

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of _____ Liberty _____

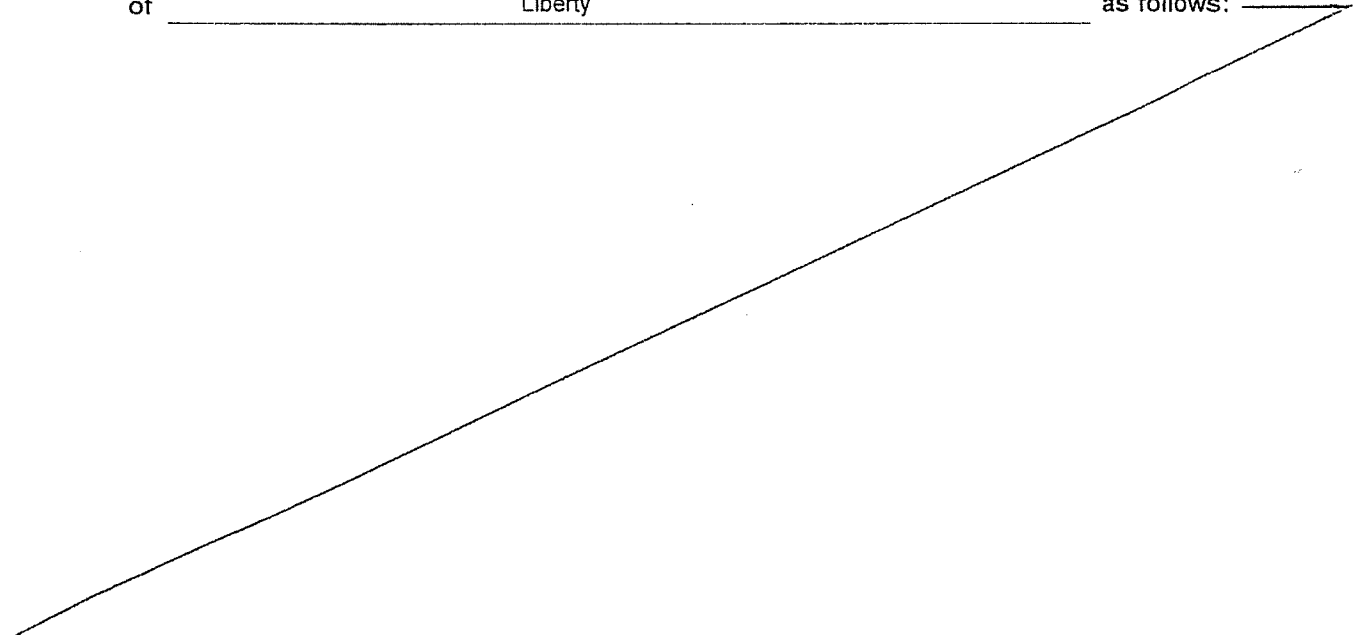
Local Law No. _____ of the year 2018 _____

A local law amending Chapter 147, entitled Zoning, of the Code of the Town of Liberty,
(Insert Title)
Sullivan County, New York.

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of _____ Liberty _____ as follows: _____



(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Legislative Intent.

The Town of Liberty enacts this local law pursuant to Section 10 of the Municipal Home Rule Law and Article 16 of the Town Law to provide for the orderly development of the Town and to protect the health safety and welfare of its residents. The law creates a new zoning district, Rural Development 2 (RD-2). This district provides for the development of camps and puts forth review standards to help ensure proposals for this type of use are compatible with surrounding land uses and will not have negative town-wide impacts. The regulations of the new district shall apply in addition to those of the underlying districts. These underlying districts include small sections of the Rural Development (RD), Low-Density Residential (R-1), and Agricultural/Conservation (AC) Districts. The law also helps protect the rural character and open space in the town by removing summer camps as a special use throughout the Rural Development District (RD), excepting that portion underlying the new zoning district. Several review standards specific to camps are set forth in Article VI, Supplementary Regulations. A new section for the RD-2 District is added to the Schedule of District Regulations.

This local law adds new definitions for camps and accessory use, providing more structure and organization to the zoning law. This law also enacts changes to the special use permit and site plan review procedures in Article VIII and adjusts language in Article VII, Moderate- to High-Density Residential and Associated Development, and Article IX, Nonconforming Uses and Structures, developing greater consistency with state enabling statutes.

This local law also repeals the 2017 Town of Liberty Temporary Summer Camp Land Use Moratorium enacted by Local No. 2 of 2017.

Section 2. Amendment of Article II, §147-4.

