-lines, fields or meadows.

c. Areas of unbuildable land should be graphically illustrated on the map for clear visual reference including such site constraints such as wetlands, streams or other bodies of water, areas of steep slopes exceeding 20%, building setbacks, easements and similar non-buildable areas.

d. The location of existing waterbodies or watercourses and any associate buffer zones as may be required in §249-81 or State DEC buffer zones shall be indicated on the drawings as well.

e. Any existing roads or known easements.

f. General topographic information, contours at intervals of 10 feet or less.

g. Resource Analysis Maps must be drawn to scale on paper no less than 20"x30" in size. If accurate site survey information is available, this information should be used to create the map.

ii. A conventional layout subdivision yield plan in accordance with the standards of the town Subdivision Regulations, containing proposed lots, streets, rights-of-way, and other required elements. This plan should utilize the lot and building standards for its specific district, however should use the environmental factors and minimum lot sizes listed for a Type II Conservation Subdivision in that district. Refer to the district specific sections §249-19, §249-19.1, §249-20, §249-22 for this information. A Conservation Subdivision Worksheet shall be completed to tabulate the lot count and minimum lot sizes used in this layout.

iii. A copy of the Conservation Subdivision Worksheet used for the project.

iv. An aerial or orthographic photo which delineates the site boundaries and includes surrounding parcels.

v. Photographs of various areas of the site, including the property as seen from adjacent public roadways.

- vi. Photographs of the site from a distance if on a hillside or part of the viewshed in other areas of town, if applicable.
 - vii. Environmental Assessment Form (EAF).
 - viii. Other available information regarding the natural characteristics of the site, as applicable.
- b) A Review Team consisting of select representatives of the Planning Board, Conservation Commission and other designees such as members of the Town Board, town staff or other appropriate consulting professionals retained by the Town shall review the applicant's resource analysis for completeness and conduct a site visit field to verify accuracy. The site visit may also be used by the review team to help determine relative priorities of conservation value. The applicant shall secure permission and access to the parcel if not the property owner.
- (2) **Step 2: Resource Analysis Map Worksession.** The purpose of this worksession is to review the Resource Analysis Map with the review team and consider the merits and feasibility of a conservation subdivision approach. If the review team agrees that the site would likely benefit from a conservation subdivision, then a discussion may then proceed on what areas of the site should ideally be protected.
- a) Types of Protection: The areas of protection should be agreed upon by the review team in discussion with the applicant using the Resource Analysis Map, photographs and other available information. The areas of land considered for protection may fall into two categories:
 - i. Conservation Areas: (Required) Areas of the parcel which are candidates for protection from site disturbance during development and which could be included within a permanent conservation easement.
 - ii. Reserved Areas: (Optional) The review team may also identify areas of the parcel which should be protected from disturbance during development and showcased as part of the site design. Such areas should be reserved or designed as common open space such as a stone wall, grove of trees, or a commons, square or other proposed site features which can be integrated into the design to enhance the beauty of the development. These areas do not have to be included in a conservation easement, but are instead intended to be showcased as part of the development design.
 - b) General Considerations: The following guidelines should be used when considering what areas of land should be protected:
 - i. Protected areas should conform to the guidelines and principals outlined in the *Wallkill Design Guidelines for Conservation Subdivisions*.
 - ii. Conservation areas should be contiguous, unless the review team determines that a non-contiguous arrangement would meet the goals and intent of this section.
 - iii. Disturbed areas of land shall not be included as conservation area.
 - iv. Conservation areas should connect to adjoining open spaces or conservation areas on adjacent lands wherever possible.

- v. Protected areas should be prioritized in terms of relative importance.
 - c) **Review of Analysis Map.** The review team shall identify to the applicant the preliminary areas of land which should be protected as either Conservation or as Reserved Areas. These areas should be drawn and identified on the Resource Analysis Map during the meeting. The Resource Analysis Map may also be amended with preferred locations for intensive development as well as acceptable locations for less dense development, as suggested by the review team.
 - d) **Review of Yield Plan.** Once the preliminary areas of land have been identified for protection, the review team shall review the conventional yield plan with the applicant for overall accuracy and acceptability.
 - i. The preliminary number of lots permitted is determined by the number of lots which can actually be accommodated in a conventional subdivision layout on the site using conservation subdivision lot standards.
 - ii. The yield plan may be prepared as a sketch plan in accordance with the standards of the Subdivision Regulations, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey.
 - iii. The review team shall consider whether the layout shown on the conventional layout yield plan is realistic, reflecting a development pattern that could reasonably be expected to be implemented under conventional subdivision review taking into account the presence of all known site constraints and, if unsewered, the suitability of soils for subsurface sewage disposal.
 - iv. The review team shall consider whether assumptions made in the conventional layout plan are realistic, including but not limited to assumptions concerning likelihood of obtaining wetland crossings permits and similar regulatory approvals. The Planning Board may optionally request the applicant to produce a letter from an appropriate authority confirming such approvals or assumptions are likely.
 - e) Once the areas of development and protection have been identified on the resource analysis map, and the yield plan reviewed for accuracy and acceptability, the applicant may proceed to Step 3. The review team shall not recommend an application proceed to full Planning Board review if the resource analysis map does not include sufficient information for the Board to consider or identify areas of protection, or the yield plan is deemed to be inaccurate for the purposes of considering lot count.
 - f) Applicants who are interested in pursuing a “Low Density” conservation subdivision shall, in lieu of a yield plan, review the lot count as calculated by the Low Density Formula with the Planning Board representatives for accuracy and acceptability prior to proceeding to Step 3.
 - g) The recommendations of the review team are advisory and do not create a mandate for the Planning Board in terms of the subsequent formal review process.
- (3) **Step 3: Submit Conservation Subdivision Sketch Plan.** The applicant shall prepare and submit a conservation subdivision sketch plan in keeping with the principles of the *Design Guidelines for Conservation Subdivisions* and submit a request for a conservation subdivision

Sketch Plan Review. Such plan should be designed to avoid disturbance to any areas identified for protection by the review team during the resource analysis map worksession.

- a) Conservation areas and requirements. Based on the recommendations of the review team and the approved resources analysis map, the applicant shall designate and highlight areas of the property on the sketch plan for permanent protection through a conservation easement agreement. These areas should include the areas desired for protection as directed by the board on the resource analysis map. For each conservation subdivision, a percentage of the total property area must be included within the conservation area. The minimum percentage of the site’s total buildable land which must be included within the conservation area is as follows:

Conservation Area Requirements				
District	Conservation Subdivisions		Low Density Conservation Subdivisions	
	Min. Percentage of Conservation Area Required	Min. % of Total Buildable Land within the Conservation Area	Min. Percentage of Conservation Area Required	Min. % of Total Buildable Land within the Conservation Area
RA-1	40%	25%	75%	50%
RA	40%	25%	75%	40%
R-2	30%	20%	75%	30%
R-1	20%	20%	n/a	n/a

EXAMPLE ONE: Assuming a 100 acre parcel within the RA district which has 60 acres of buildable and 40 acres of unbuildable land: The total amount of required conservation area would be 40 acres (40% of 100 acres), which would have to include at least 15 acres of buildable land (25% of 60 acres).

EXAMPLE TWO: Assuming a 50 acre parcel within the R-2 district which has 25 acres of buildable land and 25 acres of unbuildable land: The total amount of required conservation area would be 15 acres (30% of 50 acres), which would have to include at least 5 acres of buildable land (20% of 25 acres).

- b) Subdivision layout: development area and dimensions.
- i. The number of building lots on the proposed sketch plan shall not exceed the number of lots shown on the yield plan reviewed by the review team in Step 2.
 - ii. The permanently protected conservation areas should include the areas designated for protection by the review team on the approved resource analysis map.
 - iii. Any additional places or elements identified by the review team as preserved areas should also be integrated into the site plan, where possible.
 - iv. Minimum lot size and dimensions. To determine lot dimensions for the conservation subdivision, adherence to the following table shall be required:

Single Family† Conservation Subdivision - Area & Bulk Table							
Minimum Required	RA & RA-1	R-2			R-1		
		A	B	C	A	B	C
Lot Area (s.f.)	32,670	21,780	21,780	32,670	10,000*	10,000*	Soils**
Lot Width (s.f.)	100	100	100	150	80	80	100
Lot Depth (s.f.)	200	125	125	200	100	100	125
Front Yard (ft.)	35	35	35	35	20	20	20
Rear Yard (ft.)	30	30	30	30	40	40	35
One Side Yard (ft.)	30	20	20	30	15	15	15
Both Side Yard (ft.)	60	40	40	60	30	30	35
Lot Frontage (ft.)	100	100	100	150	80	80	100
Floor Area (s.f.)	1,000	600	600	1,000	600	600	600
Maximum Permitted							
Lot Coverage	30%	35%	35%	35%	35%	35%	25%
Building Height (ft.)	35	35	35	35	35	35	35

A=Has Sewer and Water, B=Has Sewer Only, C=Has No Sewer or Water
* = Subject to soil and drainage review ** = Use soils formula, but not less than 20,000 s.f., subject to soil and drainage review.
† = Table relates to single family uses only. Other uses shall conform to dimensional standards detailed within their respective district (§249-19 thru §249-22)

Two Family Conservation Subdivision - Area & Bulk Table							
Minimum Required	RA	R-2			R-1		
		A	B	C	A	B	C
Lot Area (s.f.)	32,670	21,780	21,780	32,670	10,000*	10,000*	Soils**
Lot Width (s.f.)	100	100	100	150	80	80	100
Lot Depth (s.f.)	200	125	125	200	100	100	125
Front Yard (ft.)	35	35	35	35	20	20	20
Rear Yard (ft.)	30	30	30	30	40	40	35
One Side Yard (ft.)	30	20	20	30	15	15	15
Both Side Yard (ft.)	60	40	40	60	30	30	35
Lot Frontage (ft.)	100	100	100	150	80	80	100
Floor Area (s.f.)	1,000	600	600	1,000	600	600	600
Maximum Permitted							
Lot Coverage	30%	35%	35%	35%	35%	35%	25%
Building Height (ft.)	35	35	35	35	35	35	35
Percentage of Total Units	20%	20%			100%		

A=Has Sewer and Water, B=Has Sewer Only, C=Has No Sewer or Water
* = Subject to soil and drainage review ** = Use soils formula, but not less than 20,000 s.f., subject to soil and drainage review.
Percentage of Total Units = The maximum percentage of all units in the development which are two-family units. Other housing types shall conform to the dimensional standards detailed within their respective district.

- v. Subdivision perimeter setbacks. For conservation subdivision projects within the RA and RA-1 Districts, the building area of new lots shall adhere to the following setbacks:
 - a. Two hundred feet from all preexisting Town, county, and state roads (waiver may be requested to not less than 50 feet where vegetated natural buffer will remain).

- b. Fifty feet from all adjacent properties that are not a part of the new subdivision.
- vi. Conservation areas should be designed to have useful massing or clusters which create meaningful natural areas. Thin perimeter areas or otherwise leftover strips of land shall not be considered conservation space.
- vii. Conservation areas which are independent of, and do not overlap with, private homeowner lots are encouraged wherever possible.
- viii. Protected areas should be designed to be visually accessible where possible, and if appropriate, physically accessible to as many potential building lots within the subdivision as practicable.
- ix. Conservation and other open spaces should be designed to enhance the natural beauty of the development and protect the character and charm of the area over many years as the surrounding lands develop.
- c) Submission Requirements: A total of twenty (20) copies (eighteen for the Planning Board, two for interested agencies) of the following items and information shall be provided to the Planning Board at least thirty (30) days prior to the scheduled review meeting:
 - i. Resource Analysis Map indicating the areas of protection as designated by the review team in Step 2.
 - ii. Conventional yield plan layout or low density formula used to determine the potential lot count as reviewed by the review team in Step 2.
 - iii. A copy of the Conservation Subdivision Worksheet used for the project.
 - iv. Proposed Conservation Subdivision (Type II) Sketch Plan in accordance with the requirements of §209. The sketch plan should identify the proposed location, number and types of housing units, roadway access, conservation areas, preservation areas (if any) and requested dimensional requirements. Any features identified on the resource analysis map which would be removed or disturbed should be identified as such on the proposed sketch plan. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, watercourse buffers, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
 - v. Photographs of various areas of the site, including the property as seen from adjacent public roadways, areas of proposed development and areas of proposed protection.
 - vi. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 500 feet of the property.
 - vii. The tax map sheet, block and lot numbers, as available from the Town Assessor's Office.
 - viii. Identification of any proposed land trust managers, homeowners association or other management structure proposed for the conservation area.