Article II, §147-4 is hereby amended by removing three definitions and adding two new definitions as follows:

The definitions for “ACCESSORY STRUCTURE”, “CAMP, SUMMER” and “CAMP, SCHOOL” are hereby deleted and the following definitions are hereby added:

ACCESSORY USE OR STRUCTURE/ CUSTOMARY ACCESSORY USE OR STRUCTURE – A use or structure that is subordinate to the principal use on the same lot and serving a purpose typically incidental and well established to the principal use. In order for a use or structure to be deemed an accessory use/customary accessory use it must be (a) subordinate to the principal use on the same lot, (b) serving a purpose that is typically incidental and well established to the principal use, (c) unity of ownership between the principal and accessory uses, and (d) promoting harmony of land use within the relevant zoning district of the town. In no case shall such accessory use dominate in area, extent, or purpose to the principal use but be minor in its association with the principal/ primary use. Examples of customary accessory uses and structures are decks, satellite dish antennas outdoor fireplaces, patios, garages, carports, domestic gardens, sheds, and barns.

CAMP – The development or use of a lot, tract or parcel of land for the provision of indoor or outdoor recreational or educational activities. Any or all of the following features may be included: temporary or permanent shelters, buildings or structures that are designed for seasonal use or year-round use, including but not limited to any or all of the following structures or features within: cabins, dormitories, cafeterias, gymnasiums, community centers, administration buildings, sanitary facilities, and similar structures for use by the camp attendees and designed in accordance with all applicable uniform building codes as they apply to their intended use, eg seasonal or year round. In addition, ball playing fields, basketball courts, tennis courts, running tracks, swimming pools, horseback riding facilities, hiking and riding trails, and other similar facilities and their associated activities are permissible. The occupants of a camp shall be limited to the owner and his or her immediate family, the caretaker, all individuals registered for the camp session for whom a fee was paid to attend, and persons employed by the owner or operator of any such camp to support its functions, including counsellors, cooks and maintenance personnel. A camp is not intended for, nor shall it include, temporary or permanent shelters, buildings or structures designed for use or occupancy by family members of those who are attending the camp or the employees who work there. CAMP as defined herein shall not include CAMP, HUNTING AND FISHING.

Section 3. Amendment of Article III, §147-5.

Article III, §147-5 is hereby amended as follows:

A new district is hereby created and added to the list of districts: “RD-2 Rural Development 2”.

Section 4. Amendment of Article VI, §147-15, C.

Article VI, §147-15, subsection C is hereby by deleting from the first line thereof “summer camps,”.

Section 5. Addition of a new subsection F to Article VI, §147-15.

A new subsection F is hereby added to Article VI, §147-15, as follows:

“F. Camps.

- (1) Duration and Renewal of Special Use Permit. Each Special Use Permit granted for a camp shall expire on December 31 in the third calendar year from (and including) the year of issuance if the special use permit was approved in the period between January 1 and June 30. If the permit was approved in the period from July 1 to December 31, the permit shall expire on December 31 of the fourth calendar year from (and including) the year of issuance.

Applications for a special use permit renewal for camps shall be subject to all the requirements for a Special Use Permit in this chapter (see Article VIII). The applicant shall be required to schedule and have completed an inspection of the subject property by the Code Enforcement Officer no more than 60 days prior to

the submission of an application for a renewal, and such inspection shall be the responsibility of the applicant to schedule. Said inspection shall include a compliance review of the Special Use Permit criteria and any conditions that were the subject of the permit when it was previously issued. The results of this inspection and compliance review shall be provided by the Code Enforcement Officer to the Planning Board and shall be a requirement in determining the completeness of the application. The Planning Board shall factor the results of the inspection and compliance review into its consideration of any waivers to be granted as well as any decision it renders.

- (2) Supplementary Special Use Permit and Site Plan Review Criteria. In the review of special use permit and site plan review applications for new camps or the expansion of existing camps, the Planning Board shall ensure – in addition to the requirements of Article VIII and the Schedule of District Regulations of this chapter – that the following criteria, (a) through (k), are met. These criteria shall also apply to the expansion of any nonconforming camp use or structure, in addition to the requirements of Article IX of this chapter. Any proposed camp expansion shall be limited to the lot of land it already occupies.
- (a) Buffers. A minimum two-hundred-foot greenspace buffer shall be provided adjacent to rear and side property lines. No new buildings shall be allowed within the buffer area. The planning board shall require landscaping to screen camps from adjacent properties, unless there is an existing natural buffer in place that will provide a sufficient screen. Such landscaping shall be maintained and replaced as needed. For existing camps, all buildings within the buffer area referred to herein are nonconforming structures, and no new buildings or uses shall be allowed in the buffer area hereafter.
- (b) Access and Traffic.
- i. The property shall be served by two points of vehicular access to a public highway to ensure access by emergency vehicles.
 - ii. There shall be safe and adequate management of vehicular and pedestrian traffic entering and exiting the site, as well as within the site, including particular safeguards covering episodic periods of drop-off and pick-up of children and/ or visitors. Buses shall be boarded and off-boarded within the site and adequate space shall be provided. In the event of unforeseen circumstances that result in the need for boarding or off-boarding on a public road, the camp must provide traffic control (and crossing guards if on opposite side of road from camp) to ensure traffic and pedestrian safety throughout the period involving a public road.

- (c) Water. Water Supply shall be from a public municipal facility, if available to serve the use. If connected to public water supply the water department supervisor must submit a letter to the planning board chairman indicating acceptance of a defined quantity of daily use. If the water supply is from a private source, the property owner and/or applicant must provide adequate Department of Health documentation of approval that the water supply is potable and of adequate volume. Any deficiencies in the potability or volume of a private water supply must be addressed immediately by the owner or designated agent. All water supply systems must meet the requirements of Chapter 144, Water, of the Town of Liberty Code, as applicable.
- (d) Wastewater Collection and Treatment shall be served by a public municipal facility, if available. If the wastewater collection and treatment shall be from a private source, the property owner and/or applicant must provide certification acceptable to the Town that the sewage disposal system is adequate for the proposed camp use. Any deficiencies in wastewater collection and management must be addressed immediately by the owner or designated agent. All wastewater collection and treatment systems must meet the requirements of Chapter 121, Sewers and Sewage, of the Town of Liberty Code, as applicable.
- (e) Regulatory compliance.
 - i. The applicant for the camp shall obtain, or agree to obtain as a condition of site plan review and special use approval, all regulatory approvals required by federal, state, or local agencies including but not limited to the NYS Department of Health, the NYS Department of Environmental Conservation, the Town of Liberty Highway Department, and the NYS Department of Transportation. The Code Enforcement Officer may conduct periodic inspections to ensure applicable regulations are being met.
 - ii. The camp shall be in conformance with the requirements of the NYS Uniform Fire Prevention and Building Code. The Code Enforcement Officer may conduct periodic inspections to ensure such requirements are met.
- (f) On-site facilities, services, and lodging.
 - i. All camps shall have sufficient onsite facilities with capabilities to serve the purposes and population of a camp. Such facilities include but are not limited to playgrounds, athletic fields or courts (indoor or outdoor), gymnasiums, auditoriums, classrooms, swimming opportunities, picnic areas, food service, and first aid stations.

- ii. Mobile and Manufactured homes, whether permanent or temporary, shall not be parked or stored in any campground or recreational vehicle park except if owned and occupied by camp management (not used for lodging for campers). Mobile and Manufactured Homes shall also comply with Chapter 100, Mobile Homes and Mobile Home Parks, of the Town of Liberty Code.
- (g) Site Capacity. Taking into consideration the adequacy of potable water, wastewater disposal facilities, traffic circulation and emergency access, Uniform Fire Prevention and Building Code compliance, and other criteria that address public health, safety, and welfare of residents and campers, the Planning Board shall have the authority to place limits on the overall number of cabins, dwellings, or campers in order to accommodate the use and avoid adverse impacts on the environment, the district, and the community.
- (h) Garbage disposal. Adequate plans shall be made for the regular collection and disposal of garbage, rubbish and solid wastes generated within the camp. Camps must have an onsite trash compactor and adequate space for access of sanitation vehicles must be provided. Garbage collected at individual buildings must be maintained in proper secured receptacles. There shall be no on-lot exposed garbage, junk, or other wastes.
- (i) Management. Every camp shall maintain with the Town the contact information for the person in charge of the camp, including a phone number(s) for contact in the event of an emergency, or otherwise, at all times.
- (j) Lighting. Any lighting used shall be so arranged as to focus on the necessary portions of the site, minimizing impacts on the night sky, and shall be deflected away from adjoining properties and public rights-of-way.
- (k) Noise. All activities in the camp shall comply with Chapter 107, Noise, of the Town of Liberty Code.”

Section 6. Amendment of Article VII. Moderate- to High-Density Residential and Associated Development. §147-21. Cluster developments.

Article VII. Moderate- to High-Density Residential and Associated Development, §147-21. Cluster developments is hereby amended as follows:

Remove the two references to §281 in the first paragraph and replace both with §278.

Section 7. Amendment of Article VIII. Special Uses and Site Plan Review.

Article VIII, Special Uses and Site Plan Review is hereby amended as follows:

§147-26 subsection A is hereby deleted and replaced as follows:

“A. The Town of Liberty Planning Board is, pursuant to §274-a and §274-b of the Town Law, authorized to approve, disapprove, or approve with modification site plans and special uses.”