- ix. A written narrative describing why any features that are noted on the resource analysis map are proposed to be disturbed or removed, what areas or features of the property are proposed to be protected and how their conservation would result in a better project for the town than a conventional subdivision.
 - x. Request for any applicable waivers which would be required by the Planning Board for the proposed Type II layout.
 - xi. Additional information or fees as required under §209 Subdivision of land.
- d) Interested Agency Review. One (1) copy each of the submitted sketch plan materials shall be forwarded to the Town Board and Conservation Commission as interested agencies for their review and comment.
- i. Interested agencies may provide written comments and recommended changes on the proposed plan including but not limited to conditions on the ownership, use and maintenance of such open lands as deemed necessary to assure the natural, scenic, agricultural or other open space characteristics and other conditions as deemed appropriate.
 - ii. General written comments or recommendations shall be returned to the Planning Board within thirty (30) days of receipt of the proposed sketch plan to be eligible for consideration.
 - iii. For all projects proposing town ownership of conservation lands, the Town Board shall consider and provide a written determination to the Planning Board on the acceptability of the ownership structure prior to Preliminary Plat review.
- (4) **Step 4: Sketch Plan Review Meeting.** The applicant shall meet with the Planning Board to review and discuss the proposed sketch plan. The Planning Board shall review the layout of lots and siting of structures for all applications being considered under conservation subdivision in accordance with Article III of Chapter 209, Subdivision of Land, the Design Guidelines for Conservation Subdivisions and Town of Wallkill Comprehensive Plan.
- a) After review of the application including any comments or recommendations from interested agencies or subsequent revisions recommended by the Planning Board or its consultants, the Planning Board may make a decision to approve to proceed to the next steps, approve with modifications or to deny.
 - b) If approved, the applicant may prepare a Preliminary Plat per §209-9 for major subdivisions or request final approval under §209-8 for minor subdivisions.
 - i. The Planning Board may optionally authorize a “Low Density” conservation subdivision applicant to schedule a combined Preliminary & Final Plat Review Meeting as part of an expedited review. Such authorization shall only be warranted if the Planning Board agrees that any major outstanding design issues are likely to be satisfied without the need for an intermediate submission.
 - ii. The number of building lots indicated on the approved sketch plan becomes the maximum number of lots.
 - iii. Such approval by the Planning Board shall expire and become null and void unless a conservation plan complying with the terms and conditions of the Board’s authorization is granted preliminary plat subdivision approval within two (2) years

of the date of approval, and is granted final plat approval and filed in the Orange County Clerk's office within three (3) years of the date of approval. The applicant or Planning Board may request an extension of this approval timeframe no more than three times, for up to one year each.

- c) If the Planning Board determines that the conservation sketch plan layout as proposed is not appropriate or preferable to a conventional subdivision, it may require the applicant to revise and resubmit the layout for reconsideration, including but not limited to, reducing the number of building lots or changing the configuration of the conservation areas.
 - i. The Planning Board may optionally determine that a conventional layout is more appropriate, and require the applicant to submit such layout for consideration.
 - d) Any significant design recommendations provided by the interested agencies which are not incorporated into the approved sketch plan shall be responded to in writing by the Planning Board, explaining the reasons such recommendations were not pursued.
- (5) **Step 5: Submit Conservation Subdivision Preliminary Plat.**
- a) Submission requirements. Twenty (20) copies of the following items and information shall be provided to the Planning Board at least ten (10) days prior to the scheduled review meeting:
 - i. Resource Analysis Map from Step 1, indicating areas of protection as designated and approved by the Planning Board;
 - ii. Conventional yield plan layout or low density formula showing the potential lot count as approved by the Planning Board in Step 4.
 - iii. Proposed Conservation Subdivision (Type II) Plat in accordance with the applicable requirements of §209. The plat shall conform to the layout shown on the approved sketch plan plus any recommendations made by the Planning Board. Any features identified on the resource analysis map which would be removed or disturbed should be identified as such on the proposed plat.
 - iv. A vicinity map showing the location of the land to be subdivided and the boundaries of all tax parcels within 500 feet of the property.
 - v. The tax map sheet, block and lot numbers, as available from the Town Assessor's Office.
 - vi. Request for any applicable waivers which would be required by the Town Board or Planning Board for the proposed Type II layout.
 - vii. Additional information or fees as required under §209 Subdivision of land.
- (6) **Step 6: Preliminary Plat Review Meeting.**
- a) The procedures for Preliminary Plat Review and Approval shall be the same as those for a conventional subdivision plan contained in Chapter 209 of the Town Subdivision Regulations. In order to approve a Preliminary Plat, the Planning Board must find that it is consistent with the approved Sketch Plan conditions and complies with all relevant provisions of the Zoning Law.

(7) **Step 7: Final Plat Submission, Review, Approval and Filing.**

- a) The procedures for Final Plat Review and Approval, including notice and hearing procedures, shall be the same as those for a conventional subdivision plan contained in Chapter 209 of the Town Subdivision Regulations. In order to approve a Final Plat, the Planning Board must find that it is consistent with any approved Preliminary Plat and complies with all relevant provisions of the Zoning Law.

H. Additional Notes.

- (1) A conservation subdivision shall in no case result in a permitted number of building lots which exceeds the maximum number of building lots per acre permitted by the underlying soil limitations for on-site septic.
- (2) Where a proposed conservation subdivision falls within two or more zoning districts, the Planning Board may approve a plan representing the cumulative number of all units permitted in each of the districts under their respective regulations. Such unit layouts may be authorized to take place in all or any such portion of such districts as determined by the Planning Board.

I. Allowed Uses

- (1) **Development Areas.** The permitted and special permit residential uses for the development area within any conservation subdivision shall be the same as the applicable, underlying zoning district.
- (2) **Conservation Areas.** Land designated as conservation areas shall be limited to the following uses:
 - a) Nature preserves.
 - b) Passive recreation.
 - c) Active recreation.
 - d) Stormwater management systems, water supplies and distribution systems.
 - e) Septic systems. (Note: If septic systems are located within the conservation areas, minimum area requirements described herein as well as buildable lot requirements per Section 5 of the Town of Wallkill Subdivision Regulations still apply.)
 - f) Agricultural or farming operations.
 - g) Forestry operations with a forest management plan developed by a professional forester participating in the New York State DEC's cooperating forestry program.
- (3) No structure shall be erected upon the lands of such open areas except such as shall be determined by the Planning Board to be incidental and accessory to an allowed use and unobtrusive to the conservation area. No building permit shall be given for such structure in the absence of site plan approval thereof given by the Planning Board in accordance with Article XI.
- (4) Planning Board approval of conservation areas and uses. The selection of land to be designated as the conservation area and associated uses shall be subject to the approval of the Planning Board. The Planning Board shall base its decision upon consideration of the tract resource map and in consideration of how the submission responds to the purpose and intent of this section.