§147-27 subsection B is hereby removed and subsections C through F of §147-27 are re-lettered accordingly.

The first paragraph of §147-28 subsection C is hereby deleted and replaced with the following:

“C. Planning Board action of site plan. Within 62 days of the receipt of a complete application for site plan approval, the Planning Board shall conduct a public hearing on the proposal (with public notice as provided by § 274-a of the New York State Town Law). The Planning Board shall make a decision on the site plan application within 62 days of the close of the public hearing. The 62-day time period to make a decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board shall be filed in the office of the town clerk with a copy to the Code Enforcement Officer within five business days after such decision is rendered, and a copy thereof mailed to the applicant.”

The first paragraph of §147-28 subsection E is hereby amended by removing “super” and “(majority plus one vote)”.

Section 8. Amendment of Article IX. Nonconforming Uses and Structures.

Article IX, Nonconforming Uses and Structures, is hereby amended as follows:

§147-32 subsection G is hereby deleted in its entirety and replaced with the following:

“G. Prohibited expansions. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the Town, the requested expansion or extension shall be denied.”

Section 9. Amendment of Schedule of District Regulations.

The Schedule of District Regulations incorporated by reference in §147-8 and attached to the Zoning Law is hereby amended as follows:

“Summer Camps” is hereby removed as a special use in the RD – Rural Development District schedule.

A new schedule with respect to the “RD2 – Rural Development 2” established by this local law is hereby added to the Schedule of District Regulations, and sequentially shall appear immediately following the existing RD – Rural Development District schedule, as follows:

District Name and Intent	Principal Permitted Uses	Special Uses	Accessory Uses	Development Standards
<p>“RD2-Rural Development 2 District”</p> <p>The purpose of this district is to provide for the establishment of new camps or additions to existing camps in a manner that is compatible with neighboring land uses and with the orderly development of land uses in the town. The regulations of this district shall apply in addition to those of the underlying district(s).</p>	<p>Uses permitted in the underlying zoning district(s)</p>	<p>Special Uses permitted in the underlying zoning districts(s) and Camps and additions to existing camps</p>	<p>Accessory Uses permitted in the underlying zoning district(s), except as to Camps there may be those features set forth in the definition of “Camp” set forth in §147-4 as approved by the Planning Board</p>	<p>Those development standards permitted in the underlying zoning district(s), except as to Camps, which shall be:</p> <p>Minimums: Lot size: 25 acres (contiguous) Lot width and depth: 200 feet Setbacks: Greenspace buffer 200 feet from property line Individual setbacks: 30’ between buildings Open space: 50% Maximums: Building height: 35 feet Building coverage: 15% Lot Coverage: 35%</p>

Section 10. Amendment of the Official Zoning Map of the Town of Liberty.

The official Zoning Map of the Town of Liberty, incorporated by reference in §147-6 and attached to the Zoning Law is hereby amended as follows:

The following tax map parcels shall be depicted as lying and being in the RD-2 – Rural Development District: 12-1-6.1; 12-1-7; 12-1-8; 12-1-9; 12-1-16; 12-1-17.1; 12-1-17.2; 12-1-18; 12-1-19; 12-1-20.1; 12-1-20.2; 12-1-20.3; 12-1-21.1; 12-1-21.2; 12-1-22.3; 12-1-23; 12-1-24.6; 12-1-24.7; 12-1-24.8; 12-1-24.9; 12-1-24.10; 12-1-24.11; 12-1-24.12; 12-1-24.13; 12-1-26.1; 12-1-26.2; 12-1-32; 12-1-37.3; 12-1-37.4; 12-1-38.1; 12-1-38.2; 18-1-6; 18-1-7; 35-2-18.1; 35-2-

18.2; 35-2-21.1; 35-2-21.2; 35-2-21.3; 35-2-36; 35-2-37; 35-2-38.1; 35-2-38.2; 35-2-39.1; 35-2-40.1; 35-2-40.2; 35-2-40.4; 35-2-40.6; 36-1-13; 36-1-14.2; 36-1-23.1; 36-1-23.3; 36-1-23.4; 36-1-23.5; 36-1-23.6; 36-1-56.2; 36-1-56.3; 36-1-56.4; 36-1-60.1; 36-1-60.2

Section 11. Repeal of moratorium.

The 2017 Town of Liberty Temporary Summer Camp Land Use Moratorium enacted by Local No. 2 of 2017 is hereby repealed.

Section 12. Savings clause.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby stated to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

Section 13. Effective date.

This local law shall take effect immediately upon filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹⁸ of the ~~(County)(City)~~(Town)(Village) of _____ Liberty _____ was duly passed by the _____ Town Board _____ on _____ 20¹⁸, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____