J. Specific Use Requirements. The following uses, when permitted within a conservation subdivision, must comply with these additional requirements.

- (1) Multiple Dwellings.
 - a) Multiple dwellings only permitted with municipal sewer and water service.
 - b) For the purposes of calculating the area of buildable land to determine the potential lot count, buildable land shall not include areas of slopes in excess of 10%.
 - c) Affordable Housing. Multiple dwellings must include provisions for providing a minimum of 10% affordable housing meeting the affordability and restrictions of §249-24.
 - d) Multiple dwellings shall be arranged and designed in accordance with the *Conservation Subdivision Design Guidelines* regarding multiple dwellings, including but not limited to the following:
 - i. Structures shall be placed in the landscape in a compact, formal and otherwise neo-traditional arrangement which creates easily identifiable common greens, courtyards, plazas and similar outdoor spaces.
 - ii. Structures adjacent to smaller scale single family neighborhoods must break the massing of buildings up into a reduced scale which is in keeping with the surrounding neighborhood residences, and provide adequate visual screening of the development from adjacent residential properties.
 - iii. Structures shall be arranged so as to screen or minimize the visual prominence of parking areas.

K. Ownership and Management of Conservation Areas. Lands designated as conservation areas may be held in private or public ownership. The applicant will provide documentation for review and approval by the Planning Board of the proposed ownership and management entity of the conservation lands. Conservation lands held in private ownership shall be described in a conservation easement and recorded by the Town on the official Zoning Map of the Town and recorded by the County Clerk.

- (1) Ownership shall be with one of the following: the Town; another public agency subject to its acceptance; a qualified organization, including a land trust incorporated with a purpose consistent with the use and management requirements for permanent protection of land; shared, common interest by all property owners in a subdivision; a homeowner, condominium, or cooperative association or organization; or other private ownership encumbered by a conservation easement.
- (2) Acceptance of ownership of conservation areas by Town Board. For all projects proposing town ownership of conservation areas the Town Board may consider but shall not be obligated to accept ownership of any proposed conservation areas, either in fee simple or by conservation easement.

L. Protection of Site Features. The following regulations shall be effective after plan approval and through all phases of construction. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern. These regulations shall be enforced by the municipal Planning Board. No building permit or certificate of occupancy shall be

issued by the Building Inspector except where all the provisions of these regulations have been complied with.

- (1) Prior to any site clearing the limits of clearing and grading shall be flagged.
- (2) Reserved areas and conserved areas, as denoted on the final plat plan, shall be fenced-off with 48-inch high “international orange” plastic web fencing or equivalent.
 - a) Vehicular traffic and stockpiling of materials within the fenced area is prohibited.
- (3) All individual trees to be retained on the site, as denoted on the final plat plan and which are not within a fenced reserved area or conserved area, shall be tagged with brightly-colored surveyor’s ribbon at a height of 5 to 6 feet.
 - a) Fencing (as described in (2) above) shall be installed at the dripline of the trees to be retained.
 - b) Vehicular traffic and stockpiling of materials within the dripline is prohibited.
 - c) Trees being removed shall not be felled, pushed, or pulled into trees being retained. Trees to be removed that are in close proximity to trees to be retained shall be felled by hand, with a chainsaw or equivalent.
- (4) Following completion of flagging and fencing the Planning Board and/or its consultants must inspect and approve the locations of the flagging and fencing prior to site clearing activities.
 - a) If it is deemed that the flagging and fencing is in agreement with the final plat plan approval will be granted to begin site work.
 - b) If it is deemed that the flagging and fencing is deficient approval will be withheld until such time as the flagging and fencing is completed to the satisfaction of the Planning Board and/or its consultants.
- (5) Periodic inspections of the flagging and fencing may be conducted through the course of construction by the Planning Board and/or its consultants. If at any time it is determined that the site is no longer in compliance a stop-work order shall be issued. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Wallkill confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures stipulated in §209-35 Violations and §209-36 Penalties for offenses.
- (6) In the event that reserved areas, conserved areas, or trees to be retained are disturbed during the construction process violators may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Wallkill may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Conservation Subdivision Lot Count Worksheet

Part 1. Project Data: Fill in the project data information in the boxes below.

1 Project Data				
1	Project Name:			
	Total property size (acres)		Zoning district(s)	
	Unbuildable land (acres)		Net buildable land (acres)	
Unbuildable land is calculated as the sum acres of all land area covered by water bodies, watercourses, wetlands, areas subject to flooding and ponding, areas which have slopes over 20%, easements and setbacks.				

Part 2. Determining Minimum Lot Area and Maximum Number of Lots: Refer to the chart below to determine how lots are calculated for each zoning district. If instructed to use the soils formula, see Part 3.

2 Calculate Minimum Lot Area					
2	District	Minimum Lot Area			But cannot be less than:
		Water & Sewer	Sewer Only	No Water or Sewer	
	R-2	32,670 s.f.	32,670 s.f.	Use Soils Formula	
	RA	Use Soils Formula			2 acres
	RA-1	Use Soils Formula			3 acres
Water & Sewer = Lots served by both public water and sewer systems, Sewer Only = Lots served by public sewage system, but not public water system, No Water or Sewer = Lots not served by either a public sewer or water system.					

Part 3. Calculating The Soils Formula: For each soil group found within the buildable land on the property, multiply the number of acres of that soil times the corresponding environmental factor. Refer to Table One for a listing of what soil types correspond to which soil groups. Refer to Table Two for a listing of the Environmental Factors for each Soil Group. Soils found in areas which are classified as unbuildable in Part 1 above should not be included in these calculations.

3 Calculate Soils Formula							
3	Soil Type	Soil Group	Acres	x	Environmental Factor	=	# of Lots
		Example: 78C	XI	13.4		0.17	
	Total Buildable Acres:				Total Number of Lots:		
Soil Maps of the Town of Wallkill are on file at the Town Hall. Total buildable acres should match the net buildable land listed above in Part 1. Fractional results for the total number of lots should be rounded down to the next whole number.							

Part 4. Determine Minimum Lot Size: Refer to Table Two, under Conservation Subdivisions for the appropriate zoning district. The minimum lot size is determined by which soil group the proposed septic systems would be placed on.

Minimum Lot Size			
	Soil Group	Number of septic systems or lots served	Min. Lot Size Permitted
4			
If the septic system is placed on two or more different soil types, the most restrictive soil type governs.			

Part 5. Summary: Fill out the calculated values and minimum requirements listed below. The conventional site plan layout used to determine the maximum number of lots should use these lot standards. If less than the maximum number of lots can actually be accommodated on the conventional site layout, then this lower number becomes the allowable number of lots for the conservation subdivision. After the conventional layout is completed, fill in the actual number of lots accommodated in the last line.

Conventional Layout Plan – Lot Standards		
5	Maximum Number of Lots	
	Minimum Lot Size	
	Minimum Lot Width	
	Minimum Lot Depth	
	Required Front Yard	
	Required Rear Yard	
	Required Side Yard(s)	
	Required Lot Frontage	
	Actual Number of Lots Accommodated on Conventional Site Layout:	
See individual zoning district sections for required lot width, depth and yard size information.		

TABLE ONE - Soils Reference Table

Group	Local Classification Code	Standard Classification Code
I	1A, 1B, 1C, 2A, 2B, 2C, 9A, 9B, 9C, 10A, 10B, 10C, 13A, 13B, 13C, 104, 105	CnA, CnB, CnC, Du, HoA, HoB, HoC, OkB, OtB, OtC, Pg, RhA, RhB, RhC, UH
II	78A, 78B, 79A, 79B	AdB, UnB
III	38C, 39B, 39C, 63B, 63C	PtB, PtC
IV	5A, 5B, 20B, 20C, 35A, 35B, 35C, 40B, 40C, 41B, 41C, 64B, 64C	CgA, CgB, MdB, MdC, PtP, SwB, SwC, WuB
V	80A, 80B, 84B	ScA, ScB
VI	22AC, 65AC, 77B, 77C, 020BC	BnB, BnC, SxC, SXC
VII	4A, 4B, 7, 25A, 25B, 42A, 42B, 81, 85A, 85B, 025B	ErA, ERB, ErB, ESB, Fd, Ra, RbB, SEB
VIII	3A, 3B, 3C, 48B, 75AB, 070BC, 48C, 071BC, 073AC, 074AC, 077AC, 080AB	ANC, HLC, RSB
IX	8, 26, 43, 82, 83, 86, 87, 97, 98, 026	AB, Ab, Ac, AC, Ca, Ha, Ma, Sb
X	88, 89, 91, 92, 93, 99, 100, 101, 193	My, Su, Tg, Uf, UF, Wd
XI	78C, 79C, 84C, 076AC	RkC, RKC, UnC
XII	1D, 9D, 13D, 20D, 22DE, 38D, 39D, 40D, 64D, 65DE, 77D, 020DE, 070DE, 071DE, 074DE, 075DE, 076DE, 077DE	AND, HoD, MdD, NaD, OtD, PtD, Qu, RhD, RKD, RMD, RSD, RSO, SXD
XIII	01E, 20E, 22F, 40E, 65F, 84D, 020F, 071F, 074F, 076F, 077F	MNE, OVE, RKF, RSF
XIV	94, 96, 194, 197, 294, 295	Cd, Ce, Pa, Pb
XV	103	Cf, HH, W

TABLE TWO – Environmental Factors

TABLE TWO – Environmental Factors				
RA, R-2 Districts	Conventional Type I		Conservation Type II	
Group	Environmental Factor	Min Lot Size	Environmental Factor	Min Lot Size
I	1.00	3	2.00	2
II	0.68	3	1.35	2
III	0.50	3	1.00	2
IV	0.36	3	0.71	2
V	0.34	3	0.67	2
VI	0.34	3	0.67	2
VII	0.17	4.5	0.33	3
VIII	0.17	4.5	0.33	3
IX	0.09	No septic	0.17	No septic
X	0.05	No septic	0.10	No septic
XI	0.09	8.7	0.17	5.8
XII	0.17	No septic	0.33	No septic
XIII	0.09	No septic	0.17	No septic
XIV	0.05	No septic	0.10	No septic
XV	0.05	No septic	0.10	No septic
RA-1 District	Conventional Type I		Conservation Type II	
Group	Environmental Factor	Min Lot Size	Environmental Factor	Min Lot Size
I	0.33	5	0.66	3
II	0.22	5	0.45	3
III	0.17	5	0.33	3
IV	0.12	5	0.24	3
V	0.11	5	0.22	3
VI	0.11	5	0.22	3
VII	0.06	7.5	0.11	4.5
VIII	0.06	7.5	0.11	4.5
IX	0.03	No septic	0.06	No septic
X	0.02	No septic	0.03	No septic
XI	0.03	14.5	0.06	8.7
XII	0.06	No septic	0.11	No septic
XIII	0.03	No septic	0.06	No septic
XIV	0.02	No septic	0.03	No septic
XV	0.02	No septic	0.03	No septic

Section 48.

The Town of Wallkill Code, Chapter 249, shall be amended by adding in its entirety the following Section 249-81 “[RESERVED]”, as follows:

§249-81. [Reserved]

Section 49.

The Town of Wallkill Code, Chapter 249, shall be amended by adding in its entirety the following Section 249-82 “Planned Residential Development – Overlay District”, as follows:

PLANNED RESIDENTIAL DEVELOPMENT – OVERLAY DISTRICT

§249-82. Planned Residential Development - Overlay District.

- A. **Intent:** The Planned Residential Development (PRD) overlay district is intended to encourage creative, flexible and compact residential development of a variety of types while promoting the provision of community amenities and access to a wider range of housing options. A limited amount of commercial use within the PRD is also encouraged in order to serve the residents in the immediate area, promote multi-modal transportation options and reduce the strain on the existing road infrastructure. Its goal is to promote a neighborhood setting with a diverse mix of housing types and accessory support uses as well as pedestrian links to existing goods and services in the immediate area. Approved PRD districts will address the unique environmental, physical, recreational, and cultural resources of the project area and surrounding neighborhood through a customized, site-specific master plan and accompanying regulatory framework.
- B. **Flexibility of Design:** This section recognizes that while the standard zoning functions of use, bulk, platting, and design are appropriate for the regulation of land use in areas that are already substantially developed, these controls represent a type of rigid regulation which may be harmful to the techniques of land development intended for the PRD District. Furthermore, a rigid set of space requirements along with bulk and use specifications may likely frustrate the application of this concept. To that end, where “Planned Unit Development” techniques are deemed appropriate through the rezoning of land to a PRD District by the Town Board, the use and dimensional requirements which would otherwise govern are replaced by a review process in which an approved development master plan becomes the basis for continuing land use controls on that site.
- C. **Minimum Requirements:** The legislative determination to establish a PRD overlay district shall be based upon the following requirements:
 - (1) **Location** - A PRD overlay district may be established within the following zoning districts within the Town of Wallkill:
 - (a) TC Town Center district.
 - (b) R-2 Suburban Residential district.
 - (c) O/R Office & Research district.

- (2) **Developable Area** - The minimum area required to qualify for a Planned Residential Development shall be five (5) contiguous acres of land in the TC and O/R districts, and ten (10) contiguous acres of land in the R-2 district. The calculation of such land area shall not include any land area covered by existing streets, parks, lands designated on the official map for public purposes, water bodies, watercourses, wetlands, areas subject to flooding and ponding, areas which have slopes over 20% and easements. Sites proposed for development for two or more use classifications shall consist of the aggregate of the gross land areas required for each use.
- (3) **Sewer and Water** - Parcels proposed for development in a PRD overlay district must be served by public sewer and public water facilities.
- (4) **Ownership** - The tract(s) of land located within a PRD overlay district may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all properties to be included in the PRD district. In the case of multiple ownership, the approved plan and all amendments shall be binding on all owners and all successors in title and interest.
- (5) **Permitted Uses in PRD Districts** - The classification and mix of uses permitted within an area designated as a PRD district shall be determined by the provisions of this Section and the approved plan of the project concerned. During consideration of the rezoning request, the Town Board may determine that specific uses are inappropriate for certain locations of town and establish a refined list on a case-by-case basis. This final list would be established for each PRD application and included in the PRD District Legislation and SEQR findings statement.
 - (a) Primary Uses
 - [1] Multiple Dwellings
 - [2] Single Family Detached or Attached Dwellings, Townhomes or Duplexes
 - [3] Senior Housing
 - (b) Accessory Non-Residential Uses
 - [1] Accessory retail or services as deemed appropriate by the Town Board.
- (6) **Goals and Intent** – That the objectives and provisions of this article are satisfied as determined by the Town Board.

D. **Amenity Provisions for Increased Density** – The allowable density of the proposed PRD may be increased beyond the limitations of the underlying district at the discretion of the Town Board provided such increase would not overly crowd or undermine the quality of the site plan concept. Any increase in density permitted must be accompanied by an amenity provision provided for the town by the applicant.

- (1) Amenity provisions shall include on-site and/or off-site improvements beyond measures required to service the needs of the subject project and/or beyond the measures needed to mitigate the impact of the subject project. The amenities may include but are not limited to the following:
 - (a) Provisions for the enhancement of public facilities including local roads, public water, stormwater, sewage and community services/public safety/transportation facilities.

- (b) Creation or extension of an open space system for the public including a comprehensive multi-purpose path system and conservation lands (including developable land) permanently protected by conservation easement or other measure acceptable to the town.
 - (c) Creation of recreational amenities including parks, walking or biking trails, community centers and similar features designed for use by the immediate residents and local public alike.
- (2) Where the Town Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the board may require a cash in lieu payment to the town. These funds shall be deposited in a dedicated fund for use in future public improvements or acquisition of community facilities such as recreation facilities, trails, fishing and water access and public works such as water, sewer, and transportation facilities, purchase of land, conservation easements or stewardship funds. Such cash in lieu fees shall be in addition to any other required improvement costs, parkland in-lieu or other fees required as follows:
- [1] Multiple dwelling units: Three times (3x) the current town recreation fee for each additional dwelling unit above the base density permitted.
 - [2] Other permitted housing types: Four times (4x) the current town recreation fee for each additional dwelling unit above the base density permitted.
 - [3] Permitted non-residential (accessory commercial) use: Five times (5x) the current town recreation fee for each additional 1,000 s.f. of previously not permitted space.
- (3) Amenity provision requirements may be waived or reduced at the discretion of the Town Board for affordable housing units meeting the affordability and restrictions of §249-24.
- (4) Any proposed amenities included as part of the development package shall include environmental impact review under SEQRA, even if such amenities are not proposed to be constructed until a later date.

E. Requirements of All Uses

- (1) **Density** – The Town Board shall determine, in each case, the appropriate land use density and/or dwelling unit density for individual projects. The determination shall be documented, including all facts, opinions, and judgments justifying the selection of the rating or density. Allowable densities may be granted at the base densities indicated below, or increased up to the bonus density levels with amenities, with Town Board approval;

PRD Permitted and Bonus Densities – Minimum Lot Area per Dwelling Unit				
Land Use & Dwelling Units	TC and R2 Districts		O/R District	
	Base Density	Bonus Density Max	Base Density	Bonus Density max
Multiple Dwellings, Single Family Detached, Attached Dwellings, Townhomes or Duplexes				
1 Bedroom/Efficiency	10,000 s.f.	5,000 s.f.	12,500 s.f.	6,250 s.f.
2 Bedroom	15,000 s.f.	7,500 s.f.	20,000 s.f.	10,000 s.f.
3 Bedroom+	30,000 s.f.	15,000 s.f.	30,000 s.f.	15,000 s.f.
Senior Citizen Multiple Dwellings				
Efficiency	5,800 s.f.	2,900 s.f.	5,800 s.f.	2,900 s.f.

1 Bedroom	7,200 s.f.	3,600 s.f.	7,200 s.f.	3,600 s.f.
2 Bedroom+	8,400 s.f.	4,200 s.f.	8,400 s.f.	4,200 s.f.

- (2) **Site Design** – All proposed PRD developments and their accessory uses shall be designed as an integral campus design, which portrays a consistent mixed-use aesthetic, promotes walkable accessibility, and provides well-landscaped pedestrian connections to adjacent neighborhoods, goods, or services.
 - (a) All accessory uses provided must be designed as an integral, mixed-use part of the building or campus design. Single tenant, stand-alone retail buildings are discouraged.
 - (b) Gardens, park areas, courtyards, and similar public outdoor spaces shall be provided as the primary pedestrian accessways.
- (3) **Parking requirements** – The number of required parking spaces for Primary Uses shall be based on the needs of the project but shall not include unnecessary pavement or overdeveloped parking areas.
 - (a) Access roads, driveways, and parking areas typically should not encircle or surround proposed buildings. If emergency vehicle access is required on all sides of a building, this should be provided by means of drivable courtyards, temporary access roads, fire lanes, or other design solutions, which minimize pavement area.
 - (b) In addition to the landscaping requirements of Section 249-100, surface parking lots shall be designed and located so as to minimize their visual impact and be well screened.

F. Requirements for Specific Uses

- (1) Multiple Dwellings - must comply with the following;
 - (a) Each building shall contain a minimum of three dwelling units.
 - (b) Units within a multiple dwelling housing complex shall be under common management and ownership or offered for fee-simple ownership with a homeowner’s association governing common areas.
 - (c) Affordability Standards
 - [1] Developers of multiple dwelling housing shall allocate a minimum of 10 percent of the total number of units to affordable housing complying with the performance and eligibility standards of Section §249-24 of the Town’s Zoning Code.
 - [2] Affordable housing shall be integrated into the overall housing plan of the community in a way where it is impossible to visually discern affordable housing units from market rate units.
- (2) Senior Housing / Independent Senior Housing – must comply with the following::
 - (a) Permitted Housing Types - In order to encourage a mixture of incomes and lifestyles, the following housing types shall be permitted in Senior Housing communities:
 - [1] One Family Detached Housing
 - [2] Two Family Dwellings
 - [3] Multiple Dwellings

- [3] Multiple Dwellings
- [4] Multi Family Housing
- [5] Group Housing

(b) Affordability Standards

- [1] Developers of senior housing communities shall allocate a minimum of 10 percent of the total number of units to affordable housing complying with the performance and eligibility standards of Section §249-24 of the Town's Zoning Code.
 - [2] Affordable housing shall be integrated into the overall housing plan of the community in a way where it is impossible to visually discern affordable housing units from market rate units.
- (3) Accessory Non-Residential Uses: Due to the self-contained and mixed-use nature of a PRD development, a variety of non-residential uses may be allowed in addition to uses permitted in the underlying zone. These uses may be permitted as deemed reasonable by the Town Board to primarily serve the common daily needs of the residents and guests.

(a) Such uses may include, but are not limited to, the following:

- [1] Convenience stores of less than 1,500 square feet
- [2] Personal services such as beauty/barber shops
- [3] Restaurants and taverns of no larger than 50 seats
- [4] Group meeting areas or private dining facilities
- [5] Fitness centers, day care centers, and other similar facilities
- [6] Medical offices or prescription drug pickups
- [7] Professional offices
- [8] Religious facilities

G. Approval Procedures

- (1) Application. An application for establishment of a PRD district shall be made in writing to the Town Board, include the application materials outlined below. The application shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board. The Town Board may establish a working committee, refer the application to this committee to review and refine the application with the applicant. The committee shall include no more than two members of the Town Board and no more than two representatives of the Planning Board. The working committee may be supported by the town's planning and engineering consultants, as determined by the Town Supervisor. Once the Town Board determines the application adequate for continued review, the Town Board shall refer the application to the Planning Board for review and recommendation within thirty (30) days of the date of receipt. At this time, the applicant would be required to submit a detailed site plan, including all items described in D. below. The Town Board is under no specific obligation to accept or grant a PRD district application.
- (2) Pre-application meeting. Prior to submission of a formal application, all PRD district applicants are encouraged to present preliminary concepts to the Town Board. Prior to

- accepting a formal application, the Town Board may determine that a pre-application meeting is necessary and require informal review session(s) be held.
- (3) Application materials. For each formally-submitted PRD district application, the applicant shall furnish a concept plan to the Town Board which clearly demonstrates the following:
- (a) The existing conditions of the site, including but not limited to:
 - [1] The boundaries of the proposed PRD district;
 - [2] All properties within 1000' of the proposed PRD district including ownership, zoning, and current land use. Special note should be given to any nearby commercial uses or services which could be made accessible from the proposed development.
 - [3] Existing roads, structures, and land uses;
 - [4] Existing conditions including photographs of the site, buildings on adjacent parcels as viewed from public roads, and an aerial photograph of the site and adjacent properties; and
 - [5] Cultural or historical structures or sites within or adjacent to the proposed PRD district.
 - (b) A conceptual PRD design, including but not limited to:
 - [1] Conceptual site layout including the proposed location of buildings, roadways, parking areas, pedestrian access ways, stormwater facilities, landscaped and natural areas;
 - [2] Conceptual utility and access plans;
 - [3] Conceptual phasing plan and development schedule; and
 - [4] Any phasing proposals or alternatives
 - (c) Payment into an escrow account of estimated costs for review of application by the town's planning, engineering, and other required consultants.
- (4) Planning Board Review. In its review of the application, the Planning Board shall generally follow the procedure established for review of a conceptual site plan. A public hearing by the Planning Board is required.
- (a) At the time of submission to the Planning Board, the applicant shall present a detailed engineering and site plan to the Board that shall include the following:
 - [1] A narrative describing the following information:
 - [a] The relative need for the proposed land use in the area;
 - [b] The general need and benefits of the proposed uses at this location;
 - [c] The economic feasibility of the project as well as the fiscal impact to the town;
 - [d] How the proposed buildings and uses would work with or improve the existing character of the neighborhood;

- [2] The relative arrangement of structures on the site and their ability to create pleasant open areas, landscaped courtyards, greens, and similar outdoor spaces;
 - [3] The relative proximity of the project to local commercial goods or services which may be convenient and mutually beneficial;
 - [4] The pedestrian and vehicular circulation through and around the site and links to any adjacent areas in the immediate neighborhood;
 - [5] A detailed utility plan;
 - [6] Topography, land cover, vegetation, and subsoil conditions;
 - [7] An architectural concept plan;
 - [8] Development Standards. The development standards element shall become the applicable regulations under this ordinance for the physical development within the proposed planned development district. Where standards are not changed or established in the PRD district, the standards of the underlying zoning district shall be noted appropriately. The PRD district shall include a summary table identifying the following standards where applicable:
 - [a] Permitted uses, conditional and accessory uses;
 - [b] Maximum development density of residential uses;
 - [c] Maximum floor area ratio for non-residential uses;
 - [d] Lot coverage, minimum lot size, height, building/parking and road setbacks;
 - [e] Parking requirements;
 - [f] Minimum lot frontages and building massing;
 - [g] Landscaping;
 - [h] Preservation of historic structure(s);
 - [i] Preservation and management of open space and natural areas;
 - [j] Mobility (bikes, pedestrians, golf carts, etc.) through the district; and
 - [k] Any other information that may be required by the Planning Board for a reasonable understanding of the nature and character of the proposed development.
- (b) The Planning Board may recommend at this stage such changes in the proposed PRD District plans that it deems necessary to protect established or permitted uses in the vicinity, promote and protect the orderly growth and sound development of the Town, and otherwise meet the requirements of this section. The Planning Board shall recommend approval, approval with modifications, or disapproval by the Town Board of such PRD district application and shall report its findings to the Town Board within 60 days from days following the date of referral from said Board. The Planning Board may secure agreement from the applicant for an extended review period in order to address the reasonable questions, concerns, and changes to the concept plan recommended by the Planning Board prior to the Planning Board rendering its report to the Town Board.

- (5) **Referral to County Planning Department.** The Town Board shall refer the application to the Orange County Planning Department for its analysis and recommendations pursuant to the provisions of §239-m of the General Municipal Law and the provisions of this article. The Town Board shall give the County Planning Department 30 days to render its report.
- (6) **Town Board Action.** Upon receipt of the Planning Board's report and the report and analysis from the Orange County Planning Department, the Town Board may then consider the legal establishment of the PRD district through Zoning Map amendment. In that the creation of a PRD district is a legislative act of the town, the town board is not legally bound in any way to approve any request for the creation of such district.
 - (a) Town Board Findings. As part of its written decision to approve, condition, and/or modify the proposed PRD district the Town Board shall make the following findings:
 - [1] That the project as a whole and uses proposed will add to the assets of the community and will advance the goals of the Town.
 - [2] That any increase in density from the underlying zoning is commensurate with the overall benefit to the community.
 - [3] That the state environmental quality review (SEQR) requirements have been met.
 - [4] Additional performance requirements which may have been specified by the Town Board in its PRD district approval action may also be included in the findings statement.

H. Pre-Existing Developments. Multiple dwelling developments existing as of the effective date of this local law which are non-conforming uses within their district may be authorized as conforming through the PRD approval process.

- (1) Existing multiple dwelling developments applying for PRD approval under this section which are not proposing any density increase are exempt from the minimum requirements of area, sewer and water service, ownership and amenity provisions.

I. Relationship to Other Requirements. Upon approval of the PRD district by the Town Board, application shall be made within sixty (60) days for approval of all or some portion of the intended development, in accordance with the more specific review requirements of the Town's Subdivision Regulations, the Site Plan Review and Approval Procedures, and other applicable regulations.

- (1) Additional performance requirements which may have been specified by the Town Board in its PRD district approval action, such as a time limit for either initiation or completion of improvements and other construction work on the proposed development, shall also be strictly enforced, with the Town Board acting to return the property to its prior zoning classification unless the Town Board, upon specific application and for good cause, authorizes an extension of such performance requirement.
- (2) If the Town Board grants the PRD districting, the Zoning map shall be so noted. The Town Board shall state at this time its findings with respect to the land use or dwelling unit density. The Town Board may also, if it feels necessary in order to fully protect the public health, safety, and general welfare of the community, attach to its zoning resolution any additional comments or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, order of construction and/or occupancy, vehicular and pedestrian circulation systems; necessity of sites within the area for

necessary public services such as schools, fire houses, and libraries; protection of natural or historic sites; and other such physical or social demands.

J. Amendments to PRD Overlay Districts. Unless otherwise expressly provided in the specific legislation established for a particular Planned Residential Development District, the following shall apply:

- (1) Exemptions: Proposed changes to a previously established PRD district shall be exempt from the formal amendment process if any or all of the following conditions are the only changes proposed:
 - (a) Decrease of height or floor area of any approved project or program element; or
 - (b) Reduction or elimination of any non-required parking spaces; or
 - (c) Change to an approved building resulting in a net impact of less than five percent of total gross square footage for projects less than 100,000 square feet.

K. Determination of Amendment: Minor and Major. The code enforcement officer shall determine whether a proposed amendment is a minor or major change to the approved site plan.

- (1) Minor amendment. In making its determination, the code enforcement officer shall make findings of fact upon which the decision shall be based. The officer must find that the effect of approving the amendment would have no significant additional adverse impact on the site or nearby neighborhood relative to the impact of the previously-approved plan and that the amendment would not significantly alter the intent, design or intensity of the proposed development. A minor amendment may be approved by the planning board. A public hearing may be conducted as determined necessary and appropriate by the planning board.
- (2) Major amendment. A major amendment is any change to a master plan and/or development standards and development program that has not been classified as “minor”. A major amendment shall be approved by the following the process described in the approval procedure section of this article.

L. Effect of Conditions. All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Such conditions shall further be a part of any Certificate of Occupancy or Use issued for any use or structure in such development.

Section 50. Separability

If any provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 51. Applicability

This local law shall apply to all properties and property applications pending within the Town of Wallkill. Notwithstanding the foregoing, any property or property application that has received preliminary or final site plan, subdivision, special permit or variance approvals, or which had received a SEQRA determination of no significant impact on the environment (“Negative Declaration”), or for which a Draft Environmental Impact Statement (DEIS) had been accepted by the SEQRA lead agency, shall not have to comply with the provisions of this Chapter and shall not have said approvals or determinations rendered invalid or negated by the enactment of this local law. The aforesaid determinations and approvals, however, may not be expanded, enlarged or modified after the effective date of this local law, without compliance with this local law.

Section 52. Statutory Authority

This local law is enacted in accordance with the powers granted to the Town Board pursuant to the provisions of Article 16 of the New York State Town Law and Article 10 of the Municipal Home Rule Law of the State of New York, pursuant to which the Town Board has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Wallkill and for the protection and enhancement of its physical environment.

Section 53. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 54. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.